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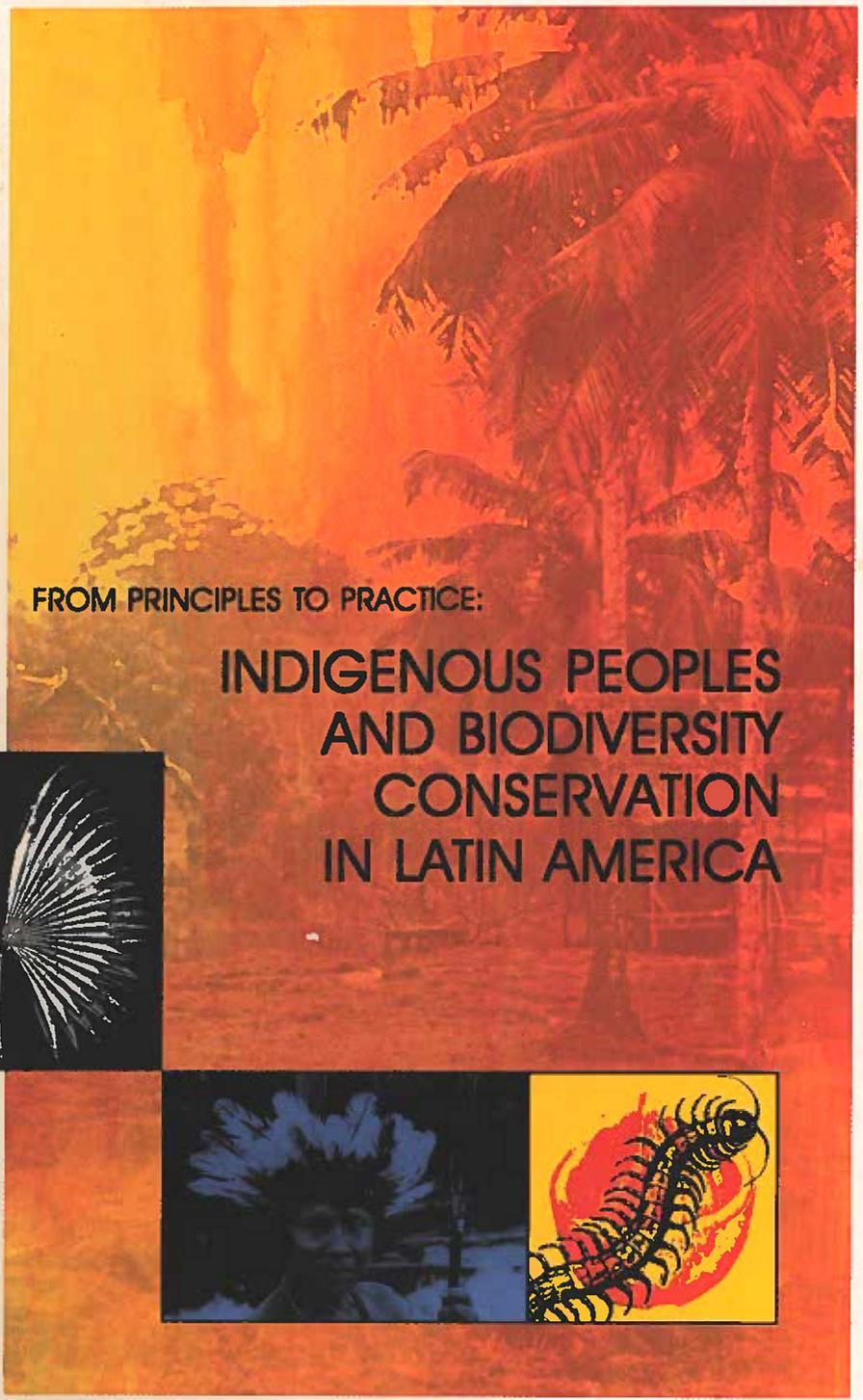


INTERETHNIC  
ASSOCIATION FOR THE  
DEVELOPMENT OF THE  
PERUVIAN AMAZON

IWGIA

INDIGENOUS PEOPLES AND BIODIVERSITY CONSERVATION IN LATIN AMERICA

Document



FROM PRINCIPLES TO PRACTICE:

# INDIGENOUS PEOPLES AND BIODIVERSITY CONSERVATION IN LATIN AMERICA

From Principles to Practice:  
**INDIGENOUS PEOPLES  
AND BIODIVERSITY  
CONSERVATION IN  
LATIN AMERICA**

Proceedings of  
the Pucallpa Conference

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From Principles to Practice:  
**INDIGENOUS PEOPLES AND  
 BIODIVERSITY CONSERVATION IN LATIN AMERICA**

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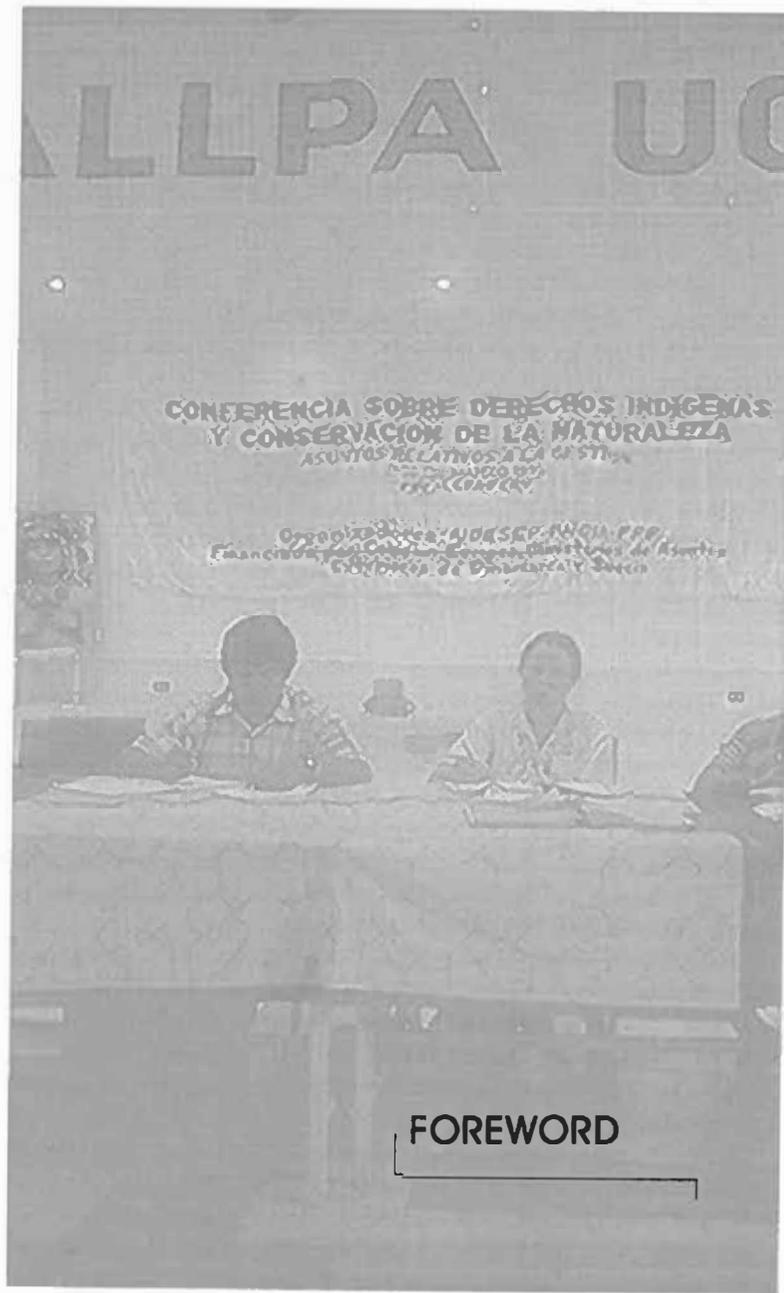
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FOREWORD

## FOREWORD

by Marcus Colchester and Andrew Gray

Throughout the world, indigenous peoples and conservationists are facing major conflicts of interest. Continuous decreases in biodiversity are leading conservationists to concentrate their efforts on protecting key areas without taking into account the social and political needs of local populations. The situation is particularly acute for indigenous peoples, since they live in most of the world's protected areas. Eighty percent of protected areas in Latin America are inhabited by indigenous communities. In India, protected areas have displaced over 600,000 tribal and forest people, whilst in Africa over one million square kilometres of land have been set aside as protected areas, without consideration for the needs of local indigenous peoples.

Within this depressing scenario, both indigenous peoples and conservationists are taking initiatives to try to combine indigenous rights with the need to protect the environment. Such an approach constitutes a new model for conservation, based on an alliance between the two groups rather than a conflict, and it is gradually becoming more prominent in the international meetings, declarations and conservation policies of organisations such as WWF and IUCN. However, it remains to be seen whether the "new model" is purely rhetorical or has some practical potential.

This volume has arisen from a desire of the UK-based Forest Peoples' Programme (FPP) and the International Work Group for Indigenous Affairs (IWGIA) in Denmark to see whether a dialogue between indigenous peoples and conservationists could come up with an analysis of some practical examples where indigenous peoples live in protected areas.

The FPP has been active in the area both through practical work in Guyana and Venezuela on the conflict between indigenous peoples and conservation organisations, and also through the publication of a document with the United Nations Research Institute for Social Development which analyses the issues (Colchester, Marcus - 1994).

IWGIA has also been seeking positive solutions to the problem. Since 1989, IWGIA has been working with the national indigenous organisation for the Peruvian selva (rain forest region), the Inter-Ethnic Development Association for the Peruvian Amazon (AIDSESP), in a land-titling programme involving 200 communities in the Ucayali region. In addition to land-titling, the project includes work to establish seven reserves as protected areas on indigenous lands, controlled by local communities. IWGIA has also published extensively on issues concerning biodiversity, intellectual property rights and conservation (Gray, Andrew - 1991; Simpson, Tony - 1997).

In the light of their work, in 1996 FPP and IWGIA decided to join forces with indigenous organisations and pool their experiences, in order to analyse the different priorities of conservation and indigenous rights movements and promote a dialogue between them. AIDSESP proposed a meeting of conservationists and indigenous peoples in Pucallpa, Peru, and the resulting conference provided the material for this volume.

### The Problem

The increasing demand of states and business interests for resources has led to an environmental destruction which is eating away at the biodiversity of the world. Uncontrolled colonisation affects the interests both of indigenous peoples and of conservationists. However, each party has its own priorities and they regularly find themselves in disagreement, both conceptually and practically, over notions of protected areas, indigenous territories and state lands.

