

EXTERNAL (for general distribution)

REPORT ON UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS, 10TH SESSION,

Geneva, 20-31 July 1992

Table of Contents

I. Establishment and Mandate of the Working Group	1
II. Attendance at and working methods of the Working Group	2
III. Amnesty International's 1992 attendance at the Working Group	3
IV. Agenda of the Working Group's 10th Session	4
A. Special Rapporteur's study on treaties	5
B. 1993 the UN's International Year for the World's Indigenous Populations	5
C. Meetings and Seminars	6
V. Underlying issues during the Working Group's Discussions	7
A. Rights v. goals and objectives	7
B. Universality or specificity of rights	7
C. The range of rights covered/collective v. individual rights	7
D. Congruity with existing national and international law or breaking new ground; superseding or subordinate to already existing international law	8
E. General principles or a "shopping list" approach?	8
F. Terminology	8
G. Intellectual and cultural property	9
H. Exclusion of certain topics	9
VI. Finalization of the Draft Declaration?	9
VII. Whither the Working Group?	10
VIII. Recommendations	11
IX. Documentation	12
X. Follow-up	12
XI. Appendices	12
A. Documentation	13
B. AI's Statement to the 10th Session of the UN Working Group on Indigenous Populations (IOR 41/08/92)	14

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I. Establishment and Mandate of the Working Group

As has been explained in previous reports on sessions of the Working Group,¹ the Group on Indigenous Populations was established in 1982 pursuant to a UN Economic and Social Council (ECOSOC) Resolution, 1982/34. The Resolution authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a Working Group to meet annually. The Working Group was to:

- a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary General annually from governments, specialised agencies, regional intergovernmental organizations and indigenous peoples, to analyze such materials and to submit its conclusions to the Sub-Commission, bearing in mind the final report of the Special Rapporteur of the Sub-Commission on the Problem of Discrimination against Indigenous Populations; and
- b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world. [It is under this agenda item that the Working Group has been endeavouring since 1985 to draft a Declaration on the Rights of Indigenous Peoples].

In addition to its agenda items on review of developments and the evolution of international standards, the Working Group has considered a number of other issues over the years, including economic and social relations between States and indigenous peoples, the effect of transnational investments and operations on the lands of indigenous peoples, and the intellectual property of indigenous peoples² [See Appendix B re: reports requested by the Group and made available to it at this 10th session].

II. Attendance at and working methods of the Working Group

The Working Group is unusual amongst UN bodies in that it permits not only NGOs with consultative status with ECOSOC to attend its sessions and present information, but also other NGOs, representatives of indigenous peoples, and independent scholars. Attendance figures were once again impressive.

¹For a fuller introduction to the formation and organization of the Working Group, see last year's report on its ninth session, (IOR 41/12/91)

²When reviewing the work and achievements of the Working Group it is important to mention that it is suffering perhaps more than some other UN bodies from lack of support from governments, and hence lack of resources from within the UN system. Indeed, many of the technical support functions that would normally be provided by the UN Centre for such a meeting were taken on by voluntary NGOs.

According to the Working Group's report (E/CN.4/Sub. 2/1992/33) 615 people attended the Group's 10th session, including representatives of indigenous organizations with consultative status; those attending on behalf of other indigenous peoples or organizations; those attending as individual scholars or experts on human rights; and human rights activists.³

The United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the World Health Organization (WHO), and the International Committee of the Red Cross (ICRC) were amongst the UN bodies and agencies that sent observers.⁴

