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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Second session
Items 5 and 6 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS OF INDIGENOUS POPULATIONS

CONSIDERATION OF THE EVOLUTION OF STANDARDS CONCERNING
THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from Governments

Addendum

1. Information has been received from the Governments of Argentina, Canada, Ecuador, Honduras, Mexico and Qatar. This information is summarized in this document in chronological order of receipt. 1/
2. The Governments of India and of Mexico have also submitted additional information. 2/

1/ Copies of the full texts are available for consultation at the Secretariat.

2/ Comments on and supplementary data to, the summaries of information on those two countries that have been prepared in connection with the Study of the Problem of Discrimination against Indigenous Populations. The Government of India also forwarded attachments with the information provided. The information and attachments are available for consultation at the Secretariat.

WGIP 83 GOV/UN/1/2

QATAR

[Original: English]
[28 April 1983]

The Government states:

Article 1 of the Amended Constitution of the State of Qatar which, like the constitutions of all States, is the legislative text which takes precedence over all others, stipulates that the religion of the State is Islam and that the Islamic Sharia is the fundamental source of legislation. In keeping with this basic legislative provision, all legislative acts promulgated in the State of Qatar are in accordance with the precepts of the Islamic Sharia. In order to ascertain the legal principle to be followed in any sphere not specifically provided for in positive law, reference must be made to the principles of the Sharia contained in the verses of the Holy Quran and in the practice of the Prophet. The Islamic Sharia confirms the principle laid down by the Prophet to the effect that: "There is no superiority of Arab over non-Arab, of white over black or of brown over white, except in terms of piety". The basic meaning of "piety" in this context is observance of the commandments and prohibitions of God in all human activities so that justice, equality, welfare and prosperity can be achieved for the community.

It is clear, therefore, that the basic legislation in the State of Qatar stipulates that there must be no discrimination between one person and another on grounds of race or colour. From the legal standpoint, this stipulation cannot be regarded as merely a religious or ethical precept, since it is universally recognized that Islam is both a religious faith and a code of conduct for everyday life. Its precepts, derived from the Holy Quran and the practice of the Prophet, are legally binding in the spiritual and all other aspects of life such as personal status, systems of government, financial transactions and criminal justice. Its provisions, together with the penalties for their violation, are applied by the appropriate administrative and judicial means.

Constitutional provisions guarantee: (a) to all citizens: the right to work, to security and protection of property and person, to participation in the conduct of public affairs, to the exercise of all civil rights, to education and to freedom of movement, and, (b) to all persons: the right of equality before the law, to own property, to freedom of religion and belief, to inviolability of the home, to inviolability of correspondence and communications and to guarantees given to accused persons.

The State of Qatar is doing its utmost to combat bigotry conducive to racial discrimination and has always advocated mutual understanding, tolerance and friendship among nations and communities. In the field of education, state schools, which are open to all national and foreign residents, teach principles in accordance with Islamic precepts in which all racial bigotry is considered reprehensible. The private schools, which are authorized to provide instruction in the languages of the various communities, also teach similar principles. The press and information media in Qatar take every opportunity to condemn racism and racial discrimination and to publicize criminal practices. The media also acquaint the public with the principles of the United Nations, together with its resolutions on human rights and the elimination of racial discrimination, through the articles that they publish and the programmes that they broadcast to commemorate international days.

It need hardly be said that the above-mentioned categorical provisions forbidding all forms of racial discrimination are being applied by the State of Qatar in all its internal affairs. The State is also endeavouring to pursue the same policy in its external relations. To that end, Qatar promulgated Legislative Decree No. 2 of 1967 imposing an economic embargo on Southern Rhodesia, Decree No. 130 of 1973 suspending the export of petroleum from Qatar to South Africa, and Decree No. 140 of 1973 severing all economic, trade and cultural relations with South Africa.

It is evident, therefore, that there is no discrimination against indigenous populations in the State of Qatar.

HONDURAS

[Original: Spanish]
[3 June 1983]

The Government states the following:

Within the context of the objectives of distribution of income and quality of life, the Development Strategy for the period 1982-1986 emphasizes those objectives that favour a more equitable distribution of the wealth generated in productive activities, and is aimed inter alia at the attainment of a higher standard of living by satisfying the basic needs of the population, particular attention being given to the population of the marginal urban and rural areas. The latter category includes the national indigenous population, which will receive special attention with a view to its gradual incorporation into the overall national development process by providing it with the necessary measures in which the participation of the local communities is to be encouraged. The current National Development Plan provides for a series of projects that include both productive and infrastructure activities which will be of indirect benefit to a large number of indigenous communities; direct action operations have, however, been considered, among which I would venture to mention the following:

1. CO-OPERATION PROJECT FOR THE INDIGENOUS DEVELOPMENT OF YORO

The objective of the initial phase of this project is to improve the social and economic conditions of 5 of the 21 Torripán and Micaque tribes that inhabit the Department of Yoro. This phase will take five years (1982-1987) and has the following components: (a) exploitation of 5,000 hectares of forests to create a wood-working industry; (b) construction and rehabilitation of access roads; (c) restructuring of agricultural activities, in particular through the cultivation of coffee and sugar-cane, bee-keeping and livestock breeding; (d) social infrastructure with the construction of schools, health centres, aqueducts, sanitation systems and family housing. The project receives a non-repayable contribution of approximately \$US 1,400 from the European Communities and a government contribution of \$US 600,000. Its implementation is the responsibility of the CONDEFOR, with the participation of INA, INVA and the Secretariats of State for Health, Education, Culture and Tourism, Communications, Public Works and Transport, and Natural Resources, and the indigenous communities which are the beneficiaries, and with the co-ordination of the technical secretariat of CONSUPLANE;