Indigenous peoples and their supporters emphasise that conservation should be regarded as the responsibility of local communities, and particularly of indigenous peoples who live in the most biodiverse areas in the world. They consider that the environment can best be protected by recognising indigenous peoples' rights to territory, self-determination, legal representation and cultural freedom. Once indigenous peoples are freed from the threat of colonisation of their lands, they can manage their territories with the care and respect necessary for future survival.

In contrast, conservationists emphasise the preservation of the environment and the maintenance of biodiversity through measures such as habitat conservation, ensuring the protection of

viable populations of flora and fauna, and the promotion of the sustainable use of resources through close regulation and restrictions on harvesting and trade of wild species.

The mistrust between the two interest groups leads to many problems. Indigenous peoples are concerned that old-style conservationists seek to limit their rights and expel them from their territories. They are worried that areas will be entrusted to the State and local peoples' rights and institutions will be denied. On the other hand, many conservationists do not trust indigenous peoples to respect the environment sufficiently to ensure its protection. They are concerned that with the temptations of the market economy, indigenous peoples will sell off their resources to the highest bidder and destroy their environment in the same way as other political and economic interest groups.

In recent years, a dialogue has opened in which indigenous peoples and conservation organisations are exploring one another's positions. The dialogue has taken place in parts of large organisations such as WWF and IUCN and in meetings between indigenous organisations and conservationists, such as the 1992 symposium of the Indigenous Coordinating Committee of the Amazon Basin (COICA) held in Iquitos, Peru. The general objective of the Pucallpa conference which is the basis for this book was to review the "new model of conservation" and to continue the dialogue, using specific case studies in order to identify areas for general discussion.

Both indigenous peoples and conservationists recognise that they face common threats, and they agree on the need to check the imposition of unrestrained market forces. Some conservationists have begun to recognise that the sustainable use of resources requires the fulfilment of local peoples' needs and that "commons regimes" can act as restraints on resource use. They are seeking to recognise the rights of indigenous peoples and are proposing constructive, co-operative approaches to working with indigenous peoples. Furthermore they are increasingly recognising that indigenous peoples have access to refined technology and knowledge systems which include many sophisticated notions of conservation.

Indigenous peoples admit that their commons management systems are breaking down under external and internal pressures. They do not like the idea that recognition of their rights should be conditional on sustainable use or conservation, but they accept that rights imply responsibilities to future generations. They have sought to

develop new systems for commons management so as to reaffirm the potential for sustainable use, and they recognise that conservation techniques could include some kinds of knowledge useful for the fulfilment of their desires and needs.

### **Recent Developments**

In 1996, important progress has been made towards the reconciliation of indigenous peoples' rights and conservation initiatives. In May 1996, after a three-year dialogue with the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest, as well as an intensive internal consultation process, WWF International approved a policy on indigenous peoples and conservation. It became the first conservation organisation to produce a policy recognising the territorial rights of indigenous peoples, approving the current draft United Nations Declaration on the Rights of Indigenous Peoples and emphasising the principle of free and informed consent in all interactions between indigenous peoples and conservation organisations. The policy applies to all WWF International's initiatives affecting indigenous peoples. National organisations belonging to the WWF family can also decide to adopt the policy, although it is not compulsory for them to do so.

In the General Assembly of the International Union for the Conservation of Nature (IUCN) held in Montreal, Canada in November 1996, several significant resolutions were also approved which refer to indigenous peoples and protected areas. The resolutions provide guidelines for the secretariat and members of IUCN, stating not only that they should recognise the rights of indigenous peoples in protected areas but also that the personnel and members of IUCN should contribute to indigenous activities in inter-governmental initiatives such as the Convention on Biological Diversity. The resolutions propose that the rights of indigenous peoples in protected areas should be respected and that conservation policies should be compatible with the UN draft Declaration on the Rights of Indigenous Peoples.

The challenge is to put these declarations of principles into practice. A long struggle will probably be necessary to ensure that future conservation projects in indigenous areas respect indigenous rights. Many existing protected areas have been created in indigenous territories without respect for the new principles, and management reform of such areas could be an even longer-term process.

The conference at Pucallpa examined these practical problems in a conciliatory context, studying specific cases in Latin America. The cases ranged from situations in which indigenous peoples feel marginalised by conservation programmes imposed on their lands, to situations where indigenous peoples have been in the forefront. The aim of the conference was to promote a dialogue between conservationists and indigenous peoples with the help of "experts" who have worked with indigenous peoples on this subject.

During the next decade we can expect increasing international financial support both for the creation of new protected areas and also for the development of more efficient management regimes in existing areas. Such initiatives are guided at the inter-governmental level by the Convention on Biological Diversity, the activities of which, at least in the short to medium term, are financed by the Global Environmental Facility (GEF) based in the World Bank in Washington DC. In its most recent meeting in Buenos Aires, the Conference of the Parties of the Convention on Biological Diversity agreed to hold a special inter-sessional meeting in 1997 to look at the connections between the Convention and indigenous peoples, drawing attention to the function of traditional knowledge.

Bilateral aid to conservation agencies for conservation programmes is also increasing, while other inter-governmental bodies such as the European Commission and the Commonwealth Secretariat have also begun to grant significant sums of money for conservation. In addition, international financial institutions such as the World Bank and the regional development banks are providing loans for national conservation programmes. The banks hope that borrower countries will pay back the loans with income from tourism and bio-prospecting. As conservation becomes an important business, new agents are attracted to indigenous territories, including tourist companies, entrepreneurial businesses, bio-prospectors and specialised consultants who claim experience in protected areas management. The need to affirm the priority of indigenous peoples' rights and interests is therefore ever more important.

Conservation agencies such as IUCN and WWF also aim to promote an increase of protected areas on a global scale. WWF has an objective to secure 10 percent of all forests in each country in protected areas before the year 2000. IUCN's World Commission for Protected Areas supports this objective. Given that the remaining relatively intact forests are found in the territories of indigenous

peoples, conservation agencies are urgently studying new ways to create protected areas with indigenous approval.

IUCN has published a total revision of its protected areas classification system, which now recognises that the owners and managers of such areas do not have to be governmental agencies, as was the case in the past, but can also be non-governmental organisations (NGOs), commercial companies, individuals, local communities and indigenous peoples.

To achieve such ambitious objectives, WWF and IUCN are particularly interested in increasing the number of protected areas in IUCN's Categories V and VI, Protected Landscapes / Seascapes and Managed Resource Protected Areas. They are even considering whether legally recognised indigenous territories could be considered as protected areas within the above framework.

### **The Pucallpa Conference**

The meeting which is the basis for this book took place in Pucallpa, Peru from 17th to 20th March 1997. Pucallpa is the centre of IWGIA and AIDSESEP's land-titling programme, which is working intensively on a model of indigenous territorial management and conservation. The structure of the meeting was based on specific case studies which were presented by both indigenous and non-indigenous experts, who identified any problems. After a short presentation of each case, a panel of conservationists and indigenous peoples discussed the main points before opening the debate to all the participants.

This document follows the broad framework of the conference, although papers have been grouped together geographically and the discussions have been edited to reflect the main themes raised by the different papers. The meeting had no conclusions, but an extended chapter entitled "Reflections" consists of indigenous, conservationist and NGO perspectives on the discussions.

The Conference began with a presentation from Gil Inoach, President of AIDSESEP, who welcomed the participants. The local Ministry of Agriculture made use of the occasion to announce the recognition of land titles for several indigenous communities in the region, and territorial reserves for several groups of indigenous peoples in voluntary isolation ("uncontacted" groups).

Marcus Colchester provided an orientation for the conference in the form of five questions:

1. If conservation organisations now recognise indigenous territories, why is it necessary to have protected areas?

2. Indigenous peoples entering the market economy find that they are increasingly involved with the capitalist system. They are now mining, extracting timber, selling animal skins and raising cattle. This has implications for changes in cultural values. Many indigenous peoples are realising that their current economies are not sustainable. Is there a role for technical and advisory support from conservationists during this period of change? What should the relationship be between indigenous peoples and non-indigenous advisors?

3. What is the indigenous vision of the environment? There are substantial differences in the way indigenous and non-indigenous peoples think about conservation and these should be understood.

4. The theme of participation is also relevant. Who represents indigenous peoples in the management and negotiation of protected areas? Indigenous peoples complain of manipulation by non-indigenous people from the private sector and NGOs. What are the different interests involved in conservation projects in indigenous territories? Indigenous peoples are considered owners of their territories, but at the same time the State also claims control and rights to these territories.

5. Previously, in the "classic" model of conservation, agencies worked with the State to protect areas of land, often throwing indigenous peoples off their own territories or creating problems of use and rights of access to their territories. Now, there is apparently a new model where conservation agencies want to work with indigenous peoples to support them in the management of their own territories. Is this a genuine shift or are the old problems of classic conservation still paramount? The key factor is the attitude of conservationists with respect to the role of the State and the relationship with financial institutions.

These themes recurred throughout the conference and were joined by several other major topics raised in the general discussions. The conference demonstrated clearly that the rights of indigenous

peoples are now firmly embedded in any discussion of protected areas.

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CHAPTER

1

## PERU

*The case studies in this chapter draw on experiences from protected areas in three regions of Peru. Each is a distinct case, and together they illustrate the contrast between protected areas imposed on indigenous peoples by national authorities and conservationists, and protected areas (such as communal reserves in Peru) which are the result of indigenous peoples' strategies for the recognition of their territorial rights.*

### El Sira Communal Reserve: A proposal for a protected area under indigenous control

*The session on El Sira began with brief introductory statements by two Asháninka leaders who have been involved in developing the proposal for the Reserve. There followed the main presentation, which was given by technical staff from AIDSESEP.*

**Introductory statement**  
by Guillermo Naco Rosas  
AIDSESEP

We, the indigenous peoples, are witnesses to a range of projects and programmes initiated by the government, which have excluded us from participation in their design, implementation or evaluation. The projects are failing as a consequence of our exclusion, and meanwhile we are powerless to deal with colonisation and the irrational extraction of resources such as minerals and timber from our territories. We also face the problem of drug-trafficking, which is gradually contaminating our rivers and destroying the forests which provide us with our subsistence.

Over the last ten years we have been socially and territorially devastated by the violence in Peru, and also by the increasing presence of large multinational companies in our territories without our consent or participation. In particular, we are the victims of policies of oil extraction.