With respect to attendance at and working methods of the Working Group, there were several interesting phenomena observable at the Group's 10th Session:

a) More governments appear to attend, and for longer periods of time. The Working Group's report lists the following governments as having sent observers to at least parts of the Working Group's meeting: Argentina, Australia, Austria, Bangladesh, Bhutan, Bolivia, Brazil, Canada, Chile, Colombia, Cyprus, Denmark, Dominican Republic, El Salvador, Finland, France, Greece, Honduras, India, Indonesia, Italy, Japan, Malaysia, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Russian Federation, Senegal, Sweden, Syrian Arab Republic, Thailand, Turkey, United States of America, Venezuela and Viet Nam. Some governments, such as the US, that had not previously appeared to give much importance to the deliberations of the Working Group, this time addressed the Session. Others, that did not have readily discernible interests at stake appeared interested in playing a relatively active role both in the Group and in planning for the UN's Year of the World's Indigenous Populations scheduled for 1993 (Senegal, Syrian Arab Republic).

b) Although some lament the fact that the Working Group has no real "teeth," in terms of either being able to compel government accountability on issues of concern to it, or sanctioning those governments that transgress the norms it is trying to codify and institutionalise, it is nonetheless apparently seen by many as the one world forum offered for repressed peoples to present their grievances and have at least some sort of contact or dialogue with governments. Thus, increasingly groups who would not readily be seen as "indigenous peoples" (US blacks, South Sea Islanders, minorities in Eastern Europe and what was the Soviet Union, repressed Middle Eastern and African groups, US Chicanos) are increasingly sending representatives to the Working Group to present their grievances. Although the customary working practices of the Working Group permit all to speak, the Chairperson, Madame Daes, (Greece) has at certain points stated that such groups do not comprise indigenous groups as that term is generally understood within the UN system, *viz* original inhabitants of a region.

c) Since its last session, an effort has obviously been made to give indigenous peoples a larger public role in both the conduct of the Working Group and the preparations and follow-up to it undertaken by the UN Centre for Rights. Several indigenous people were employed by the Centre to prepare the Working Group Session and the forthcoming UN Year of Indigenous Populations) and one of these "interns" introduced the work of the Group prior to inauguration of its formal sessions.⁵

3A new NGO of interest was the Unrepresented Peoples Organization (UNPO) which aims to secure a voice at the UN and other international fora for groups not recognised by the international community as nations, (including indigenous groups but also peoples from the former Soviet Union as well), even though many such groups far outnumbered some of the tiny nation-states currently recognised by the UN.

4The Holy See was also present; its observers were under public pressure at a number of points to respect indigenous religious rituals and to apologise and make amends for the Church's role in colonization and developments since then.

5Indigenous peoples were also given the opportunity to elect their own rapporteur (Rigoberta Menchú) to assist in recording and reporting on the Reconvened Technical meeting on the International Year for the World's Indigenous Peoples, held on 3-5 August 1992 in Geneva, following the close of the Working Group's own session.

III. Amnesty International's 1992 attendance at the Working Group

AI's delegation to the Working Group was composed of the IS coordinator for AI's special 1992 program on human rights violations against indigenous peoples of the Americas and a member of AI's Norwegian Section, responsible for coordinating the 1992 program of activities in Norway.

The delegation was to ensure comprehensive coverage of the Group's deliberations, and presentation of an AI statement to the Group (The statement which AI presented to the Group is reproduced as Appendix B to this report). Increased attention to the Group by AI, both in 1991 and 1992, reflected special efforts being made by the organization in the context of 1992, the 500th anniversary of the arrival of Europeans to the region now known as the Americas, to call attention to human rights violations against indigenous peoples in the region.

The delegation also was asked to film the Group in session, as well as to video tape interviews with prominent indigenous leaders, for possible inclusion in the Electronic News Release which accompanied release of the major AI report, Human Rights Violations against Indigenous Peoples of the Americas, in October. (AMR 01/08/92)

The delegation also sought to establish as many contacts as possible with the wide range of NGO and IGO representatives present. It was actively sought out by many delegations for discussion; many indigenous representatives wanted our statement to mention their particular concerns. Many speakers including representatives of the Scheduled Castes and Tribes, Chittagong Hill Tracts and Papua New Guinea, mentioned AI materials to support their denunciations of abuses against indigenous peoples.⁶

The reaction of indigenous peoples to the statement which we gave to the Working Group was extremely positive, and the "scramble" to secure a copy after it was presented, by both indigenous and government representatives alike, was the most sustained observed by the delegation. The Chairperson of the Working Group also commented positively to the public session of the Working Group on our statement immediately after its presentation, saying that she was grateful for the work we are doing for indigenous peoples all over the world, and urging us to continue with our efforts on their behalf.