2. STRENGTHENING OF THE FEDERATION OF INDIGENOUS TRIBES OF YORO

The Government, acting through the Ministry of the Interior and Justice and other competent institutions, will support the strengthening of this Federation as a body for the representation and political and social promotion of the Torripán or Xicaque Indians. It is intended to give effect to this measure by providing the technical support essential for the formulation of the legal statute of the Federation and the approval thereof. In addition, support will be given for the management of the financing which this operation requires.

3. INDIGENOUS CO-OPERATION PROJECT FOR THE PAYAS IN THE DEPARTMENT OF OLANCHO

The co-operation project for the indigenous development of the Payas in the Department of Olancho will be prepared with the participation of the same institutions as those involved in the Yoro indigenous project; financing will be sought in order to put it into effect during the present Government's term of office.

4. LOCAL DEVELOPMENT PROJECT IN THE DEPARTMENTS OF INTIBUCA AND LA PAZ

At the present time the OAS is co-operating in the preparation of an overall rural development project in certain municipalities in the Department of La Paz and throughout the Department of Intibuca. This project will have an impact on the indigenous communities in view of the high percentage of indigenous inhabitants in both departments. The study was started in April 1983 and will take 12 months; the bodies responsible for this operation are the Ministry of Natural Resources, SECOPT, the National Board for Social Welfare, INA, the Ministry of the Interior and Justice, and local authorities and communities, under the co-ordination of the technical secretariat of CONSUPLANE.

5. CO-OPERATION OF THE BRITISH CATHOLIC INSTITUTE FOR INTERNATIONAL RELATIONS (CIIR)

This institute has been rendering assistance in the agronomy and nursing fields, - co-ordinating locally with the bodies responsible for the health and agricultural sectors - to the indigenous communities of the Department of Olancho. At present this support is being maintained in the same fields in the Departments of Intibuca and Lempira, with technical assistance being provided by six (voluntary) British co-operators.

ECUADOR

[Original: Spanish]

[16 June 1983]

With the Spanish conquest of America, there emerged through the territory of what is now Ecuador, and indeed the rest of the Spanish Empire, a phenomenon peculiar to Spanish colonization and unknown in the colonies of other Powers, namely, miscegenation. Aboriginal and Spanish blood merged to produce a peculiarly Latin American race and culture which today stretches over most of the continent.

Ecuador's present population is made up, for the most part, of mestizos although there is also a large group consisting exclusively of indigenous inhabitants who have until this day retained their long-standing cultural traditions and way of life.

According to the latest statistics, the distribution of the Ecuadorian population is as follows:

White - 26.50 per cent
Indian - 13.50 per cent
Mestizo - 36 per cent
Mulatto - 14.50 per cent
Negro - 4.50 per cent.

The indigenous groups have settled mainly in the rural areas of the country, those groups which inhabit the mountain region having closer links with Ecuador's urban population owing to the proximity of their settlements to the population centres in the narrow inter-Andean corridor.

However, it is not only in the mountainous region of Ecuador that the indigenous groups live. Along the coast there are two large ethnic groups which deserve special mention because they have retained the purity of their customs: these are the Cayapas, who live near the River Santiago and its tributaries, in the Province of Esmeraldas; and in the jungles of Santo Domingo de los Colorados, which administratively are situated in the Province of Pichincha, the Colorados who, though related to the Cayapas, differ from them in language and customs.

Mention should also be made of the following "non-assimilated" communities in the mountain region: the Otavalo in the Province of Imbabura; the Cayambe, Tabacundo, Zámbez, Mayón and Guangopolo in the Province of Pichincha; the Latacunga, Saquisilí and Pujilí in the Province of Cotopaxi; the Salasacas in the Province of Tungurahua; the communities in the vicinity of Riobamba, Guano and Cajabamba, of Puruhá origin, in the Province of Chimborazo, which has the largest indigenous population in the country; the groups at Ingapirca, Tambo, Cochapata and Charasol, in the Province of Cañar, and those of Chiquintad, Sayausí, Cumbe, Quingeo and Gima, in the Province of Azuay, all of Cañari origin; and the Saraguros in the Province of Loja.

In addition, reference should be made to certain indigenous tribes with a nomadic and primitive way of life in the Amazon region: the Cofanes, Tetetes and Secoyas to the north of the River Mapo; the Aucas or Huaorani, between the Curaray and Mapo rivers; the Alamas or Yumbos in the Alto Mapo; the Záparos, along the tributaries of the Alto Mastaza; and, between the Morona and the Santiago, the Shuaras, better known as the Jívaros.

Throughout its existence as a State, Ecuador has been noted for its unreserved respect for human rights. The present Constitution, which has been in force since 1979, stipulates like those that preceded it, that all persons are equal before the law. This is set forth in article 19(4) of the Constitution, which, in addition, prohibits "any discrimination on grounds of race, colour, sex, language, religion, filiation, political or any other opinion, social origin, financial situation or birth".

