

E/CN.4/Sub.2/AC.4/1985/WP.2/Add.1.

25 June 1985

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities

Working Group on Indigenous Populations
Fourth Session
Geneva

29 July-2 August 1985

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
DRAFTING OF A BODY OF PRINCIPLES ON INDIGENOUS RIGHTS, BASED ON RELEVANT
NATIONAL LEGISLATION, INTERNATIONAL INSTRUMENTS AND OTHER
JURIDICAL CRITERIA

Material received from specialized agencies and
other bodies within the United Nations system

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Economic and Social Commission for Asia and the Pacific

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ECONOMIC AND SOCIAL COMMISSION FOR ASIA
AND THE PACIFIC

[Original: English]

[30 April 1985]

While the Economic and Social Commission for Asia and the Pacific (ESCAP) has no activity specifically for indigenous population, full and equal participation of disadvantaged population groups in society has been an ongoing priority in all areas of its development efforts. ESCAP has therefore noted with appreciation the establishment of the Working Group on Indigenous Populations by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and welcomes the comprehensive proposals and recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1983/21/Add.8). Having had no occasion to consider the issues relating to the situation of indigenous populations in-depth so far, ESCAP wishes to limit its specific comments to underscoring the following points implicit in the Special Rapporteur's report:

(1) Existing constitutional provisions do not always serve as an adequate framework or basis for addressing the situation of indigenous populations since such provisions themselves often suffer from one type or another of built-in biases against minorities, including indigenous populations and, at times, they are the very instruments employed to deprive the rights of indigenous populations. Removing all biases from constitutional provisions should therefore be regarded a precondition for fully integrating indigenous populations and other minorities into society if integration is indeed the option acceptable to all concerned.

(2) Where autonomy or self-rule is an acceptable option, every support and assistance should be available from all interested parties to make that option a realized fact based on a fair and enlightened new treaty or arrangement between the parties directly involved.

(3) Programmes of the United Nations and other concerned organizations should support and facilitate both the integration and autonomy options that may be taken as dictated by preference or reality, and the highest priority should be given to activities designed to strengthen and empower indigenous populations, individually or as groups, towards finding solutions to their own problems.

INTERNATIONAL LABOUR ORGANISATION

[Original: English]

[24 April 1985]

The comments made by the Special Rapporteur in paragraphs 335 to 341 of his conclusions and recommendations (E/CN.4/Sub.2/1983/21/Add.8) concerning action by the ILO have been noted, in particular, the support expressed for the contemplated revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107). The draft programme and budget for 1986-1987, recently approved by the Governing Body of the International Labour Office and to be submitted to the International Labour Conference in June 1985, for adoption, includes provision for a meeting of experts to consider this question. In order to take account of changes in the situation of indigenous and tribal populations since the adoption of Convention No. 107 in 1957, it is considered appropriate, in particular, to replace the

objective of integration stated in the Convention by recognition of the principle of respect for the identity and wishes of the populations concerned and to provide for increased consultation with, and participation, by these populations in decisions affecting them. The proposed meeting would be asked to advise on the extent and nature of revision of the Convention. It is contemplated to convene the meeting in 1986, in order to make it possible for the Governing Body to take its conclusions into account when determining (in November 1986) the agenda of the 1988 Session of the International Labour Conference.

It will be recalled that the United Nations and various other specialised agencies (FAO, WHO and UNESCO) collaborated in the preparation of the 1957 Convention and the supplementary Recommendation. The ILO would be anxious to benefit again, in connection with the holding of the projected meeting of experts and in any revision of the Convention which may ensue, from the active co-operation of these organisations. The United Nations Working Group on Indigenous Populations will also be kept informed of developments in this matter.

It is recalled that the ILO has sought the assistance of the United Nations and of the above-mentioned specialized agencies in supervising the implementation of the 1957 Convention. Copies of the reports received from ratifying States are sent to these organisations, with a view to the communication by them of information or comments, for use by the ILO Committee of Experts on the Application of Conventions and Recommendations. The organizations concerned are also invited to be represented at the meeting of the Committee of Experts when it considers the reports on the Convention.

In paragraph 341 of his conclusions and recommendations, the Special Rapporteur referred to co-operation by the ILO in the study of such phenomena as debt bondage, serfdom or the sale of children for the exploitation of their labour. It is recalled that the ILO has regularly participated in the proceedings of the Working Group on Slavery established by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and every year communicates to that Working Group information on developments in the ILO which may be of interest to it. Care is also taken to bring to the attention of ILO supervisory bodies relevant information contained in the reports of this Working Group and in documents submitted to it from other sources. Questions which have been considered in this context have included cases of debt bondage, slavery, forced labour, and child labour.

The ILO has also followed closely the work of the Working Group on Indigenous Populations, participated in its meetings, and submitted a number of documents to it to assist it in its work. Note has been taken of the plan of action for work at future sessions contained in Annex I of the Working Group's report of 1984. The ILO will continue to contribute to that work in so far as its competence and experience permit.