IV. Agenda of the Working Group's 10th Session

The Working Group divided its 10th Session amongst the following agenda items:

- Standard setting
- Review of developments
- Studies and reports
- The International Year for the World's Indigenous Populations
- Meetings and Seminars

⁶Perhaps the most remarkable of AI's "favourable mentions" came from the Mohawks. Initially quite critical that AI had not intervened directly, either with denunciations or the offer to mediate when the confrontation between the Mohawks and Québécois and Canadian security forces came to a head in 1990, the Mohawks have apparently come to believe that when AI does speak, it has much to offer. AI's findings were mentioned three times in the Mohawk intervention, and the Mohawk representatives at the Working Group went out of their way to express their appreciation to the delegation for the information and statements that AI has made public on apparent abuses against Mohawks arrested in the context of the crisis.

--Voluntary Fund for Indigenous populations

--Other matters

Last year's report on the Working Group (IOR 41/12/91) gives a survey of the sorts of issues customarily treated under each of these agenda items. New developments of interest this year include the following: [See also Section V, Underlying issues during the Working Group's discussions].

A. Special Rapporteur's study on treaties

The Special Rapporteur of the Sub-commission on treaties, agreements and other constructive arrangements between States and indigenous peoples was unable to give a written report to this year's session of the Working Group, due to illness, computer problems, resource limitations, and lack of response to the questionnaire (E/CN.4/Sub.2/1992/33) he has sent out to governments and indigenous groups. However, he has stated that he aims to present his final report to the Group by 1995, and that the completed study will include case studies on the Australian Aboriginals, the Chittagong Hill Tracts, Guatemala, the Mapuche, the Lubikon Cree, Native Hawaiians, Bushmen, the Kuna of Panama, and various Indian groups whose lands were incorporated into California before the state had a proper administrative structure, by executive decrees which were never ratified by Congress.

B. 1993 the UN's International Year for the World's Indigenous Populations⁷

Introducing this topic, the Working Group's Chairperson Madame Daes of Greece stressed the necessity of identifying and prioritizing very concrete objectives for the Year, and set out her own priorities for the Year:

- Completion of the Draft Declaration (but see Section VI below, Finalization of the Draft Declaration?)
- Launch by the UN of a comprehensive program to document conditions in which indigenous peoples live via annual reporting which should include data on transnational corporations' activities and their effect on indigenous health, education and enjoyment of human rights, and information on cultural property
- A higher degree of participation of indigenous peoples in UN bodies
- A permanent UN forum or council of all the world's indigenous peoples
- Exploration by bodies such as the ILO of the possibility of opening new avenues for training and re-training of indigenous people, particularly young people

The ILO, which takes an active role amongst UN specialised agencies with respect to issues affecting indigenous peoples, presented its own plans for 1993: It will produce a set of 6 posters by indigenous artists, a handbook on technical cooperation regarding a wide range of UN activities, and a book on land tenure. It also aims to intensify both its efforts for the ratification of its Convention 169 (1989) on Indigenous and Tribal Peoples⁸ and its programs of technical cooperation on a national level. The ILO also will carry out inter-agency consultations aimed at improving UN technical assistance programs.

⁷In addition to the session which the Working Group devoted to discussion of plans, projects and priorities for the UN's 1993 International Year for the World's Indigenous Peoples, a special technical consultation meeting, attended by representatives of UN agencies, IGOs, NGOs and government representatives was held the week following the Working Group's meeting.

⁸The following countries have thus far ratified the new ILO Convention on indigenous and tribal peoples' rights: Bolivia, Colombia, Mexico and Norway.