In response to the situation, indigenous organisations throughout the country have united in defence of our lands and environment,

and to safeguard the survival of our descendants, through the recovery and consolidation of indigenous Amazonian territories. To do this we must continue the process of community land titling and demand the recognition of communal reserves such as El Sira, which brings together the indigenous peoples of the Central Selva region.

As we have not had an official response to our demands, we ask all of you for your support so that the government will recognise our territorial rights in this part of Peru.

**Introductory statement**  
by Samuel Pérez Piahuntze  
ANAP

As representatives of the indigenous organisations surrounding El Sira communal reserve, we are very concerned about the serious devastation taking place in our territories. We have proposed the creation of the communal reserve in order to stop the devastation and ensure that we can continue to practise our customs, safeguard our children's social and cultural rights and guarantee the survival of all indigenous inhabitants of the central selva of Peru. We therefore ask the government to pass the resolution for the creation of a communal reserve at El Sira, to be under the control of indigenous peoples.

At the Asháninka summit which took place three days ago, the nine Asháninka organisations united to ensure that the government hands the area over to us, as the local indigenous inhabitants, so that we can manage and control our own territory. We want a communal reserve controlled by indigenous peoples and not by the state authorities. They are not familiar with our lands and territories and are ignorant of the species and resources they contain.

### Presentation: El Sira Communal Reserve

by Sergio Arbaiza Guzmán, Beatriz Huertas Castillo  
and Casiano Aguirre Escalante  
AIDSESEP

*In their presentation, the three authors (members of AIDSESEP's technical team) underlined the main points made in the paper. Sergio*

Arbaiza explained that indigenous titling in Peru is based on the demarcation of territories for individual communities. The areas titled in this way are much smaller than the lands of the indigenous peoples as a whole. As a result, community territories have been titled with contiguous borders so that the *de facto* territories link up along riverbanks and streams. Since 1989 AIDESEP has titled the lands of more than 160 communities in the Ucayali region in this way, covering a total of over two million hectares.

However, this still does not cover all the areas used by the indigenous peoples of the region. Another strategy is to demarcate hunting grounds, usually situated on hilly areas within blocks of titled lands, as communal reserves. Communal reserves are the only category of protected areas in Peru which are managed by local communities. The only restriction on their use is on the unsustainable commercialisation of resources.

Casiano Aguirre Escalante explained the process for legal recognition of a communal reserve and described how El Sira covers three different administrative areas. As a result, three sets of reports had to be prepared, covering geological, botanical, zoological and anthropological information. The total area of El Sira is nearly 700,000 hectares.

Beatriz Huertas Castillo from Racimos de Ungurahui then described the historical importance of El Sira to the local indigenous peoples, who have conserved its ecosystem over hundreds of years and have a unique capacity to negotiate its difficult terrain. In spite of this, invasive colonisation threatens to penetrate the area unless the reserve is recognised.

### Introduction

In keeping with a global trend towards the conservation and rational use of natural resources, in recent years Peru has signed various international agreements for the protection of a heritage which affects the survival of the human race.

Current Peruvian legislation, which is headed by the Political Constitution, promotes the conservation of biological diversity and of protected natural areas, with the aim of establishing an appropriate balance between sustainable development of the Amazon and conservation of the environment.

The history of protected natural areas in Peru dates from pre-Columbian times, when the ancient Peruvians were excellent protectors of natural resources. In the case of the Amazon region, it is

documented that some cultures had areas where entry was completely forbidden except with ritualistic protection. These areas functioned as refuges for animal breeding and the recovery of animal populations.

The concept of the management of natural areas dates from the 1950s, following the failure of the rubber crop and the indiscriminate harvesting of forest resources. The concept of national parks appeared a decade later, in 1963, and their purpose was defined as "the protection and conservation of natural scenic beauty, of flora and wildlife" (Decree D. L. 1455). More detailed regulations on conservation and natural resource use appeared as recently as 1975 with the Forestry and Wildlife Act (D. L. 21147), which was the legal structure marking the beginning of the new system of protected natural areas and forest management.

The category of "communal reserve" was also defined in the 1975 Forestry and Wildlife Act, as an area reserved for the conservation of wildlife for the benefit of surrounding populations who traditionally depend on it for food through hunting and fishing. In the case of communal reserves in the selva and ceja de selva (cloud forest) regions, the surrounding populations are mainly indigenous communities. The Yanasha Communal Reserve was thus created in 1988 with an area of 35,000 hectares; it was the first of its kind and was created for the indigenous people of the same name in the province of Oxapampa. The Amarakaeri Communal Reserve proposed in 1992 for the indigenous peoples of Madre de Dios has not yet been recognised, in spite of the fact that it has strong support.

In 1996, AIDESEP proposed the establishment of a communal reserve on the El Sira cordillera (mountain range) in Central Amazonian Peru. This was part of their search for ways to protect the natural forests of the Amazon in the face of decimation by immigrants, and also to guarantee livelihoods for the indigenous population. The Communal Reserve was to benefit the surrounding Asháninka, Yanasha and Shipibo-Conibo communities, for whom it is not only a source for food, but also fulfils an important social, cultural and historical role, as it is a ceremonial area containing a concentration of sacred sites. It also contains plant and animal species of great cultural significance and a wide range of ethnobotanical and medicinal resources, the conservation of which is key for indigenous health.

The El Sira range is an integral and essential part of the territory of the surrounding peoples, who still make use of it today. Its size, geographical location, unique ecosystems and biodiversity constitute appropriate conditions for its declaration as a protected area.

**I. Description of the Region and the Indigenous Peoples**

El Sira Communal Reserve is part of the El Sira cordillera, which is situated in the central eastern selva region of Peru and includes parts of the provinces of Puerto Bermudez, Puerto Inca, Coronel Portillo and Atalaya, in the departments of Pasco, Huanuco and Ucayali.

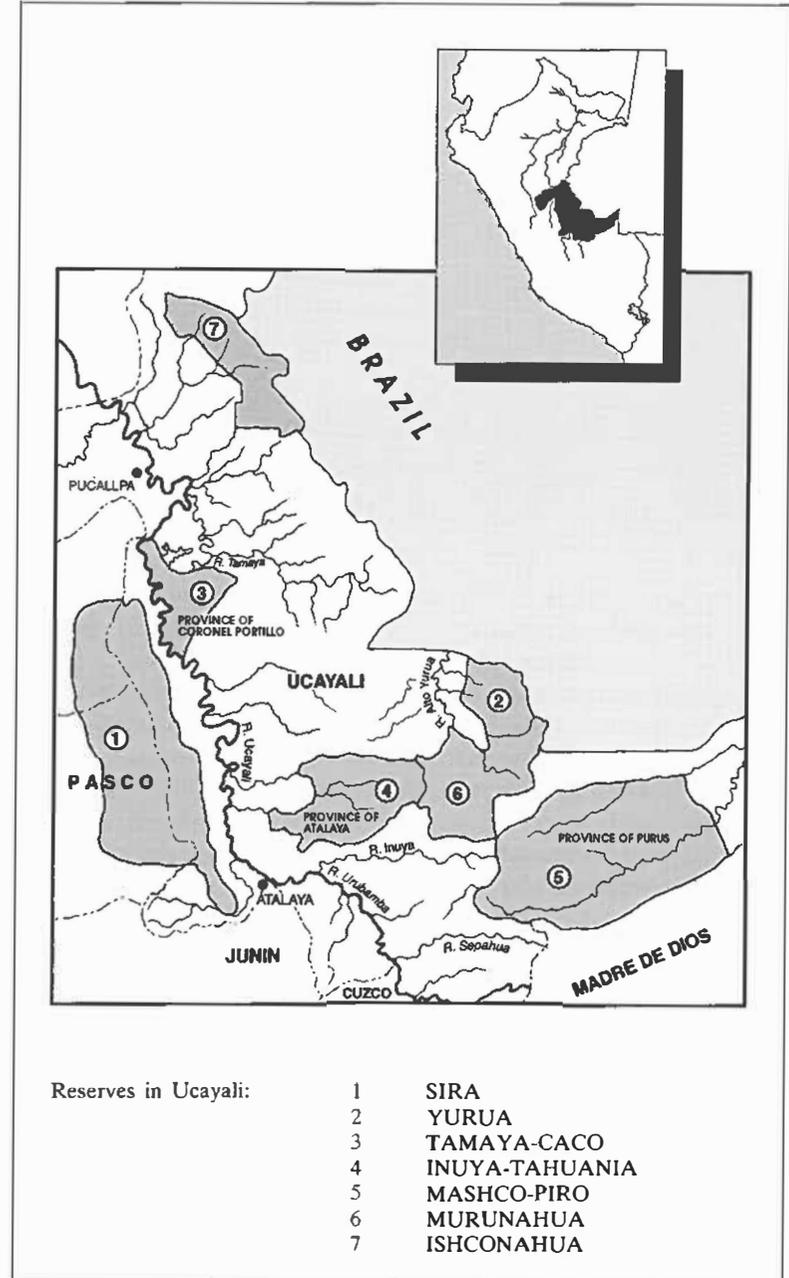
The valleys of El Sira Communal Reserve are inhabited by members of three indigenous peoples: the Asháninka and Yanesha, belonging to the Arawak Pre-Andean linguistic family, and the Shipibo-Conibo of the Panoan family. The Asháninka people are subdivided into three ethnolinguistic groups located in the Upper Ucayali, Pachitea-Pichis and Gran Pajonal. The Yanesha share their territory with the Asháninka in the Pachitea valley, and the Shipibo-Conibo live on the banks of the Upper Ucayali river.

The cordillera is made up of a long chain of mountains and has an altitudinal variation from 300 to 2250 metres above sea-level. It runs from Gran Pajonal in the south to the Pachitea and Ucayali delta in the north, covering a total area of more than one million hectares.

The physiography of the cordillera is typically mountainous, with two distinct altitudinal levels. The upland forest is hilly with many narrow, deep ravines and steep slopes. Its climate is characterised by heavy rainfall, causing an extreme susceptibility to erosion processes. The lowland forest is characterised by high hills, also with limited potential for agriculture, ranching or forestry. The predominant forest type is classified as protection forest: thus according to current legislation these lands should be designated as protected areas to conserve and protect the flora, fauna and other resources.

Because of the climatic, edaphic and physiographic characteristics of tropical rain forest, the reserve area is environmentally very fragile. The continuity and dynamic sustainability of the ecosystem is based on nutrient cycles which are easily disturbed by drastic human intervention.