There are even provisions that have recently been incorporated into Ecuadorian criminal law which define racial discrimination in the sense given to the expression under article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination and which incidentally, have to date not had to be applied in any case.

It should likewise be noted that Ecuador is one of the nine States parties to the Convention which, by means of the declaration provided for under article 14(1) thereof, recognizes the competence of the Committee on the Elimination of Racial Discrimination in claims against the State for violations of the provisions of the Convention.

The provisions of the Constitution relating to citizenship place no restriction whatsoever upon the indigenous population in the exercise of political rights and obligations. As the sole limitation on rights of citizenship, article 12 of the Ecuadorian Constitution provides for an age of majority which, under Ecuadorian civil law, is attained at 18 years. Unlike earlier constitutions, under which it was necessary to know how to read and write in order to be a citizen of Ecuador, the one now in force has incorporated into the political life of the country a large number of people, many of them indigenous, who hitherto were marginal. Similarly, under section VI relating to political rights, the Constitution provides:

"Article 32. Ecuadorian citizens shall have the right to elect and be elected; to introduce bills before the National Chamber of Representatives; to be consulted in the cases provided for under the Constitution; to verify the records of the organs of the public authorities; and to hold public office and perform public duties in the conditions provided for by law.

"Article 33. Suffrage shall be universal, equal, direct and secret, compulsory for those who can read and write, and optional for illiterates.

"Ecuadorian citizens who have attained the age of 18 years and enjoy political rights shall have the right to vote ...".

In short, Ecuadorian law, based on the provisions of the Constitution, draws no distinction whatever between the indigenous population and the rest of the inhabitants of the country and provides, in the case of all Ecuadorians, for the same guarantees and rights, as laid down under article 19 of the Constitution, which reads:

"Article 19. All persons shall enjoy the following guarantees:

1. Inviolability of life and the person and the right to complete material and moral development. Torture and any inhuman or degrading treatment are hereby prohibited.

There shall be no death penalty.

The object of the penal system shall be the re-education, rehabilitation and resettlement of prisoners.

2. The right to freedom of opinion and expression through any of the mass media, without prejudice to such civil and criminal liability as may be incurred for any abuse in the exercise thereof, as provided for by law; in the latter event, the representatives of the mass media shall not be protected by immunity or special privilege.

3. The right to honour and good reputation. Any person who suffers damage as a result of statements that are inaccurate or do harm to his reputation, or as a result of publications in the press and other mass media, shall have the right to require the latter to make the necessary rectification free of charge.

4. Equality before the law. All forms of discrimination on grounds of race, colour, sex, language, religion, filiation, political or other opinion, social origin, financial situation or birth shall be prohibited. Women, irrespective of their marital status, shall have the same rights and opportunities as men in all walks of public, private and family life, particularly in regard to civil, political, economic, social and cultural matters.

5. Freedom of conscience and religion, either individually or in community with others and in public or in private. People shall be free to practise the religion in which they believe, subject only to such limitations as are prescribed by law for the protection of public safety, morals or the fundamental rights of others.

6. Inviolability of the home. No one may effect entry into the home or carry out inspections or searches without the permission of the occupier or a judicial order in the cases and in the form established by law.

7. Inviolability and confidentiality of correspondence. It may be held, opened and examined only in the cases provided for by law. Confidentiality shall be respected in regard to matters having no connection with the event that provided the grounds for the examination. The same principle shall be observed in the case of telegraph and telephone communications. Documents obtained in breach of this guarantee shall not be admissible in legal proceedings.

8. Freedom of movement and residence within the national territory. The restrictions essential for the protection of national security are laid down by law. Ecuadorians shall be free to enter and to leave Ecuador. As far as aliens are concerned, they shall comply with the law.

9. The right to submit complaints and petitions to the authorities, provided they are not submitted in the name of the people, and to receive appropriate attention or replies within a reasonable time, as laid down by law.

10. Freedom of work, commerce and industry in accordance with the law. No one may be compelled to perform unpaid or forced labour except in the cases provided for by law.

11. Freedom to conclude contracts. The limitations on this principle and matters relating to the modification of contracts with a view to preventing unjust enrichment and maintaining equity in contractual relations shall be regulated by law.

12. The right of peaceful association and assembly.

13. The right to a standard of living adequate for health, food, clothing, housing, medical care and necessary social services.

14. The right to privacy with respect to political and religious convictions. No one may be compelled to testify in regard to these matters save in the cases provided for by law.

15. The right to participate in the cultural life of the community.

16. Personal freedom and security. Accordingly:

(a) Slavery and servitude in all their forms are hereby prohibited;

(b) No one may be imprisoned for debts, fees, honorariums, taxes, fines or other obligations, save in the case of compulsory maintenance;

(c) No one shall be punishable for any act or omission which did not constitute, and was not punishable as, a criminal offence at the time when it was committed, nor may any sentence not provided for by law be passed. In the event of a conflict between two criminal laws, the less severe shall apply even if it is subsequent to the offence. In the case of debt, the criminal law shall be construed in the sense most favourable to the accused.

(d) No one may be removed from the competent court or tried by emergency courts or special ad hoc bodies, irrespective of their designation.