C. Meetings and Seminars

Since the Working Group's 1991 session, the following meetings of interest to the Working Group had been held:

- First World Conference on Indigenous Youth (Québec, July 1992)
- The first meeting of experts on indigenous self-government (Nuuk, Greenland, September 1991)
- A technical conference on indigenous peoples and the environment (Santiago, Chile, May 1992)

The following forthcoming meetings were announced at the Working Group:

- Second World Conference on Indigenous Youth (to be held in Darwin, Australia, June or July 1993)
- A number of meetings which it is anticipated will be held for indigenous women and/or on issues affecting them in the course of 1993 were announced at a separate meeting for women held outside the formal sessions of the Working Group.⁹

V. Underlying issues during the Working Group's Discussions

A. Rights v. goals and objectives

Much debate which takes place at the Working Group centres around the question of whether the Group aims to define, promote and protect rights or whether it is developing an "aspirational" set of goals and objectives toward which indigenous peoples and government alike should be working. Related to this, is the question as to whether the Group is trying to define and set standards which governments can be expected to agree and adhere to in the immediate or foreseeable future, or again whether it is setting out aspirational goals.

B. Universality or specificity of rights

The questions as to whether the Group should be advocating special protection or special rights for

⁹The following meetings were anticipated relevant to indigenous women (dates and venues for the anticipated meetings were not firm in all cases): - World Council of Indigenous Peoples' Meeting on women's issues: January, 1993, Guatemala

- UNPO meeting on indigenous women's issues, January 1993, the Hague
- Maori Women's Welfare League, February, 1993, New Zealand
- Conference of Indigenous Women, May, 1993 Holland
- South American Indian Information Centre, October 1993, San Francisco

In addition, Philippine delegates to the Working Group announced that a meeting of interest to indigenous women would be held there on International Women's Day in March.

indigenous peoples, as opposed to insisting on the applicability to all persons without discrimination of all those rights guaranteed in international agreements is a question debated at the Working Group which finds both governments and indigenous organizations on both sides of the discussion.

C. The range of rights covered/collective v. individual rights

Indigenous peoples wish the draft Declaration to guarantee them a wide range of rights. Governments argue that it is incorrect and impractical to call on governments to protect certain of the rights called for in the draft Declaration, particularly those that would involve non-state parties, or which speak of rights, such as subsistence, sustenance or mental integrity, which they argue governments cannot in practice actually guarantee. Governments are also generally unwilling to consider guaranteeing collective rights, which are so often the crux of indigenous peoples' concerns and aspirations, often arguing that to do so can impinge on the individual rights of other, non-indigenous people.

D. Congruity with existing national and international law or breaking new ground; superseding or subordinate to already existing international law

Some governments argue that the Working Group should take care not to include any provisions in its draft Declaration that go beyond or contradict current national law and other international agreements. Indigenous representatives, some governments and indeed the Working Group's Chairperson are adherents of the view that it is precisely the role of international agreements to set standards to which national legislation should adhere, and further that it is legitimate for bodies such as the Working Group to push beyond the boundaries of principles already established in international law to further standard setting. Related to this is again the question as to whether standard setting must focus on individual civil and political rights as is generally the case in national and international law, or whether the Declaration should break new ground in assuring international protection for collective (often social and economic) rights.

E. General principles or a "shopping list" approach?

Another issue which provoked much discussion was whether the Group should or could aim to articulate general principles, guidelines and safeguards which can be applied to all indigenous peoples, or whether it should instead set out specifically all those rights it wishes to define and protect, and specify all those situations it wishes to cover (the "shopping list" approach)? This is again an issue which does not divide along lines of indigenous peoples v. governments, but which finds a range of opinions amongst both groups.

F. Terminology

Much discussion turns on the exact definitions of terms such as **sovereignty, territoriality, self-determination, autonomy, self-management, treaty rights; populations as opposed to groups, peoples, people; indemnification v. reparations**

Many indigenous organizations and representatives support complete autonomy for indigenous peoples and their rights to any lands and resources that they had "customarily" made use of. For their part, while willing to recognise certain forms of autonomy or "self-management" for indigenous peoples,

governments are generally unwilling to countenance the use of any terms in the draft Declaration¹⁰ which could be read to challenge the sovereignty of the nation state or the paramountcy of national laws and legal systems.