El Sira is one of the most representative areas of the ecological transition from upland to lowland forest. The range of vegetation at



the different ecological levels is impressive, ranging from the exuberant high forest (from 300 metres above sea-level) to dense forest at altitudes over 2000 metres above sea-level. The area is considered a pleistocene forest refuge and is within the Pachitea-Ucayali centre of endemism. It harbours a wide variety of endemic species and a great biological richness which has survived for thousands of years.

Within this physiographic and ecological diversity are a number of lakes of varying size, the most important being Lake Oncavo, followed by Chengari, Tzironcaveni and Moriocancavo, which is in Pajonalino Asháninka territory at an altitude of over 1,000 metres above sea-level. There are also lakes in the lower parts of the cordillera, and they are a major source of food for the indigenous populations. Lake Oncavo plays an important role in both the nutrition and mythology of the Pajonalino people because of its location and great size (10 km by 120 m in area and 20 metres deep).

According to historical records, the ancestors of the three ethnic groups who now live on the slopes of El Sira reached the area during waves of migration from the central part of the Amazon river, beginning in the year 3,000 B.C. Since then each group has developed separately, maintaining its national autonomy and becoming culturally distinct from the other groups.

Originally the Asháninka people, who typically live in the interfluvial zones, used much of the rugged cordillera as an area for hunting and gathering, and as a passage from the Gran Pajonal to the valleys of the Pichis and Upper Ucayali, where they went to visit relatives, to exchange goods or "ayumpari" and to fish. In the north, the large riverside populations of the Shipibo and Conibo peoples on the Upper Ucayali used to travel constantly along the many tributaries which originate in the cordillera.

When colonisation began, the extent of invasion of indigenous territories varied. The Yanesha territory in Oxapampa province became the point of entry for colonists, who then established haciendas. The diseases they brought with them decimated the original population. In the 1950s, with the start of timber extraction and the State's promotion of colonisation of the selva region in an attempt to solve the economic depression of the campesinos in the Peruvian highlands, massive campesino migrations started from the southern highlands, and brought the hacienda system to the fragile forest lands. However, their system of commercial agriculture did not prosper, and both the land and the campesinos were further improv-



*Oncavo lagoon in the dry season. Photo: AIDSESEP*

erished. The Yanesha were obliged to leave their territory and migrate down river towards the valley of the Pachitea.

The Pachitea valley had also received immigrants, both Peruvian and foreign, during the presidency of Augusto B. Leguia in 1925. Further waves of immigration followed the discovery of gold in 1935 and oil in 1937. The process continued in the 1970s with the arrival of many members of the Israelite Religious Congregation, causing increased pressure on the resources and indigenous territories of the Yanesha and the Asháninka. However, the problems are caused not only by spatial occupation, but also by pollution as a result of the boom in coca leaf cultivation. The toxic waste from the production of cocaine paste is thrown into the rivers, leading to a significant decrease in fish resources.

To the south of the cordillera is the Gran Pajonal, an interfluvial zone far from the main rivers which is the land of the Ashéninka cultural sub-group. Owing to its geographical isolation, it remained at the limit of colonial penetration until the early part of the nineteenth century, when colonists arrived in the wake of missionaries. The colonists were attracted by the apparent suitability of the vegetation for cattle-ranching, and they established their haciendas in the Oventini dip, an ancient Ashéninka ceremonial site. Thus, the colonists displaced the indigenous people to the higher parts of the

area, whilst at the same time using them as cheap labour for the heavy work in their haciendas. On the long term, the location of the Asháninka around the colonist settlements formed a barrier which prevented the colonists from spreading out as had happened in other places, so that the indigenous people were able to exercise greater control over their traditional territory.

Finally, after suffering the arrival of the rubber barons at the beginning of the century, the Upper Ucayali region to the west of the cordillera stayed under the control of the great hacienda-owners who settled along the rivers and developed commercial agriculture and timber extraction. They kept the Asháninka and Yine in conditions of slavery until the end of the 1980s, when following an accusation by an indigenous inhabitant of ill treatment by his employer, AIDSESEP entered the area and established the truth about living conditions at that time. AIDSESEP then initiated a series of actions which led to the organisation of the numerous indigenous peoples, who would later be among the communities to receive land titles. There was also a series of denunciations of employers to international organisations, which brought this stage of exploitation of the indigenous peoples to an end.

The department of Ucayali thus became one of the areas of AIDSESEP's activities, through projects on land-titling, communal reserves, and territorial demarcation for isolated ("uncontacted") indigenous groups. A total of 4,365,642.25 hectares have so far been reserved for the indigenous peoples of the region - 1,501,410 hectares under titles to indigenous communities, 1,318,949.25 hectares in communal reserves and 1,545,283 hectares through territorial demarcation (pending approval).

As a result of colonisation, a large part of the original dense tropical forest cover in the valleys adjacent to the cordillera has been cut down by loggers and ranchers and replaced by intensive commercial agriculture and cattle ranching, which has converted it to non-productive land. The old indigenous territory used to be preserved and managed according to traditional patterns of natural resource use, involving its division into different zones for ecological protection, for hunting, or for inhabitation by dispersed groups, but it is now under pressure from numerous mestizo settlements. The mestizo population, which like the indigenous population is increasing, faces the difficult truth that the natural resources on which they depend for food are decreasing.

It should be pointed out that in the last few years, the vast region of the central selva has served as a refuge for many Asháninka families who were displaced from the Ene, Perene, and Satipo valleys, and who, after 10 years of confronting terrorism, have seen their original territories invaded and offered for sale to colonists by some members of the authorities. Similarly, many campesino groups are accelerating their occupation of what used to be indigenous territories. The programme of organised repatriation of refugees, which started in 1994, faces many difficulties due to the unstoppable advance of drug-trafficking and the illegal production of coca. This has brought about a situation where some of the refugee communities in the area must support over 2000 families.

The plight of the Asháninka peoples may constitute one of the most flagrant cases of ethnic human rights violations - defined in international treaties as genocide - in recent American history. For the Asháninka people, El Sira and the other reserves requested by their organisations constitute their only chance for recovery. But that is not all: the cordillera retains its ancestral importance, because it preserves the traditional paths still followed by the indigenous peoples on their migrations and visits to relatives. Also, due to the devastation of the forests in adjacent valleys, it has become their main source of food and other resources.

The indigenous peoples use the reserve for traditional hunting, fishing and gathering of plant products, by way of a number of paths which link the indigenous territory with the reserve. Through ancient patterns of forest use, they obtain 80% of their protein from wildlife without upsetting the food chains, trophic pathways or ecological cycles.

Today, in spite of having suffered many social, political and economic problems, both the Asháninka and the Yaneshá and Shipibo-Conibo peoples retain their autonomy as nations. The Asháninka people number about 55,000; the Yaneshá, after a terrible demographic decrease, are now growing in number and are presently about 8,000; and there are over 20,000 Shipibo-Conibo. Each group is now organised in communities, many of which have been legally recognised and gained land titles during the titling process carried out by AIDSESEP. However, in contrast to the vast and continuous indigenous territory of the past, today the communal territories consist of small, demarcated fragments, within which each group is adapting to the changes brought about by modern society, without

losing the network of social ties and the organisation which characterises them.

## II. The Creation of El Sira Communal Reserve

At the end of 1989, the Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP) with financial support from the International Work Group for Indigenous Affairs (IWGIA) took the first steps towards land titling in the Ucayali region and neighbouring areas, in order to secure the indigenous territories. They succeeded in obtaining titles for 89 community territories and enlarging 73, comprising a total area of 1,501,410 hectares secured for the benefit of 21,984 inhabitants.

However, in a great many of the enlarged and titled territories, natural resources such as soil, forest species, and terrestrial and aquatic fauna had already been over-exploited by the colonists and loggers who had occupied the lands before. In contrast with this situation, the area contiguous to the communal territory, corresponding to the El Sira range, retained virgin forests and abundant plant and animal resources which were used by the inhabitants of the adjacent valleys.

El Sira was thus the essential complement to the land-titling process in order to provide the territorial integrity needed by the indigenous peoples. So, since 1975, at the height of the modern indigenous movement for territorial and environmental defence, the communities adjacent to the cordillera have been requesting the State authorities through their indigenous organisations for its protection.

In 1990, AIDESEP's Congress identified the petition as a priority within their programme, and in August 1993 a Framework Agreement for Technical Cooperation was signed between the National Institute for Natural Resources (INRENA) and AIDESEP. The document acted as a legal framework for the initiation of studies directed towards the creation of El Sira Communal Reserve, and financial support was provided by IWGIA.

Because El Sira covers areas in the political jurisdiction of three departments, proposals for studies on the potential establishment of a communal reserve had to be presented at three Agrarian Boards, as these are the bodies responsible for authorising technical studies on the status of areas within their jurisdiction. Thus it took from March 1994 to March 1995 for the different boards to issue their

resolutions authorising AIDESEP to carry out the pertinent technical studies. The studies were finally implemented in four phases, corresponding to the valleys of the Pachitea, Pichis, Gran Pajonal and Upper Ucayali rivers. Technical reports based on the field work were prepared and presented to each board separately, and a composite report on the whole study area was presented to INRENA in January 1996.

El Sira Communal Reserve was finally created to cover an area of 698,533 hectares, and its primary objective was legally defined as the rational exploitation of wildlife. Other types of sustainable use which benefit neighbouring communities are also permitted, including:

- The sustainable exploitation of renewable natural resources for subsistence, with special emphasis on timber, forest products, flora and wildlife;
- Improvements in the quality of life of communities within and neighbouring the communal reserve, and contributions to local and regional socio-economic development;
- The general conservation of populations of fauna and flora;
- The protection and development of cultural values;
- The contribution to the defence of other, stricter protected areas, or broader integrated regional planning.

From the perspective of the indigenous communities, the communal reserve has the additional aim to integrate communal ethnic territories which were used traditionally by several communities or settlements. This aim is in line with the recommendations of ILO Convention 169 (Legal Resolution 26253).

In addition to the obvious advantages of this model, the costs of control and management are particularly low, because it is the responsibility of the communities themselves who have been managing the area for centuries. The present state of the area is in itself a guarantee of the abilities of the surrounding indigenous communities to carry out its management, in coordination with competent government agencies.

If we take into account the fact that the soils of El Sira lack agro-ecological value, and that in spite of this the zone is still targeted by illegal coca producers, the protection of the area as a communal reserve may allow the indigenous communities not only to secure

their subsistence but also to develop a harmonious development based on the cultural exploitation of biodiversity and local landscapes, which in the final analysis is in any case the most effective economic use of the area.