(e) No one may be sentenced without first being tried or be deprived of the right of defence at any point or stage in the proceedings;

(f) No one may be compelled to testify in criminal proceedings against his or her spouse or his or her relatives within the fourth degree of consanguinity or the second degree of affinity, or be compelled to testify on oath against himself in matters in respect of which he may incur criminal liability;

(g) Everyone shall be deemed innocent for as long as he has not been found guilty in legal proceedings;

(h) No one shall be deprived of his freedom save by written order of the competent authority and in the cases, for the period and subject to the formalities prescribed by law, except where the offender is caught in the act;

(i) Everyone shall be informed immediately of the causes of, or reasons for, his arrest;

(j) Any person who considers that he has been unlawfully deprived of his freedom may apply for a writ of habeas corpus ...".

Furthermore, the third paragraph of article 1 of the Constitution protects the linguistic values of the indigenous populations, stipulating:

"... The official language is Spanish. Quechua and the other indigenous languages shall be recognized as part of the national culture".

And, to give effect to this provision, article 27(9) stipulates:

"... In the schools established in areas with a mainly indigenous population, Quechua or the relevant indigenous language shall be used as well as Spanish".

It should be noted that, as part of the National Literacy Plan, and with the technical assistance of universities and other teaching centres specializing in the study of languages, the Government of Ecuador has introduced didactic methods with the object of achieving literacy in the vernacular in all the regions covered by the Plan. Under this programme, the illiteracy rate had been reduced from 21.6 per cent to 12.4 per cent by July 1982 and it is hoped to reduce it to around 5.9 per cent by August 1984.

Furthermore, article 26 of the Constitution stipulates that "the State shall encourage and promote culture, artistic creation and scientific research, and shall ensure the preservation of the cultural heritage and artistic and historic wealth of the nation". In a country where indigenous roots run deep, this assumes special significance as regards indigenous culture and its artistic expression, and preferential treatment has been given to the question by the Ecuadorian Government, which has approached the matter from three standpoints: anthropological research, socio-cultural development of the indigenous communities, and support for popular arts and crafts.

As regards the right to education, the Ecuadorian State guarantees free education in State schools. Within this context, the education of the indigenous population is likewise guaranteed under article 27(6) of the Constitution, which reads: "... The State shall guarantee access to education by all inhabitants without any discrimination whatsoever".

Further on, in article 27(9), the right of the indigenous peoples to receive education in their own language is provided for, as already mentioned. The Ministry of Education and Culture has introduced a system of intercultural bilingual education for the purpose, directed in particular at the largest indigenous group, the Quechua-speaking people. The main features of the theoretical background to intercultural bilingual education are provided by an educational process in which account has been taken of both cultures: the Spanish-speaking and the Quechua-speaking.

In addition, the right to social security is laid down in article 29 of the Constitution, which guarantees the broad nature of that right in the following terms:

"Article 29. All Ecuadorians shall have the right to social benefits, including:

1. Society security, the purpose of which shall be to provide protection for the insured person and his family in the event of illness, maternity, invalidity, old age, death and unemployment ...

2. Health care for the people, and environmental sanitation in town and country ...

3. Social welfare as established and regulated by the State ...".

Article 29(1)(5) makes specific reference to social security in rural areas with a predominantly indigenous population:

"... The Government and the social security authorities shall adopt measures to encourage voluntary affiliation and to give effect to the affiliation of agricultural workers ...".

The constitutional provision cited above came into effect with the promulgation, in the Registro Oficial No. 124 of 20 November 1981, of the Rural Social Security Extension Act, a photocopy of which is attached (annex I).

The right of association, in addition to being guaranteed for all Ecuadorians under article 19(12) as already set forth, is also laid down in article 30 of the Constitution, which reads:

"Article 30. The State shall assist in the organization and promotion of the various sectors of the population, above all in the rural sector, as regards moral, cultural, economic and social matters, so that they may be enabled to play an effective part in the development of the community ...".

The Organization and Regulation of Communes Act, published in the Registro Oficial No. 136 of 5 October 1976, refines the terms of the above-mentioned constitutional provisions by conferring the right to form communes on all settled areas that are not classified as a parish. It should be noted that under the Ecuadorian administrative-departmental system the national territory is divided into provinces which, in turn, are divided into districts which, in turn, are divided into parishes, of which there are two kinds: urban and rural. A photostatic copy of the Act in question will likewise be found attached hereto (annex II).

Article 51 of the Constitution provides for the right to own land:

"Article 51. The State shall guarantee ownership of land that is directly and effectively worked by its owner (...). The objectives of State policy as regards agrarian reform and the structure of property in the rural sector are economic development, an increase in living standards, and the redistribution of wealth and income. Land monopoly and latifundia shall be proscribed. The integration of production units and their concentration through the elimination of smallholdings shall be encouraged ...".

It should be noted that, as part of the agrarian reform process, initiated in 1964 and resumed in 1974 when the General Regulations for the Implementation of the Agrarian Reform Act were published in the Registro Oficial No. 642 of 19 September 1983 - photocopy attached (annex III), rural communes and agricultural workers are included as beneficiaries of agrarian reform, as may be seen from articles 41 et seq. of the Regulations and articles 69 et seq. of the Agrarian Reform Codification Act, published in the Registro Oficial No. 877 of 18 July 1979 (annex IV).