There are sharp differences of opinion as to what self-determination or representation can mean, with some governments arguing that if it means anything more than participation in already existing democratic processes, that it would be inimical to the interests of true democracy and of other sectors of the population. There is also much discussion as to whether "treaties" imply surrender by one party to the treaty as some states maintain, as to whether they were signed under duress as indigenous peoples contend, and as to which accords between governments and indigenous peoples constitute or continue to constitute treaties (which under many State constitutions would supersede national or state law) as opposed to other forms of "settlements" or agreements.

Similarly, while States may recognise certain indigenous rights over, or use of, lands and resources in areas where they reside, most governments reject the idea that any past use of lands or resources automatically gives indigenous peoples any current rights over them.

Use of the term "indemnification" as opposed to reparations is also disputed as these terms are seen to have different legal, social and economic connotations.

G. Intellectual and cultural property

Intellectual property rights are protected internationally, but tend to focus on individual property, such as an author's copyright guarantees. Indigenous people argue that not only their collective intellectual property such as practices, customs and art forms should be protected, but that their cultural property (e.g. artifacts, skeletal remains, spiritual and ceremonial items) should be protected and where applicable returned to or made accessible to them.

H. Exclusion of certain topics

Certain delegations have fought year after year to have the draft Declaration pronounce itself on such topics as conscription, armed conflict, adoption and foster care, but governments generally oppose their inclusion.

VI. Finalization of the Draft Declaration?

Disagreement on these and other issues have largely been responsible for the Group's failure as yet to finalize its draft Declaration, while in the meantime, the ILO has revised its own Convention (169) dealing with indigenous' peoples rights. However, whether or not it is actually desirable to finalize the Draft Declaration was also an issue of much debate at the Group's last session.

Some indigenous representatives are impatient with the length of time that the Group has been trying to finalize its draft Declaration on the rights of indigenous peoples and particularly wish to see it completed in time for the 1993 UN Year of Indigenous Populations. To do this, they are willing to make certain compromises on some of the issues raised above. Others feel, however, that there is no sense in completing the Declaration at this point. They are convinced that even a watered-down Declaration stands little chance of receiving much support from the various other UN organs through which it would

¹⁰Because various UN instruments declare that "peoples" have the rights to self-determination, "peoples" is one such term.

need to pass on its way to becoming a full UN instrument (that is the full Sub-Commission, the Commission on Human Rights, ECOSOC and the General Assembly), particularly as, currently, indigenous peoples are not represented nor empowered to appear before these bodies.

Those who oppose finalization also fear that those governments who do not support the Working Group and its draft Declaration could use the excuse of finalisation of the Draft Declaration, along with the UN's current financial difficulties, as an excuse to terminate the Working Group, on the grounds that it had completed its task. Indeed, at this year's session of the Working Group, rumours abounded that the days of the Group were numbered. To avoid this, and also because they would like to see the Working Group develop a robust advocacy role for itself beyond mere drafting of the Declaration, opponents of finalization (who numbered some government and intergovernmental representatives amongst their ranks) apparently actively lobbied to ensure that the Declaration was not finalized at this year's session. In the event, the Group finished the first reading of the draft Declaration, and began, but did not complete, the second reading).