It should be pointed out that although a year has gone by since the final report was presented to the relevant government body, the publication of a supreme decree giving legal recognition to the creation of the reserve is still pending.

### **III. Interactions between the recognition of peoples' rights and protected areas authorities**

#### **Indigenous Peoples and Communal Reserve Management**

The important role of indigenous peoples in the sustainable use and management of forest resources is in a sense recognised in the legal definition of a "communal reserve". According to current legislation, a communal reserve is established for the conservation of wildlife for the joint benefit of neighbouring populations, and the administration and management of these resources rests with the beneficiaries.

Within this framework, El Sira Communal Reserve involves a total of approximately 10,000 people in communities in the immediate vicinity, and roughly the same number again in outlying communities. The whole of the population is made up of the indigenous groups mentioned above, who in the past each maintained political, territorial and cultural identity, but were also strongly linked by alliances, trade and conflicts. Today, they share the common experience of the historical process of colonisation and have decided to join together and organise themselves to confront new territorial, social, economic and cultural problems.

In the valleys adjoining the Reserve, and also in the Gran Pajonal, all the communities are organised at the local, regional and national levels. The organisation of the Asháninka and Yanessa communities of the Pichis and Pachitea valleys is called Apatyawaka Nampitzi Asháninka Pichis (ANAP). The Shipibo-Conibo communities in the upper Ucayali valley are organised as the Federation of Native Communities of the Ucayali and Tributaries (FECONAU) and the Federation of Native Communities of the Iparia District (FECONADIP); the Asháninka, in turn, make up the Indigenous Organisation of the Atalaya Region (OIRA), while the Pajonalino

Ashéninkas are part of the Gran Pajonal Ashéninka Organisation (OAGP).

Indigenous organisations, as representatives of the original peoples of the Amazon, have played an important role since the 1970s, when they began the task of bringing the various initiatives, needs and problems of their peoples to the attention of the government. At the time the issues were not heeded, and their claims and aspirations were ignored. However, in the last decade these organisations have been strengthened by the support of various national and international institutions which have backed their proposals, especially regarding territorial demarcation and the conservation of resources.

It is important to point out the role of the indigenous organisations involved as protagonists in the administrative process leading to the establishment of El Sira Communal Reserve. Their involvement has ranged from grass-roots co-ordination and participation in field work to the exertion of political pressure for the reserve's creation.

This organisational approach, backed by in-depth knowledge of tropical ecosystems and the appropriate use of resources by the indigenous peoples, represents the most appropriate option for the administration and management of protected areas such as El Sira Communal Reserve.

#### **Recognition of Indigenous Territorial Rights**

The territorial rights of the indigenous peoples of Peru have been legally recognised in the Political Constitution since 1920, and the guarantees of inalienability, non-mortgageability and imprescribability of indigenous territories since 1933. This position was maintained in subsequent Constitutions until 1993, when government policy favoured private investment, and the government declared the free disposability of indigenous communal lands, together with the repeal of several regulations for ecological control. This meant that indigenous lands were no longer inalienable or unmortgageable. They had lost the recognition of their socio-cultural value and became market commodities suitable for use as credit guarantees.

Although international pressure has led Peru to sign agreements such as the Convention on Biological Diversity and ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries, at the national level pro-indigenous legislation has started to deteriorate, and there is complete uncertainty about the future of indigenous lands. Whilst the 1993 Political Constitution recognises the

multi-ethnicity of the country, it also negates some of the guarantees for indigenous peoples to exercise their full territorial rights.

Similarly, areas for ecological protection can now be given in concession to private interests for specific uses. This constitutes a threat to territory, culture, food, health and the conservation of natural resources and biodiversity.

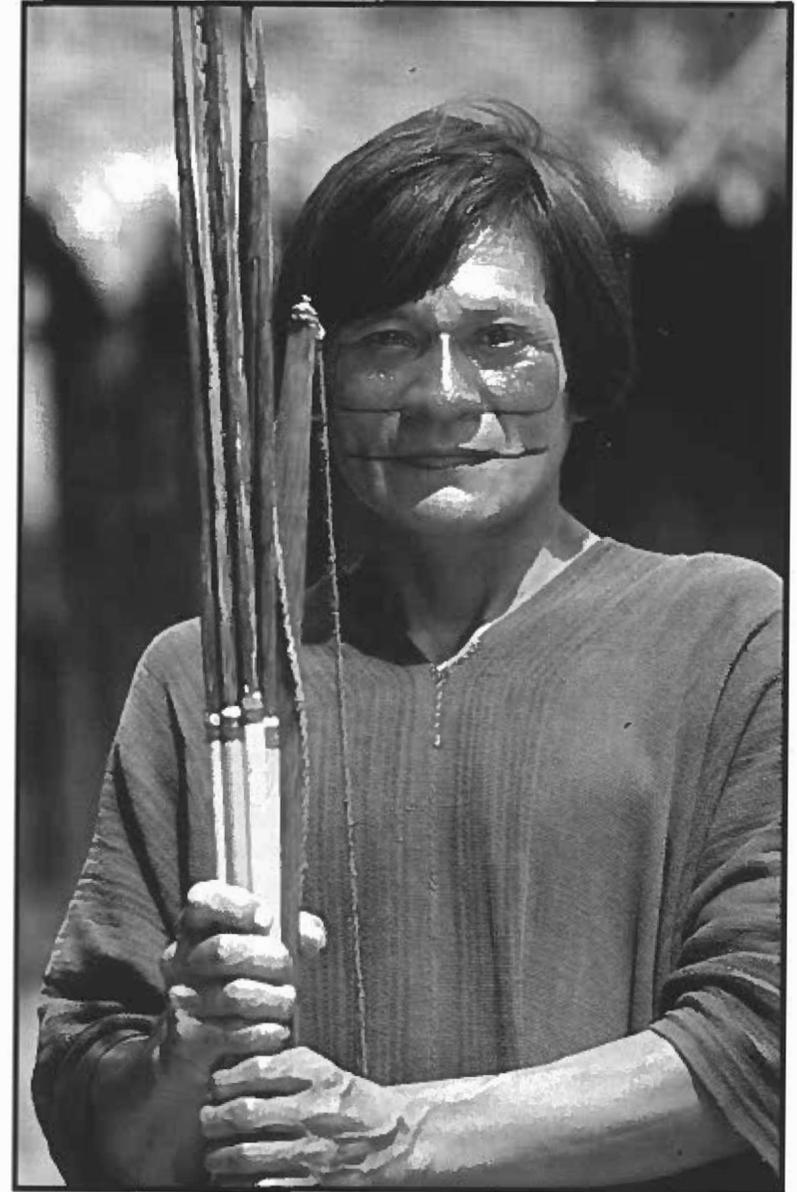
In addition, the participation of indigenous peoples in the management and administration of protected natural areas is restricted to communal reserves; the remaining eight categories of protected areas do not consider their participation, and worse still, some indigenous communities which are within protected areas, such as the Matsigenka of the Manu National Park, have been forced to move from their traditional locations to other parts of the park. It has even become common to hear some environmentalists saying that one way to preserve biodiversity in protected areas is to remove the indigenous inhabitants, which shows a complete lack of understanding of the dynamics between indigenous cultures and forests.

#### **The Role of the State in the Creation of Natural Protected Areas**

Within the structure of the Peruvian state, the Ministry of Agriculture is responsible for the formulation and co-ordination of national policies for the preservation of natural resources. The Ministry carries out activities at the regional level through its Regional Agrarian Offices. Within this framework, INRENA, a decentralised public office within the Ministry of Agriculture, is charged with promoting the rational use and conservation of natural resources, and includes a specialised body, the General Office for Protected Areas and Wildlife, which is involved in the management of communal reserves.

In part fulfilment of its objectives of the preservation of natural resources, to date the Peruvian State has so far officially recognised the creation of 7 National Parks, 8 National Reserves, 7 National Sanctuaries, 3 Historical Sanctuaries, 8 Reserved Zones, 6 Protected Forests, 2 Hunting Reserves, 1 Communal Reserve and 4 National Forests covering a total area of 12,834,845.33 hectares, or 9.99% of the national territory.

However there has been no adequate follow-up to the creation of these protected areas, especially in terms of administration. As a result, most of them have been invaded by loggers and coca growers (Tingo Maria National Park, Abiseo and Yanachaga-Chemillen) or



*Ashaninka native. Photo: Pablo Lasansky*

miners (Junin National Reserve). Also, the existence of oil lots in the Pacaya Samiria National Reserve and the Tambopata-Candamo Reserved Zone, amongst others, generates a new threat to conservation proposals, as well as to indigenous territories and communal reserves.

The management of El Sira Communal Reserve by the indigenous communities would show the willingness of the Peruvian government to comply with the principles which led to the establishment of protected areas in Peru.

#### IV. Current Problems

Although the ecosystem of El Sira Communal Reserve is intact, there are several problems in the neighbouring areas:

- Approximately 5,000 members of the Israelite Religious Congregation have settled in the Pachitea valley to the north-west of the Communal Reserve. They are deforesting large areas for commercial agriculture and in many cases are invading indigenous land, giving rise to conflict as they come nearer and nearer the borders of the Reserve. In the same zone there is a cart-track which was opened by loggers some years ago and which connects the valley with the Iparia valley in the Ucayali.
- Small-scale gold extraction is being carried out in the west-central part of the Reserve, also in the Pachitea valley but near the upper Yuyapichis river on the border of the Communal Reserve. It is becoming increasingly mechanised and could become a serious problem in the future, through river pollution and socio-cultural changes in the population.
- Colonists have been growing coca on a large scale in the Pichis valley since the mid-1980s.
- Timber extraction has been a general problem in the Ucayali valley since the 1960s. Today there is not a single creek that has not been exploited and timbers of high commercial value such as cedar (*Cedrela odorata*), mahogany (*Swietenia macrophylla*), "tornillo" (*Cedrelinga cateniformes*) and "Ishpingo" (*Amburana cearensis*) have been exhausted, along with others of lesser commercial value. For this reason there is interest in gaining access to the hilly El Sira forests and the titled communal lands.

The vulnerable situation of the indigenous communal territories and the communal reserve has forced the indigenous peoples to take a series of measures such as the establishment of organisations to

provide training on rights and territorial control. In the case of El Sira, an indigenous monitoring committee has been set up for its control and management - an initiative which requires the support of the Peruvian State and international organisations. It is also appropriate to co-ordinate with the neighbouring mestizo population to ensure that the borders and resources of the Reserve are respected, which will in the long term be of benefit to everyone.