MEXICO

[Original: Spanish]

[16 June 1983]

On 1 December 1982 began the presidential era headed by Mr. Miguel de la Madrid Hurtado, whose Government is founded on the principles of an egalitarian society. Bearing in mind that one of the long-standing social, economic and cultural problems is that of the indigenous population, a new stage in the history of the Mexican indigenous population has been initiated which provides as a matter of priority for the promotion and protection of human rights and also for measures aimed at bolstering the fundamental freedoms of the indigenous groups. In this connection, President Miguel de la Madrid has outlined the following eleven fundamental points for incorporation in the 1982-1983 Development Plan for indigenous policy:

- "1. Mexico is a pluriethnic nation. I repeat my conviction that we Mexicans want to go on being a pluriethnic nation and that, accordingly, we must take action to achieve that end.
2. This pluriethnic nation must establish schemes for respectful cohabitation between the various communities that make up our nation which, being mestizo for the most part, wishes to conserve and preserve one of the fundamental roots of our nation - that root which has given us Mexicans our specific characteristics and our own personality. These patterns of cohabitation must be governed by the values in which we Mexicans believe: freedom, equality, justice, and total respect for human dignity.
3. To this end, we must accord priority to the preservation of indigenous cultures by means of bilingual and bicultural education.
4. In order to provide the indigenous communities with better living standards, we must accord priority to the settlement of land tenure problems and disputes. We must put a halt to the process of curtailment of indigenous territories and, within those territories, we must clarify land tenure rights as between the groups themselves.
5. We must give emphasis to institutions and programmes of support for organization and training for production and the employment of indigenous men and women, so that they can make better use of their natural resources.
6. Our respect for the cultural and ethnic personality of the indigenous groups in the country in no way means that we are forsaking our idea that they should be fully integrated into the nation. We have never looked upon the indigenous people as groups apart or as objects of mere curiosity.
7. We must combat all forms of intermediary which prevent the full participation of the indigenous people in the general development process, in other words, we must combat the intermediary in production and trade, but also in culture and politics.
8. The indigenist policy must continue to wipe out the vestiges of paternalism and colonialism. The full capacity of the indigenous people to recognize their own problems, suggest their own solutions and carry out their own programmes must be recognized. There must be a policy with the indigenous people, not for the indigenous people.

9. The PRI must recognize that, for full democratization and for the egalitarian society for which we stand, there must be full recognition of the political rights of the indigenous people on an equal footing with the mestizos and the door must be opened for them to participate more fully in those processes.

10. We must emphasize programmes for the supply of basic necessities. Marginalism, underdevelopment and poverty in Mexico are basically most marked among the indigenous groups in the country. It is there that rates of nutrition, literacy and health are lowest, and housing conditions poorest.

11. We must therefore give full effect to the terms of article 1 of the Constitution of the Republic, which lays down the individual guarantees and rights of Mexicans and stipulates that they must be guaranteed and protected without any discrimination as to race or nationality. While the Constitution of Mexico has been so generous as to grant to foreigners - apart from those activities which are reserved on grounds of national security for Mexicans - the same rights, particularly as regards individual guarantees, there can be no doubt that it should be a matter of special concern to ensure that these individual guarantees and also social rights are assured and established for the indigenous groups in our country".

On the basis of the foregoing, the National Indigenist Institute has embarked on its work under the present Administration with the aim of supporting and strengthening action intended to ensure the effective participation of ethnic groups in national projects, which means reformulating the pattern for society which we are building and which we wish to have in the future; this project is inconceivable without the presence of the country's ethnic groups.

In the context of this policy of participation, it must be stressed that the indigenous peoples will have to define the role they wish to play in this project, as well as the place and rights which society must grant to them.

Recognition of the pluriethnic and, hence, pluricultural society implies respect for cultural diversity and different ways of life. Building a national culture does not, therefore, mean imposing uniformity; it means recognizing the great wealth of cultures which the Mexican nation possesses.

The Mexican Government intends to respect and ensure respect for the rights of these groups, and to promote and encourage their incorporation within national development, while ensuring that they maintain their own evolutionary process within their own cultural model.

The decolonization of indigenous groups implies their political, economic, social and cultural participation in the projects of the nations where they are located. Respect for plurality and enhancement of dignity form part of the rights of peoples - rights that relate not only to territorial area, which is fundamental, but also to an area of their own cultural expression, to an area that favours economic and political involvement in national society, and an area which facilitates access to the benefits of national development. All that can be done within the process of construction of ethno-development models.

ARGENTINA

[Original: Spanish]

[4 July 1983]

Within the political and administrative structure of the State, the aboriginal question is the special responsibility of the Ministry for Social Activities.

This responsibility, which is laid down in article 26 (27) of Act No. 22,520 approved and promulgated on 21 December 1961, is assumed by the National Directorate for Social Promotion and Welfare through the Sub-Secretariat for Social Promotion (Decree No. 1811/80).

In keeping with the spirit of the prevailing law, official policy at the national level is designed to achieve an over-all improvement in the living standards of the aboriginal communities, and their gradual and lasting assimilation into the life of the nation.

In accordance with what has been stated, it is the task of the Directorate for Social Promotion and Welfare "To direct activities aimed at the promotion, development and integration of the communities and the social welfare of the population, and to seek the active participation of the community in the settlement of their problems with a view to helping to raise the standard of living".

In accordance with the established method of operation, it is the provincial governments that determine the order of priority and draw up and execute programmes and projects on the basis of respective local situations and requirements.

The National Office provides support when the provincial governments so require; this support takes two forms: technical assistance and financial assistance.

In addition, training activities are carried out at various levels, and national and regional meetings are held at which matters of common interest are considered with authorities and competent officials from all over the country.