VII. Whither the Working Group?

So rife were rumours that the Group's days were numbered for both financial and political reasons, that the Group's Chairperson Madame Daes, assured delegates on several occasions that there was absolutely no grounding for such fears. However, to some, her assurances only served to fuel the rumours. Those seeking to preserve the Group and define a more wide-ranging role for it not only lobbied against completion of the Declaration but also suggested a number of other avenues for the Group to pursue. The following were amongst the tasks which it was suggested the Working Group take on:

- Active educational and lobbying efforts to stimulate international public support for the proposition that States should support the Draft Declaration when it does eventually make its way upward through the UN system
- That the Working Group not only hear and receive information from indigenous organizations and representatives but that it analyze and publicise the situations described and denounced, and that it be given powers to oblige government responses to the allegations made
- That the Working Group, and particularly indigenous representatives to it, be given greater access to the Sub-Commission on Prevention of Discrimination and Protection of Minorities Human Rights and that access be established to other UN organs and consultations of the UN and its specialised agencies (such as the various theme reporting mechanisms, the 1993 UN World Conference on Human Rights), so that it can put forward indigenous concerns and recommendations and participate in debates on issues of concern, standard setting exercises and technical assistance programs relevant to indigenous peoples
- That the Working Group widen its role with respect to carrying out and commissioning studies into issues of concern to indigenous peoples
- That the Working Group develop a role as an advisory agency to governments and relevant organizations on request

It was a formal recommendation of the Working Group that the future of the Group be a separate agenda item at its next session in 1993.

VIII. Recommendations

The Working Group made 35 recommendations for consideration by the Sub-Commission on Prevention

of Discrimination and Protection of Minorities. Those of most relevance to AI's work included the following:

- That to mark the International Year for the World's Indigenous Populations, the UN launch an annual report on the state of the world's indigenous peoples, including statistics and analyses compiled by relevant UN bodies and specialised agencies
- That the Sub-Commission and the Commission on Human Rights request the UN's Program of Advisory Services in the field of human rights, as well as other relevant UN programs of technical assistance to provide training for indigenous peoples on issues of interest and concern to them
- That the Advisory Services Program play an important role in the recognition, promotion, protection and restoration of indigenous rights by providing information and training directly to indigenous communities
- That the recommendations regarding indigenous peoples which were adopted by the UN Conference on Development and Development (UNCED), held at Rio de Janeiro in June 1992, be implemented by the General Assembly as a matter of high priority
- That the World Conference on Human Rights which is to take place during the International Year for the World's Indigenous Populations convene a special preparatory meeting for indigenous peoples early in 1993; that indigenous peoples be given the opportunity to present a review to the Conference of their own efforts over the past 20 years to claim and exercise their own rights, as an important case study of efforts by a particular group to work through and with the UN human rights program in such efforts; and that the Preparatory Commission for the Conference ensure that indigenous peoples be enabled to participate fully in the Conference without regard to their consultative status
- That the UN's Transnational Corporations and Management Division (TCMD) continue to analyze, make recommendations, and continue to seek resources to provide technical assistance to indigenous peoples with respect to assessing the impact of transnational investments and operations on the lands of indigenous peoples
- That the fundamental importance of full participation by indigenous peoples in every aspect of decision-making concerning the Year of Indigenous Populations be emphasized
- That in order to strengthen the role of indigenous youth in world affairs, indigenous youth be invited to participate in regular teaching programs as guest instructors, to build links with non-indigenous youth from all countries
- That the UN Department of Public Information make every effort to develop a more comprehensive program of translating and publishing basic human rights instruments into indigenous languages
- That the participating states in the Conference on Security and Cooperation in Europe (CSCE), which had included a provision (29) regarding indigenous peoples in its Document of the Helsinki II meeting held in 1992, consider further examination of the protection of indigenous rights at further CSCE meetings.

IX. Documentation

Principal documentation of interest to AI made available to the Working Group is listed in Appendix A to this document.

X. Follow-up

As previously announced, AI's campaign to call attention to human rights violations against indigenous peoples of the Americas will continue through February 1992 as planned. The IS is currently considering ways in which AI could contribute to the UN's International Year for the World's Indigenous Populations, and will inform Sections as soon as any decision is taken.