#### V. Other Communal Reserves Proposed by AIDSESEP in the Ucayali Region

As part of the process of territorial consolidation initiated by AIDSESEP, the establishment of three communal reserves in the Ucayali has been proposed. The relevant technical studies are at present in the government offices responsible for the necessary procedure for their creation.

##### The Yurua Communal Reserve

Located on the Alto Yurua river, on the border with Brazil, the Yurua Communal Reserve covers 118,956.25 hectares and would benefit the 763 Yaminahua, Amahuaca and Ashéninka indigenous people in nearby communities.

The Yurua Communal Reserve falls within the biogeographical area of the tropical Amazon (lowland forest or "selva baja") and is covered by mature vegetation. The area is considered as a High Priority Conservation Area by conservationists. The forest is of the lowland hilly type (97,51%) with ridges; the physiography is slight to extreme, prone to water erosion.

The creation of a communal reserve in the area is important because of the situation of the Yaminahua, Amahuaca and Ashéninka. The first two belong to the Pano linguistic family from the southeast, and their populations are made up of survivors of the genocide caused by violence and epidemics during the rubber boom at the beginning of the present century. At that time too, the Ashéninka were uprooted from their original lands in the Gran Pajonal and moved by the rubber barons to their current location.

In spite of the transformation brought about by the arrival of large numbers of rubber collectors during the rubber boom and the pressure this put on resources, once this economic phase was over the geographical isolation of the area and the absence of timber extractors allowed a considerable degree of recovery and preservation of

resources. As a result, today the area is able to provide a subsistence for the indigenous peoples and the mestizo population.

The beneficiary indigenous population uses the forest for their traditional activities of hunting, fishing and gathering, by way of more than 25 paths or trails connecting their community lands with the communal reserve area. Some of them reach as far as the headwaters of the creeks in the proposed reserve, where there is wildlife in abundance. However, this zone is also the most dangerous because of the presence of the larger wild cats and because it borders the territory of the voluntarily isolated indigenous group known as the Murunahua.

Thus, the forests in the communal reserve constitute a guarantee of subsistence for future generations of indigenous peoples.

#### **The Tamaya-Caco Communal Reserve**

The Tamaya-Caco Communal Reserve is located on the right bank of the Upper Ucayali river, between the tributaries of Caco and Tamaya, and comprises an area of 130,700 hectares. It will benefit about 6,000 Shipibo-Conibo people in 24 communities and neighbouring hamlets.

The area around the reserve is characterised by the presence of a great many loggers with a total of 185 contracts for timber exploitation, covering an area of 130,400 hectares. To these must be added the coca growers, who fell the forest indiscriminately to plant their illegal crops. The loggers have opened cart tracks through the proposed reserve to make timber extraction easier. One of these, 36 km long, runs from the Ucayali river to the Nashia river where ANITA timber company operate with heavy machinery. Another 30 km road begins at the Tamaya river. These two roads almost meet within the reserve, which will endanger the resources found there.

The activities of the coca growers around the Imiria lake have led to the devastation of the hydro-biological resources of the aquatic eco-system, transforming it into a practically dead lake.

The eco-systems which are the source of subsistence for the indigenous peoples in the area are in imminent danger. They practise a pattern of sustainable use and management of the forest, and it is therefore appropriate that the area be declared a communal reserve under their management, in order to allow the eco-systems to recover.

#### **The Inuya-Tahuania Communal Reserve**

The Inuya-Tahuania Communal Reserve is on the right bank of the upper Ucayali, between the Inuya and Tahuania rivers, covering an area of 370,760 hectares for the benefit of 3,000 members of the Yiné and Asháninka peoples in 21 communities.

This region was very important in the titling process carried out by AIDSESEP because it was there that in 1986 there was an outburst of protests by the indigenous population against land-owners who had kept them in conditions of slavery. Many denunciations of human rights violations were recognised by the International Labour Organisation (ILO).

Today the Inuya-Tahuania region is freed from land-owner oppression, but is facing the devastation of resources by loggers, who since the exhaustion of timber stocks in accessible areas have been felling trees in the headwaters of the Inuya, Mapuya, Coengua and Tahuania.

Similarly, several lakes and rivers in the area are occupied permanently by fishing boats which are over-exploiting the ichthyological resources for the markets in the city of Pucallpa.

#### **VI. Territorial Demarcation for Non-contacted Indigenous Groups**

One of the categories considered within the process of territorial consolidation started by AIDSESEP was that of territorial demarcation. This category, established in Peruvian legislation for non-contacted indigenous groups, is defined under the second temporary ruling of DL 22175, the Law of Native Communities and Agrarian Development in the Selva and Ceja de Selva Regions. The act establishes that "for the demarcation of territory for native communities in a situation of initial and sporadic contact with other members of the national society, a provisional area will be defined in accordance with their traditional patterns of use of natural resources".

AIDSESEP is carrying out studies for the establishment and demarcation of the territories of three non-contacted indigenous groups: the Mashco-Piro, Isconahua and Murunahua.

The methodology used for these studies consisted of interviewing members of the local indigenous and mestizo population, who know of the existence of these groups and are familiar with their seasonal movements. It was also necessary to carry out an ecological analysis of the area to deduce their cultural characteristics and the ways they use the forest. These methods were used because AIDSESEP cannot

on principle allow direct contact with uncontacted groups, as they are highly vulnerable to foreign diseases. During the colonisation period, introduced diseases led to the disappearance of many peoples who were part of the cultural complexity of the Peruvian Amazon.

Although it is difficult to define the isolated indigenous groups ethnically, a historical and linguistic analysis leads us to affirm that the Isconahuas and the Murunahuas belong to the Pano linguistic family, while the so-called Mashco-Piros are of the Arawak family.

It seems that the three indigenous groups reached their present locations as a consequence of the rubber planters' aggression and the spread of epidemics at the beginning of the century, when they were forced to flee to the inaccessible parts of their territories, especially the headwaters of the rivers.

For the process of territorial demarcation, the migratory circuit of each indigenous group was taken into account. Their nomadic life style depends on the abundance of resources such as fish, turtles, mammals, lizards, birds, etc.; and also serves to control and defend the ancestral territory against neighbouring groups, both indigenous and non-indigenous.

The use of resources found within their migratory circuit is based on practical experience; they plan for the use of different areas for short periods, depending on the seasons of the year, the concentration of useful wildlife and vegetation, and the accessibility of different places. They then move on, thus allowing for the recovery of the populations of the different species they use.

A historical analysis of their locations suggests that these non-contacted indigenous groups are being cornered further and further into their territories by the pressures from loggers, coca-growers and colonists. This fact calls for the immediate demarcation of territories by the Peruvian state.

#### **The Mashco-Piro Indigenous Group of the Upper Purus**

The so-called Mashco-Piro are a Yiné people in voluntary isolation, whose seasonal migrations lead them to the headwaters of the Upper Purus river and its tributary the Curanja. The size of the demarcated territory is 768,848 hectares.

According to information obtained from the observation of 50 temporary shelters found on the beaches, the Mashco-Piro probably number about 100 to 250 people.

#### **The Murunahua Indigenous Group**

The language spoken by the non-contacted indigenous peoples of the Upper Yurua, the Murunahua, can be understood by the Yaminahuas of neighbouring communities. This would indicate that they are a sub-group of the complex southeastern Panoan ethno-linguistic group.

There have been many chance encounters with this people by the Yaminahua and also by the Asháninka, during their seasonal journeys to the headwaters of the Yurua river. However, the most violent contact was with loggers from the Mapuya river, who persecuted the Murunahua on the Yurua in a similar way to the raids by the rubber barons at the beginning of the century. On the other hand, faced with evidence of their existence, members of the Summer Institute of Linguistics (SIL) have recently been trying to establish contact with them.

The territory demarcated for the Murunahua covers 481,560 hectares from the headwaters of the Yurua river to the Sheshea river in the south. It extends westwards as far as the Huacapishtea (a tributary of the Yurua), and eastwards to the Brazilian border.

#### **The Isconahua Indigenous Group**

The area demarcated for the Isconahuas covers 294,875 hectares and forms part of the total area of their seasonal migrations. There are three groups of Isconahua on the tributaries of the Calleria, Piyuya, and Bashuaya and on the upper Abujao and Utuquinia rivers.

Thirty-five years ago members of the SAM religious mission took part in contacting and translocating 20 Isconahuas to the Cayeria village where they have been living ever since. They have been the main informants for the study of this nomadic group. It is known that today there are about 240 Isconahuas.

Because of the potential of the zone for timber extraction, the indigenous territories are under threat from loggers.

#### **Conclusion**

In conclusion, we could say that the task of AIDSESEP in connection with protected areas and indigenous peoples has combined the strategy of nature conservation with the protection of indigenous peoples' territorial rights. Insofar as the Amazon forest is threatened by destruction, the subsistence of indigenous peoples is also threatened.

Similarly, aggression towards the indigenous peoples of the forests and the corresponding decrease in cultural diversity will irreversibly affect the biodiversity they have preserved so well.

### Panel Discussion

Gonzalo Oviedo (WWF International) reflected on why the Asháninka people had chosen the communal reserve as the way to protect their territory. He considered that such protected areas provide extra defence against invasions by colonists and big businesses. One of the problems implicit in accepting reserve status is that certain policy standards also have to be accepted, and they are usually defined by the state.

Clearly in Peru the communal reserve is the only category in which protection and management come under the control of indigenous peoples. However, to use only one category of protected area is limited, and another possible strategy would be to argue that indigenous land rights must be recognised across the whole spectrum of IUCN categories.

Nevertheless, the fact that these areas are protected not only for local indigenous peoples but also for the country as a whole will always be a source of problems. Both local and national interests have to be considered and indigenous peoples will need support in order to keep defending the area from the external pressures of colonisation. Indigenous peoples must be involved in the supervision, monitoring and administration of the protected areas where they live, and they will show that they are capable of this task.

Marcial Arias, a Kuna representing the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests, argued that the main point is that no matter what category they are given, all these areas are indigenous territory and therefore must be under indigenous control and management.

In Peru this is difficult, because in its 1993 Constitution the government unilaterally violated the principle of inalienability, by ending prohibitions on the mortgaging of indigenous lands and on the superimposition of new concessions on indigenous territories. The lack of recognition of indigenous territorial rights is leading to the strategy of working for the creation of indigenous communal reserves.