Financial assistance takes the form of the transfer of funds for programmes and projects which are presented by the provincial bodies and are evaluated in the light of the objectives and policies of the national sector and are subsequently kept under review.

Of the development projects for aboriginal communities evaluated by this sector, the most interesting are those relating to the creation of primary sources of work.

Bearing in mind the type of settlement, which is generally rural, action is aimed at improving agricultural production techniques by encouraging the change-over from a subsistence economy to a production economy which enables the indigenous population to increase their income level. Agricultural machinery and implements are financed as well as agricultural technical assistance.

Projects designed to improve and preserve traditional handicraft techniques, and which make it possible to transform this activity into a source of stable and income-producing work, also receive support.

It is considered important to deal with the indigenous question by means of integrated programmes that encourage the active participation of the indigenous population itself.

In view of the fact that a single public sector cannot provide a solution to the various problems presented by the indigenous question, in December 1982 the Indigenous Policy Commission was formally set up and approved by Ministerial Decision No. 438/82 of the Ministry for Social Activities, to review the present indigenous situation and the feasibility of putting into effect any proposals made on topics of major importance such as land, health, education, housing, social security, etc.

National and provincial bodies are represented on this Commission, the functions of the executive secretariat being performed by the Directorate for Social Promotion and Welfare.

In March of this year the national meeting on indigenous policy was held; at this meeting national bodies explained sectoral policy regarding the provincial proposals concerning specific matters affecting indigenous communities.

The proposals originating from this meeting include the following:

GENERAL PROPOSALS

1. Immediate ratification by National Decree of the commission established by decision No.438/82, of the Ministry for Social Activities.
2. Preparation and proposal of draft bill with a view to legislating on all matters relating to the integration, participation and development of indigenous inhabitants in the Argentine Republic within 60 days of the present date.
3. Publication through the mass media of the commission's activities in regard to indigenous policy.
4. Organization and/or strengthening of the national and provincial bodies responsible for dealing with the indigenous question.

GENERAL POLICY

To promote the over-all development of the indigenous population and their integration and cultural enrichment by means of interrelated processes that guarantee the active participation of the indigenous inhabitants themselves.

SECTORAL POLICIES

HEALTH AREA

POLICY I

To promote over-all improvement of the health conditions of the indigenous population by providing them with access to the available physical and human resources and arranging for such resources to be made available nearer to the communities whose geographic and/or socio-economic situation so warrants.

COURSES OF ACTION

1. Set up health welfare centres in order to provide proper care for the indigenous population.
2. Set up mobile health units as a means of extending health coverage.
3. Streamline procedures for the transfer of patients, when their state of health so requires, to health centres with better facilities.
4. Train indigenous health officers, who should be included on the regular staff of the Rural Health Programme, to care for their communities.
5. Enlist the services of those who perform health work in aboriginal areas at the empirical level (healers, midwives, shamans).
6. Provide medical and paramedical personnel at all levels with suitable training in indigenous socio-cultural matters.

POLICY II

To provide the indigenous population with access to social welfare coverage.

POLICY III

To encourage adequate health education directed at the indigenous population.

COURSE OF ACTION

Prepare leaflets, manuals and other literature so that the various aspects of health education may be made known to the indigenous population. This material will be sent to the provincial bodies responsible for indigenous affairs, for translation into the languages of the various ethnic groups inhabiting each province.

CULTURAL AREA

POLICY I

To promote research with a view to gaining and disseminating knowledge about the indigenous cultural heritage and its place within the national culture.

COURSE OF ACTION

Establish co-ordination between bodies concerned with research into the question of indigenous culture, both official and private, and institutions in the educational sector, with the object of disseminating knowledge that already exists and encouraging new research at the national and/or provincial level.

POLICY II

To promote the traditional handicrafts in view of the fact that they are sources of work and a cultural expression of nationality.

COURSE OF ACTION

Set up the National Handicrafts Market as a self-sufficient body on which the provinces are represented. The objectives of the Market will be to promote, disseminate and market traditional Argentine handicrafts by providing the necessary certificates of authenticity and quality of products.

EDUCATION AREA

POLICY I

To include in syllabuses the cultural heritage of the indigenous ethnic groups.

COURSES OF ACTION

1. Recognize the participation of the indigenous inhabitants in the national historic process.
2. Investigate, and organize and disseminate knowledge about, the cultural heritage of the indigenous population through the various media.
3. Generate within teacher-training institutes attitudes that make for an understanding of the cultural world that is peculiar to the indigenous groups.
4. Training and regular refresher courses for teachers who work in indigenous communities.
5. Improve the living standards of teachers who work with indigenous communities in underprivileged areas.
6. Encourage entry into the State educational system by using bilingual methods in the early years of primary schooling.
7. Encourage the training of bilingual teachers so that they can convey knowledge of their own culture to their communities.
8. Encourage the training of bilingual indigenous cultural instructors, as auxiliary teachers, until such time as there are sufficient indigenous teachers to meet the needs of their communities.
9. Ensure their incorporation, through appropriate legislation, within the educational system.

POLICY II

To encourage the access of indigenous inhabitants to the various levels of education.

COURSES OF ACTION

1. Provide indigenous communities which have no educational facilities with primary schools and vocational training, and introduce the full-day system as needed.