XI. Appendices

A. Documentation

B. AI's Statement to the 10th Session of the UN Working Group on Indigenous Populations (IOR 41/08/92)

Appendix A: Documentation

In addition to information received from governments, UN organs, specialised agencies, inter and non-governmental organizations, the following documents were also made available to the Working Group:

Draft Declaration on the rights of indigenous peoples (E/CN.4/Sub. 2/1992/28)

Report of the Secretary General on economic and social relations between indigenous peoples and States (E/CN.4/Sub.2/1992/29)

Transnational Investments and Operations on the Lands of Indigenous Peoples
(E/CN.4/Sub.2/1992/CRP.3)

Note on intellectual property of indigenous peoples: concise report of the Secretary General
(E/CN.4/Sub.2/1992/30)

Progress report on treaties, agreements and other constructive agreements between States and indigenous peoples (E/CN/Sub.2/1992/32)

Report on the Technical Meeting on the International Year for the World's Indigenous Populations
(E/CN.4/1992/AC.4/TM/8)

Appendix B:

UN Sub-Commission on Prevention of Discrimination
and Protection of Minorities
44th Session
Working Group on Indigenous Populations
Delivered: 30 July 1992

Oral Statement by Amnesty International

Madam Chairman,

Throughout the world, indigenous peoples are deprived of internationally recognized human rights -- civil, political, economic, social and cultural. Even in countries with laws which are formally protective of the rights of indigenous peoples, they may still be subjected to massive and persistent violations.

This Working Group is one of the bodies which strives to promote and protect the human rights and fundamental freedoms of indigenous peoples throughout the world. The Group's important work includes documenting and suggesting measures to redress a wide range of abuses, including violations of the right to life and physical security, deprivation and discrimination in areas such as health care, education, housing and land. Amnesty International, under its more limited mandate, directs its efforts toward exposing and ending certain violations, such as extrajudicial execution and the judicial death penalty, "disappearance", torture and ill-treatment (including rape and sexual abuse), the unfair trial of political prisoners, and their imprisonment as prisoners of conscience - persistent abuses which have been directed against indigenous peoples on a massive scale in a number of countries.

Amnesty International's efforts toward this end since the Working Group last met have included campaigns against torture, rape and death in custody in India, where many of the victims were tribal people, and against political killings in the Philippines, where several members of tribal communities in the Cordillera region were killed in circumstances strongly suggesting official involvement. In Australia, where there is a high incidence of Aboriginal deaths in custody, Amnesty International has called on the government to fully investigate these deaths and to bring to justice officials implicated in any abuses.

In the context of 1992, being marked throughout the world as the 500th anniversary of the arrival of Europeans in the region now known as the Americas, Amnesty International initiated a special program of action to draw attention to human rights abuses suffered by indigenous peoples of the Americas. In April, it produced a statement high-lighting illustrative examples of arbitrary arrest, torture and ill-treatment, "disappearance," extrajudicial execution and judicial death sentences directed against indigenous peoples in a number of countries in the region, including Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico and the United States.

In the course of more than thirty years of work directed at halting human rights abuses, Amnesty International has found certain similarities to the contexts and conflicts which give rise to violations directed against indigenous peoples. They may be singled out for such abuses because of their ethnic or national origins, or because they were working to promote indigenous rights. The discrimination and economic deprivation which indigenous peoples suffer can render them particularly vulnerable to the human rights abuses Amnesty International works against; some sectors, such as indigenous people who have become refugees, or been internally displaced and isolated indigenous groups, can be more vulnerable still.

No one is safe: victims reported to Amnesty International in the course of 1992 have included indigenous political, religious, and community leaders, women, children and old people. Those who work with indigenous peoples or support their cause, relatives of indigenous activists and those who have witnessed abuses have also become the victims of human rights violations.

Sometimes indigenous peoples are in danger merely because of where they live. In situations of internal conflict, such as currently facing Peru and Colombia, indigenous people resident in contested areas may be subjected to abuses by both sides. In other contexts, simply to be resident in areas where the official security forces are engaged in anti-drugs operations, as in Bolivia, or where governments favour non-indigenous settlement in order to secure frontiers for reasons of "national security," as in Brazil, may render indigenous people vulnerable to abuses.