### The Pacaya Samiria National Reserve

by José Mendoza Curichimba, AIDECOS  
and Raúl Shupingahua Lazo, ADECOP

*José Mendoza Curichimba from the Indigenous Association for the Development and Conservation of Samiria (AIDECOS) explained that the Pacaya Samiria National Reserve consists of over two million hectares. There are 3,000 Cocama-Cocamilla members of AIDECOS within the Samiria area. The reserve was created in 1982 and in spite of the fact that the indigenous inhabitants have lived in the area for over a hundred years, the NGO Pro Naturaleza, the National Institute for Natural Resources (INRENA) and the Ministry of Agriculture all say that land titles for the indigenous communities cannot be recognised in the reserve. Mendoza emphasised the importance of securing land titles in order to prevent unsustainable economic interests from entering the territory, and to encourage sustainable activities such as ethno-tourism and reforestation amongst the indigenous population.*

*Raúl Shupingahua Lazo, President of the Association for Development and Conservation of Purinahua, represents the indigenous peoples from the other part of the national reserve, Pacaya. He pointed out that the state originally wanted to use the reserve for oil concessions, yet is now blaming the local indigenous peoples for causing ecological destruction. He explained that through support for the reserve, his organisation is trying to undertake reforestation; however, a master plan for the reserve is being prepared by INRENA and the local university with minimal indigenous participation. The main goal is that indigenous community lands are recognised as the backbone of the reserve. There is plenty of room in the reserve for both conservation and indigenous rights, but this cannot be achieved until due respect is given to the indigenous inhabitants as peoples who have knowledge of the forest.*

The Pacaya Samiria National Reserve was created as a Conservation Unit (now known as a natural protected area) by Supreme Decree No. 016-82.-AG. It includes the hydrological systems of the Pacaya and Samiria rivers, and covers a total of 2,080,000 hectares, making it one of the largest natural protected areas in Peru.

It is located in the "Selva Baja" (lowland forest) of the Peruvian Amazon in the Department of Loreto, between the two biggest

rivers of the Peruvian Amazon, the Marañon and the Uycali. Some 80% of the area is seasonally flooded each year according to the rise and fall of the major surrounding rivers, making it one of the most important breeding grounds for many species of Amazonian fish. The predominant vegetation type is tropical rain forest; there are also areas of palms and shrubby and herbaceous vegetation characteristic of swamps. The reserve is typified by the presence of large numbers of lakes and internal waterways. The flora and fauna are highly diverse and adapted to the prevalent conditions of aquatic environments. The reserve is well-known for its birds, tropical aquatic mammals and reptiles such as turtles and caimans. It owes its name to the Pacaya and the Samiria, two rivers in its interior, which flow into the Uycali and the Marañon respectively.

Within the borders of the reserve and its immediate surrounds there are some 99 rural settlements of varying size, with a total population of approximately 33,000 people. These communities are found along the banks of the Marañon and Uycali rivers. Fishing is the most important production activity, followed by the cultivation of rice, maize, beans, jute, cowpea, peanut, banana and cassava. These activities provide both a subsistence economy and a means to link into the market economy. Barter is the principal means of transaction, with very little cash being used. Nevertheless, subsistence production in all its diversity must be understood as the most important economic activity, which constitutes the basis of community sustainability and its connection with a competitive market economy. Subsistence production is based on advanced systems of agriculture and horticulture, the collection and harvest of a great variety of vegetable and animal products, and fishing and hunting.

The population (known as "ribereños" or riverine peoples) is almost 80% indigenous, belonging to the Cocama ethnic group, with about 20% mestizo (of mixed race) and white. The indigenous sector of the population has lived in the area for hundreds of years, and there are historical references in the literature going back to the time of the first contacts with Europeans in the 1500s. The remaining 20% of the population is made up of tradespeople, immigrants from other areas and civil servants.

Transport in the area is predominantly by river, and is supported by an extensive hydrological network. Air transport is very limited; there is a service of small float-planes for hire. Nearly all the communities have primary schools but there is a general lack of qualified

teachers, teaching is insufficient and there are no basic educational materials. The health service is also limited, poor in quality and lacking in sufficient resources and medicines. It could be said that the population of the area lives on the edge of economic life and urban policy and that the capacity of the regional and local authorities to meet its demands is very restricted.

#### **Legal Characteristics of Natural Protected Areas**

Natural Protected Areas are areas of natural territory that the State sets aside for the purposes of research, protection and controlled management of ecosystems, resources and other natural wealth (Article 51 of the Environmental Code). These Natural Protected Areas are public property, which means that they belong to everyone, but the State is responsible for their administration. They constitute representative samples of the natural heritage of the nation, and are established in perpetuity.

Natural Protected Areas generate certain rights for local communities - for example the rights to participate in their identification, demarcation and protection, and an obligation to co-operate in the fulfilment of their aims.

#### **Natural Protected Areas and Native Communities**

Where there is an apparent conflict of rights between demarcated natural protected areas and community territories, the community territories prevail. The State has a duty to promote community participation in the aims and objectives of the Natural Protected Areas where they live (Art. 54 of the Environmental Code).

We must also take into account the fact that the guidelines for creating a Reserve state that there must not be any prejudice of rural settlements in the area. That is, rights acquired by communities living in the area prior to the Reserve's creation must not be diminished (these rights concern the use and usufruct of resources within community lands).

#### **What is the role of the indigenous communities within the Pacaya Samiria National Reserve?**

The native communities within the Pacaya Samiria National Reserve have a fundamental role to play in the co-management of the natural protected area. They should participate actively along with the state authorities in measures and decisions regarding the man-

agement of natural resources. They have a voice within discussions on policy for the area. This is what is known as citizen participation, especially when they depend on the natural resource for their survival and when community lands are affected.

Recognition of native communities by the relevant official bodies gives historical weight to their ancestral claims in the Amazon basin, and gives them the right to participate actively in policy formation with regard to the reserve (for example, through the master plan, zonification, research programmes and resource management, amongst others).

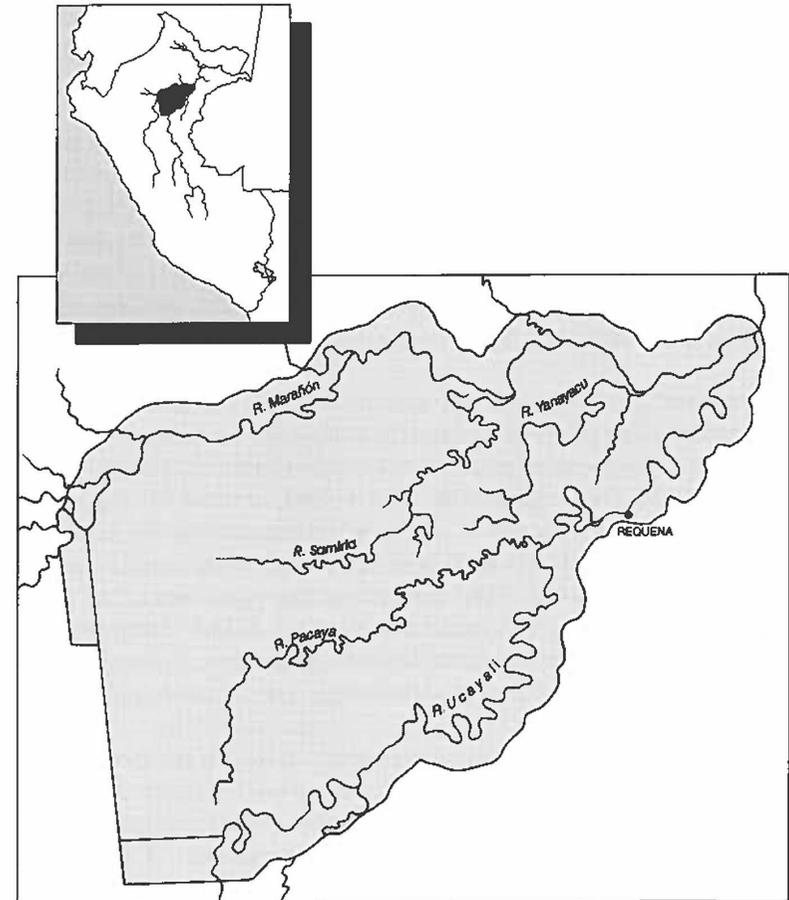
Following registration and recognition of the indigenous communities by the implementing authorities, they had to be recorded in the relevant book in the public registers in Iquitos. To our surprise, there was no Book of Indigenous and Campesino Communities in the public registers, because the provisions of the 1984 Civil Code were not recognised. Their argument, in 1992, was that the code was too recent.

It transpired that communities were being registered in the Book of Dominion ("Libro de Dominio") and not in the Juridical Book ("Libro de Personas Jurídicas"). This was a serious error of registration. One explanation of the error is that the legal process for the recognition of indigenous communities within the Pacaya Samiria National Reserve began purely as a process of recognition and not as a request for the community lands.

Thus, we have now succeeded in registering all eleven communities in the Book of Communities in the public registers in Iquitos.

### The process of land titling

Our Indigenous Association for the Development and Conservation of the Samiria (AIDECOS), held its third Congress in the community of San Martín del Tipishca on 28th to 30th June 1996. At the Congress we agreed to ask the government for the titling of our community lands, a desire which reflects the existence and continued residence of indigenous peoples in the Peruvian Amazon. For centuries the region has been the exclusive heritage of our ancestors but now, through actions driven by commercial interests, laws are passed against us and our existence is regarded as totally insignificant. Therefore under the provisions of the Political Constitution of Peru, ILO Convention 169 and other international laws, we are requesting the titling of our lands, if possible by amending the current demarcation of the Pacaya Samiria National Reserve.



The main conclusions of our Congress included the following:

1. That AIDSESEP is the parent body of AIDECOS, and its main office is in Lima.
2. To work to achieve regional land planning in the Pacaya Samiria National Reserve and the areas under its influence, using zonification techniques to achieve a better use of resources.
3. That in future, all actions will be based on participative processes and consultation with the local people.
4. To elaborate a Master Plan appropriate to the changing social and economic conditions and to new concepts of conservation,

in order to achieve efficient management of the Pacaya Samiria National Reserve.

5. To achieve the titling of territories within the region covered by AIDECOS.
6. That the communities should be the guardians of any lakes within their jurisdiction.

It should be noted that our presence in these zones dates back a long time. The community of Parinari was created in 1870, according to contemporary chroniclers, which is long before the creation of the Pacaya Samiria National Reserve in 1982.