2. Aim ultimately through guidance and training at the various levels, at employment.
3. Facilitate responsible and active participation by students and the community in the continuing educational process.
4. Set up a system of fellowships and other devices to promote training at the intermediate level for those indigenous children who, on completion of the primary level, show an interest in continuing their education.

INTERNAL AREA

POLICIES

- I. In accordance with the possibilities afforded by provincial legislation in the matter, to comply with the terms of Act No. 14,392 of 11 November 1957 which ratifies Convention No. 107 of the International Labour Organisation in respect of the granting of land to indigenous inhabitants.
- II. To give the indigenous population permanent roots by granting title deeds to the land which they occupy, after it has been subdivided into economic units.
- III. To ensure that the object of the indigenous reservations is to enable the native population to preserve its traditional habitat and to guarantee that sufficient additional land is available to cater for their economic and demographic growth.
- IV. To regularize the situation of de facto reservations in those provinces where this system of land tenure exists by making them de jure reservations.
- V. Gradually to transfer land which was conveyed by way of commodatum to private or religious bodies to the members of indigenous groups living there, in accordance with such procedures and time-limits as may be determined.
- VI. To avoid the forced removal of indigenous groups and, if circumstances so require in extreme cases, not to transfer them without the prior consent of the members of the group concerned.
- VII. To conduct an indigenous census at the provincial level in order to bring up to date the first national indigenous census carried out by the Ministry of the Interior, so that plans and strategies may be drawn up on a definite and precise basis.
- VIII. To introduce a special system of land tenure for those indigenous communities living in the area covered by the Frontier Act.

RECOMMENDATIONS

To invite the National Administration for National Parks to consider the possibility of the legal establishment of members of indigenous groups living there.

RELIGIOUS AREA

POLICY I

To respect the religious values of the various indigenous groups living in Argentina.

COURSES OF ACTION

1. Add to the attestation of the Register of the Sub-Secretariat for Worship the statement that it is delivered solely for the purposes of worship.
2. Set up machinery for co-ordinating the activities of public service and religious bodies and adjust their non-religious activities to the guidelines laid down by the provincial governments through their competent bodies.

SOCIAL SECURITY AREA

POLICY

To seek to ensure that social security programmes, when being adapted to special sectors, take account of the specific features of the indigenous population.

COURSES OF ACTION

1. Plan periodic publicity campaigns in the communities with the aim of ensuring that the members of the communities have a clear idea of (a) their rights and duties in the context of the welfare and non-contributory systems, and (b) the bodies upon which claims can be made.
2. Propose that labourers be included in a differential welfare system with a view to a reduction in the age requirements as regards entitlement to retirement benefits.
3. Promote an adjustment in the share in national non-contributory pensions, on the basis of the requirements submitted annually by the provinces.

HOUSING SECTOR

POLICY

To provide indigenous persons with access to decent housing adapted to the socio-cultural needs of their family groups and to the features of the area in which they live.

COURSES OF ACTION

1. Include the indigenous population among the applicants and beneficiaries under housing programmes, within the planning and programming of the housing sector in the areas involved.

They must be included on the basis of a study of their requirements, defined in a manner relevant to their geographic location (urban, peri-urban, concentrated rural and dispersed rural), their degree of assimilation and their economic capacity.

2. Recommend the inclusion in programming for the sector of operations that facilitate the settlement of indigenous groups in the areas in which they perform their activities, especially when these are of a rural nature.

LABOUR AREA

POLICY I

To ensure the control inherent in the functions of a labour policy which guarantees workers from the indigenous communities effective protection in employment matters and compliance with the regulations governing working conditions in the sectors in which they are active.

COURSES OF ACTION

1. Foster supervision - by means of inspection - of the performance of services by indigenous workers with a view to avoiding discriminatory practices by their employers as regards employment opportunities and the payment of equal remuneration for equal work.
2. Encourage, in cases in which the provincial governments deem it appropriate, the conclusion of an agreement between the national government and the provincial governments under which the latter would assume responsibility for, and collaborate in, the above-mentioned functions of control and supervision, as laid down by the law.
3. Look into the feasibility of having "a worker's book" for indigenous workers which it would be the responsibility of the State to introduce pursuant to the powers conferred under labour law, with a view to substantiating and giving effect to such labour relations as may be agreed for the purposes of control, as well as the inclusion of indigenous workers in the various social benefits and arrangements and their access thereto.
4. Promote education and disseminate information among indigenous workers and their employers regarding regulations that govern conditions of work, classes of work and the various economic branches, including the wage tables which apply to the different kinds of work.

SOCIAL PROMOTION AREA

POLICY

To promote full development through integration and cultural enrichment by means of interrelated processes that guarantee the active participation of the indigenous population.

COURSES OF ACTION

1. Preparation by the Indigenous Policy Commission of a national programme within 60 days from the present date, to be financed through a special account within the Ministry of Social Activities.
2. Convene a meeting of the Indigenous Policy Commission to consider the proposed programme which should be scheduled for the first week in June of this year.
3. Co-ordinate intersectoral action among official and private provincial bodies.

CANADA

[Original: English]

[7 July 1983]

National health and welfare. An overview.

The Department of National Health and Welfare provides various health services to the registered Indian and Inuit population of Canada. These two indigenous groups have a special relationship with the Canadian Government.