Throughout the world, many violations directed against indigenous peoples stem from the struggle for land and resources; often their lands and resources, or lands and resources they claim, may be wanted by the state or private commercial interests for economic exploitation. In such situations, indigenous peoples may become vulnerable to abuses by state agents, or, as has been repeatedly documented by Amnesty International in Brazil, may find that the state does not effectively investigate or prosecute abuses carried out by non-state agents.

The discrimination and social and economic deprivation which indigenous peoples suffer in many countries throughout the world, including for example, Mexico, the USA and Canada, may contribute to discriminatory practices in policy and prosecution and limit their access to adequate legal representation, and can make it more difficult for indigenous peoples to seek redress when their rights are violated.

Often, violations against indigenous peoples are carried out by members of the security forces, acting sometimes in uniform and sometimes in plain clothes in the guise of the so-called "death squads". In countries such as Guatemala, civil defence patrols, formed at military behest and acting under military orders, have also been responsible for human rights violations against indigenous peoples. In a number of countries including Peru, both military forces and armed opposition groups have committed abuses against indigenous peoples. In some countries, such as Mexico, the authorities appear to have colluded or acquiesced in abuses carried out against indigenous peoples by private individuals, including hired gunmen. In many countries, those responsible for abuses against indigenous peoples, whether state or private agents, appear to benefit from virtual impunity for their deeds. This may be the case even where some form of official inquiry into past abuses did take place, but the courts have still not brought any perpetrators to justice, as is the case for example in Chile.

In recent years, there has been a resurgence of indigenous organization in many areas of the world: groups have been formed at community, national, regional and international level to protect indigenous rights and to bring their demands to public attention. A growing international awareness of environmental and ecological issues coincides in some cases with indigenous peoples' traditional beliefs and practices concerning protection of the environment and has gained indigenous organizations new understanding and allies at the international level. Some governments and intergovernmental bodies are in turn devoting increased attention to the demands and needs of indigenous peoples.

Although much has been accomplished, principally by indigenous peoples themselves, the human rights of indigenous peoples continue to be massively abused in many parts of the world and much remains to be done at national and international level to redress the situation. This October Amnesty International will publish a major report on human rights violations suffered by indigenous peoples throughout the Americas, including a series of recommendations as to how it believes governments, inter-governmental bodies and other agencies should help ensure that indigenous peoples enjoy the full range of rights guaranteed them under international standards. These include for example those rights set out in the Universal Declaration on Human Rights, and the two International Covenants on human rights, the international conventions dealing with refugees and children's rights, the elimination of all forms of racial discrimination and discrimination against women and the International Labour Organisation's Convention on Indigenous and Tribal Peoples (No. 169).

In the early 1980s, at the height of the army counter-insurgency campaign which claimed the lives of tens of thousands of non-combatant Indians in Guatemala, a leader of a Guatemalan indigenous campesino organization wrote to Amnesty International concerning the work of international human rights organizations:

"Your work has supported and renewed our conviction that no matter how poor or ill-treated we are, we have the right to life and to respect, that to kill a new-born baby or an old person bowed down by the persecution of the army constitutes the gravest of crimes that deserves the most energetic condemnation.

"I believe that it is on this point that your work and our own as a peasant organization converge: the defence of the right to life in all of its aspects, the rights to physical integrity, to security ... to a simple but fully human life, the end to all of the threats that have weighed so heavily on our people, both Indian and *ladino* [non-indigenous] for so many centuries."

It is in this spirit that Amnesty International hopes to contribute throughout 1992 and beyond, to the efforts of indigenous peoples to attain full respect for their rights. In the same spirit it wishes the Working Group every success in its vitally important efforts to assure full protection for the rights of indigenous peoples. During the UN's 1993 International Year for the World's Indigenous Populations, Amnesty International will continue to draw attention to abuses against indigenous peoples throughout the world.

Thank you, Madam Chairman