



ENGLISH
Original: ARABIC/ENGLISH/
SPANISH

W61P 87 GOV/UNI/1

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Populations
Fifth session
Geneva, 3-7 August 1987
Items 4 and 5 of the provisional agenda

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

STANDARD-SETTING ACTIVITIES:
EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS

Material received from Governments

	<u>Page</u>
Introduction	2
Bolivia	3
Czechoslovakia	3
Paraguay	5
Qatar	5
Venezuela	5

Introduction

1. In resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.
2. In resolution 1985/22 of 29 August 1985, the Sub-Commission requested the Secretary-General to circulate the Working Group's report and its annexes (E/CN.4/Sub.2/1985/22 and Add.1) to Governments, specialized agencies and United Nations bodies concerned, organizations of indigenous peoples and other interested non-governmental organizations for comments and suggestions, in anticipation of the fifth session of the Working Group.
3. In accordance with this resolution, appropriate communications requesting information, comments and suggestions were addressed by the Secretary-General to Governments and the organizations referred to.
4. By the same resolution, the Secretary-General was also requested to prepare an analytical compilation of the comments and suggestions received, and to make it available to members of the Working Group, Governments, organizations of indigenous peoples and other non-governmental organizations well in advance of the Working Group's fifth session. In this regard, the Secretary-General would like to point out that the very few substantive comments made did not afford the basis to prepare an analytical compilation thereof. The Secretary-General considered it appropriate, therefore, to compile the information received rather than to analyse it.
5. The present document contains replies received from Governments up to 20 April 1987. Additional replies, if any, will be included in addenda to this document.

BOLIVIA

[Original: Spanish]
[5 May 1986]

With reference to Economic and Social Council resolution 1982/34, entitled "Study of the problem of discrimination against indigenous populations", the Government of Bolivia states that it is in agreement with the Plan of Action, annex I, from 1986 onwards, the agenda for the fifth session and the list of preliminary priorities for the subsequent sessions of the Working Group. 1/

Regarding annex II and the matter of producing a draft declaration on indigenous rights, which may be proclaimed by the United Nations General Assembly in the near future, the Constitutional Government of Bolivia, in conformity with the Political Constitution of the State and other legislation, is in agreement with the seven paragraphs of the draft declaration.

[29 September 1986]

The Government has carefully studied the analytical compilation of existing legal instruments and proposed draft standards relating to indigenous rights prepared by the Secretariat in pursuance of paragraph 5 (c) of the resolution, 2/ and has found it to be a valuable contribution towards ensuring that indigenous populations enjoy all human rights and freedoms and do not suffer discrimination.

I thank you for sending this document, and in view of its importance I shall transmit it to the Government.

CZECHOSLOVAKIA

[Original: English]
[4 August 1986]

The Czechoslovak Socialist Republic appreciates the fact that the international community is concerned with the problems of indigenous populations bearing in mind both the collective and individual rights of those populations and the preservation of their identity in the present world. In view of the great variety of ethnic groups, it must be carefully considered which rules of international law could contribute to the successful solution of the given problem in the interests of the indigenous populations as well as in the world-wide interests.

The deliberations of experts dealing with problems of indigenous populations as well as discussions in the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities up to now testify to differences in views not only on the solution of the given problem but there also continues to be a lack of unity with regard to the content of the term "indigenous peoples". Czechoslovakia is of the view that it would not be right to put a mark of equality between the terms "indigenous populations" and "minorities". "Indigenous populations" have their specific features as compared with the term "minorities", which must be taken into account in the preparation of any international document relating to "indigenous populations".

All the more difficult it is to look for a uniform pattern for the status of ethnic groups living in greatly varying economic, social and cultural conditions. Generally shared must be the effort to make use of the current international law in the interests of protecting people referred to as indigenous populations and possibly, to agree on additional international documents that would truly serve the interests of such ethnic groups.

In view of the mentioned differences in the economic, political, social and cultural situation of indigenous populations in different parts of the world, it is difficult to find the answer to the question of how to implement in practice the right of indigenous populations to self-determination and how far indigenous populations are subjects of international law. In principle, however, the answer must be an affirmative one because the right to self-determination is the basic prerequisite for an individual, member of an ethnic group, to realize his or her human rights. However, the exercise of the right to self-determination will in some cases require specific features in view of the given situation of a specific group of population, i.e. economic situation, historical development of the given group, its customs, traditions, culture, etc.

The Czechoslovak Socialist Republic is firmly convinced that the objective to be striven for is for the indigenous populations to enjoy gradually all the rights mentioned in the existing basic international documents relating to human rights and adopted on a universal level, i.e. notably the Universal Declaration of Human Rights and the two Covenants on Human Rights. The primary objective is for the indigenous populations truly to enjoy the rights stipulated in the said documents, which means to create conditions for the implementation of these rights.

In connection with the need for the implementation of the rights of indigenous populations and the frequently difficult economic situation of the respective countries it is of particular urgency, in view of the interests of indigenous populations, to strive for international co-operation in the spirit of the United Nations Charter in promoting and strengthening the human rights of indigenous populations. The solution of the complex and difficult conditions in which indigenous populations live would frequently require considerable financial outlays for the implementation of projects benefiting the indigenous population of a certain area.

With reservation of what was said above about the differences in the situation of indigenous populations in different parts of the world, the principles 1-7 stated in the draft Declaration, formulated by the Working Group and summed up in Annex II of the Report on the fourth session (E/CN.4/Sub.2/2985/22), can be considered a suitable basis for further deliberations. These principles are in keeping with the content of valid international documents on human rights adopted on a universal level.

Czechoslovakia is of the view that due account commensurate with the actual situation could be taken also of the principles stated in the Declaration adopted at the Fourth General Assembly of the World Council for Indigenous Populations in Panama in September 1984 (*ibid.* Annex III). Of importance for the protection of the rights of indigenous populations are, in particular, principles 9 and 10 which basically recall Article 1, of the Covenant on Civil and Political Rights and Article 1 of the Covenant on Economic, Social and Cultural Rights.

At the present time of scientific and technological progress with its immense results and implications not only for peaceful production but also in the field of military technology, it is necessary in the interests of indigenous populations to take into account the important task of protecting the environment of indigenous populations and their right to survive which is with ever growing urgency claimed by the whole of mankind and, consequently, also by indigenous populations.

PARAGUAY

[Original: Spanish]
[11 July 1986]

In this connection, may I inform you that Paraguay has given very serious consideration to this matter, and indeed promulgated a law in 1981 for the protection of such communities, the text of which is attached. 3/

QATAR

[Original: Arabic]
[28 May 1986]

The Government of the State of Qatar stated that no change had been made in the legislation of Qatar concerning this subject and that, accordingly, reference should be made to the report previously submitted. (E/CN.4/Sub.2/AC.4/1984/2, pp.17-20).

VENEZUELA

[Original: Spanish]
[7 August 1986]

In this connection, may I inform you that the report sent to you together with our note ... of 25 April 1984 4/ contains the views of the Government of Venezuela concerning resolution 1982/34.

However, since the new request for information refers in particular to the Plan of Action from 1986 onwards and the draft principles on indigenous rights, this Office is considering the new elements with a view to making any additional comments which are called for.

Notes

- 1/ E/CN.4/Sub.2/1985/22.
- 2/ Sub-Commission resolution 1985/22.
- 3/ Available for consultation in Secretariat files.
- 4/ E/CN.4/Sub.2/AC.4/1985/WP.1/Add.1, pp.4-19.