Under the Indian Act, 315,000 Status Indians are registered by the Department of Indian Affairs and Northern Development. Their special relationship with the Federal Government is based on the Royal Proclamation of 1763, the British North America Act, and various treaties signed between individual bands and government officials. Over two thirds of the Status Indian population occupy reserve lands in approximately 600 isolated locations throughout Canada, with most communities having fewer than 500 persons. Services to these reserves are delivered through local governments consisting of chiefs and band councils.

There are approximately 20,000 Inuit people residing in the Canadian north. Their special relationship with the Federal Government is based on a Supreme Court ruling in 1939 which gave them access to most of the Federal Government services provided to Status Indians. The Inuit have a tradition of strong community life, and a rich cultural heritage. Where they live within communities which also have non-Inuit people, they participate actively in the political, economic and social affairs of the general community.

In terms of health, the Canadian Government, in 1979, introduced a policy which emphasizes community-based planning and control, involving the development of self-government and community self-reliance. This initiative fits well with the emerging movement of self-determination among all indigenous groups. Collaboration by community leaders and federal officials should result in unique initiatives to address local needs and problems. The federal role is to become less prescriptive and more supportive in promoting the transfer of control of these initiatives from government bureaucracies to indigenous community leaders.

INDIAN HEALTH SERVICES

A number of programmes are offered to provide services on a level comparable to the non-indigenous population in Canada. Emphasis is directed toward greater indigenous involvement in their health services, care and prevention. \$206 million was allocated for the following services:

- (1) Hospital services
- (2) Nursing stations
- (3) Health centres
- (4) Dental services
- (5) Uninsured health services
- (6) Nutrition services
- (7) Health education.

The following programmes are offered in addition to the services under Indian Health Services and include:

NATIONAL NATIVE ALCOHOL AND DRUG ABUSE PROGRAMME (NNADAP)

Health and Welfare, recognizing the problems resulting from alcohol abuse among the indigenous population, has expanded this programme with \$514 million over the 1982-83 - 1987-88 fiscal years.

COMMUNITY BASED HEALTH DEVELOPMENT PROGRAMME

In order to ensure the principles of self-determination are realized, a development process allowing the gradual transfer of control to indigenous communities is in progress. Over the two-year period commencing in 1982/1983 \$3.6 million has been allocated towards a number of demonstration projects across Canada.

COMMUNITY HEALTH REPRESENTATIVES (CHR) PROGRAMME

CHRs are Indian and Inuit persons with training in public health and preventative education. Employed in indigenous communities, their roles are threefold:

First, assisting the community in identifying the health care needs;

Second, providing information on community health, safe health practices and utilization of available health care services; and

Third, assisting in the provision of primary health care in remote settlements of Canada. At present, there are almost 350 CHRs in Canada.

INDIAN/INUIT HEALTH POLICY

Health and Welfare has implemented an Indian/Inuit Health Policy Unit to act as a vehicle for policy development. The role of this group is twofold: first, to advocate on behalf of the Indian and Inuit population within the Federal Government; second, to create and expand present modes of consultation with interested organizations and communities.

At present, most Indian and Inuit groups advocating on behalf of the improvement of Indian/Inuit Health receive funding. Funds are allocated to the Health Commission of First Nations, a technical sub-committee of the Assembly of First Nations representing the Registered Indian population of Canada. The national Inuit association, the Inuit Tapirisat of Canada also receives funding. Consultation agreements with the Committee of Original Peoples Entitlement, the Native Women's Association of Canada, the Registered Nurses of Canadian Indian Ancestry and most regional Indian organizations exist.

Recognizing the need for more indigenous (Native) nurses, the Department was able to support a community-based initiative to recruit and train a group of nurses at the diploma level at the Blue Quills Education Centre in St. Paul, Alberta. The Blue Quills Education Council, together with Grant MacEwan Community College, were able to propose a nursing programme to the Department for a three-year pilot programme. Date of graduation of the first class is scheduled for June of 1983. Other educational initiatives are being examined to increase the number of indigenous persons among the disciplines of the health professions.

EQUAL EMPLOYMENT OPPORTUNITIES (EEO)

The Department responds annually with action plans consistent with the 1978 policy on "Increased Participation of Indian, Metis and non-Status Indian and Inuit People in the Public Service of Canada". The action plans are compatible with the three objectives of the policy: emphasis on the recruitment and development of indigenous persons to middle and senior management positions, response to the training needs of indigenous persons and effective involvement of indigenous persons in the programme management of health services.

Medical Services Branch progress report, for the period ending 31 March 1983 noted the following achievements: Among indeterminate employees 22.1 per cent (669) were indigenous, and the number of indigenous persons on contract with Bands to provide health and health-related services on behalf of the Branch increased to 966. Emphasis continues to be placed on the recruitment of indigenous persons and their advancement to middle and senior management levels.

With this text the Government of Canada submitted copies of the following documents: 3/

A. Secretary of State Canada-Native-Citizens: */

1. Native Citizens Directorate - An Overview
2. Native communications
3. Native women
4. Native Social and Cultural Development Programme
5. Native Friendship Centre Programme - Proposed Criteria

B. Department of Indian and Northern Affairs: **/

1. Information Kit on the First Ministers Conference
2. A Native Claims Policy - In All Fairness
3. A Native Claims Policy - Outstanding Business
4. Annual Review (1981-1982)

3/ The documents are available for consultation at the Secretariat

*/ Copy available in English

**/ Copy available in French.