There were many different responses to our petition, some of solidarity, such as those of the newspaper 'El Comercio' on various occasions, and others in opposition, such as an Official Communication No. 239-97-AG-PETT-DAL dated 27th January 1997, news of which reached us in our community. In it we were informed that we could be recognised, but could not hold land title in accordance with Supreme Decree No. 016-82-AG. This view ignored the provisions of the Code on the Environment and Natural Resources, ILO Convention 169, amongst other things. From this it seems that there are some people particularly concerned with this important natural protected area.

Laws are made to be kept and in this spirit we invoke the Code on the Environment and Natural Resources, article 54 in ILO Convention 169, which has been ratified by National Congress and thus by national law. We are thus demanding not a favour but the fulfilment of our rights.

### Panel Discussion

José Luis González (COICA) compared the two Peruvian case studies presented so far. Whereas El Sira reserve is a proposal by indigenous peoples seeking alternative ways to defend their rights, the Pacaya Samiria peoples are already in a reserve not of their own making, and they are now trying to find mechanisms to defend their rights from within an imposed framework. In both cases the Peruvian government has ignored the rights of indigenous peoples. Limited participation is not sufficient - only the full recognition of indigenous peoples' rights will provide the solution, and it will be

achieved only with the support of environmentalists. A process should begin whereby indigenous peoples can recover their protected areas and take control of them. Dialogue is needed with environmental NGOs and the State in order to transfer all parks contravening indigenous rights back to the peoples concerned.

Janice Alcorn from the Biodiversity Support Program, USA, could not understand why the authorities could not recognise indigenous rights in a reserve the size of Pacaya Samiria. Environmentalists should support local indigenous peoples, especially in Pacaya Samiria, because without this alliance the state could invite oil companies back into the area. The Peruvian state must define its indigenous policy more clearly.

Tarcisio Granizo (IUCN - South America) pointed out that the rain forest is seen from different perspectives by indigenous people, by visiting environmentalists, or by colonists interested in exploiting resources. The environmental movement is split between those with a purely preservationist approach and those who have learnt to respect the peoples already living in protected areas. Ten years ago the preservationists were in control, but thanks to the indigenous movement this has changed. International laws such as ILO Convention 169, which is recognised by some governments as taking precedence over national law, ensure that nowadays the authorities have to respect indigenous rights.

Common perspectives are badly needed, but co-operation will not be possible unless the environmental movement talks with indigenous peoples and recognises their rights to manage their own resources. In this way the indigenous movement can join with the popular movement. Granizo concluded by stating that "Only by maintaining the sense of a people and a culture can we guarantee the conservation of natural resources".

### Protected areas in Southeastern Peru: Madre de Dios

by Thomas Moore  
*Centro Eori*

*The region of Madre de Dios covers three different protected areas - the Manu National Park, the Tambopata-Candamo Reserved Zone*

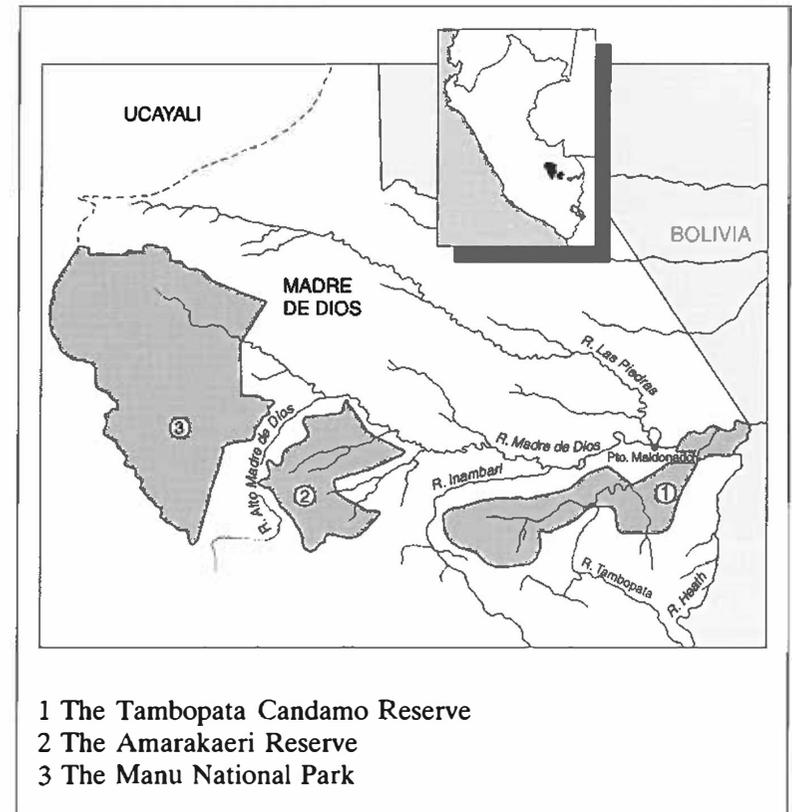
and the proposed Amarakaeri Communal Reserve. The session began with congratulations to the Native Federation of Madre de Dios and its Tributaries (FENAMAD), on receiving the Bartolomé de las Casas prize for their defence of indigenous peoples.

The President of FENAMAD, Antonio Iviche, explained that FENAMAD unites 48 different indigenous communities as well as uncontacted (voluntarily isolated) peoples in Madre de Dios. The Bartolomé de las Casas prize had been awarded to FENAMAD for their staunch defence of the voluntarily isolated Mashco-Piro and Yora (Nahua) peoples in the Río de las Piedras from exploration by the oil company Mobil. With the money from the prize, FENAMAD intends to draw up a territorial map to secure the area from future encroachment. He stated that "This prize will benefit the solidarity not only of FENAMAD but also of all indigenous organisations which are threatened by multinationals".

The Madre de Dios river basin in Peru still contains a great variety of flora and fauna and indigenous groups, because there was no permanent presence of non-indigenous peoples in the area prior to the end of the nineteenth century. The lack of penetration and colonisation of Madre de Dios, with the exception of coca plantations close to the highland zone, was due to the difficult terrain and a lack of economic interest in the area.

The altitude ranges from 200 to 4000 metres above sea-level, and this range offers an ecological diversity which is still relatively intact compared to other parts of the country. The indigenous peoples of the area maintained their traditional way of life until the turn of the century at the time of the rubber boom, which caused a great decrease in the indigenous populations. Currently there are 18 different indigenous peoples in Madre de Dios and they live in dispersed groups separated by colonists, not in continuous consolidated territories.

An environmental expedition in the 1960s drew attention to the flora and fauna of the area, and as a result of lobbying by conservationists in Lima, the Manu National Park was created in 1973. The Park has an untouchable status which means that its natural resources cannot be exploited, although this has been disputed with regard to minerals and oil. Nevertheless, at present there are no mining or oil companies in Manu National Park.



Manu is the traditional territory of the Matsigenka (Machiguenga), the so-called Mashco-Piro and, recently, the Yora (Nahua). The Wachipaeri lived on the border with the Department of Cusco and there are other communities both within and around the Park which rely on its resources for their survival. In principle, the creation of the Park allowed the free movement of indigenous peoples, providing they did not carry out commercial activities. This is a problem for their economy, because it means that all their commercial activities have to take place outside the Park. In 1980 the Manu Reserved Zone was created as a buffer zone to encourage logging companies to move out of the Park.

The Tambopata Reserved Zone was established in 1977 on top of the titled lands of the Ese'ija community of Infierno on the river Tambopata. This created a problem with the Ese'ija, who tradition-

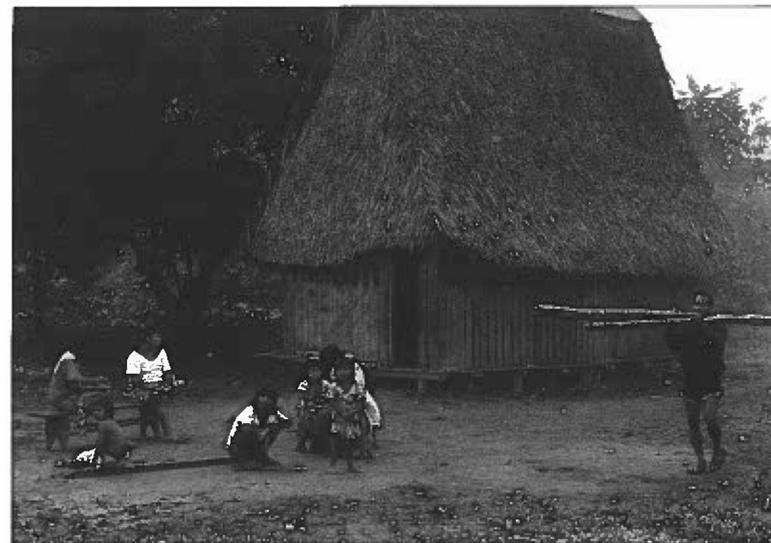
ally occupied the Tambopata and Sonene river basins as far as the frontier with Bolivia. In 1983 the Heath National Sanctuary was also created in Ese'ija territory, while in 1992 the Tambopata-Candamo Reserved Zone was imposed on three communities. The response was negative from both the indigenous peoples and colonists living in the area.

Conflicts arose with the protected areas, particularly the Heath Sanctuary and the Manu National Park, because the original policy for natural parks involved the establishment of park guard posts and a control on entry. There were disputes throughout the 1980s between the guards and the indigenous peoples living within the Manu National Park. For example, the guards refused to allow barbasco fishing, which is a traditional activity of the Amarakaeri from the community of Shintuya. Other problems arose concerning the collection of tree-trunks floating down the river by the Yiné (Piro) in the community of Diamante. It is impossible to list all the conflicts which have taken place over the years, but they have created a difficult atmosphere.

Currently, NGOs are proposing the establishment of a National Park in the Tambopata-Candamo and have held some discussions with local indigenous peoples. Meanwhile FENAMAD is promoting the establishment of an Amarakaeri Communal Reserve, a hunting reserve in an uninhabited area which will protect the wildlife for indigenous use. This has not been approved by the government as yet. There is also an initiative to create a Matsigenka communal reserve on an uninhabited hilly area bordering the Manu National Park.

Currently, there is a particular problem with competition and rivalry between NGOs and other interests, who are trying to create divisions or manipulate the local indigenous peoples. Fortunately, FENAMAD has remained united so far, but there is a climate of tension between rival NGOs, who do not usually give consideration to the needs and desires of indigenous peoples, particularly with regard to planning for protected areas.

The most recent factor affecting the indigenous peoples of Madre de Dios has been oil and gas exploration. In 1994 the company Mobil appeared, intending to explore an area of about seven million hectares between the Madre de Dios and Purus rivers. We quickly got organised and sought a dialogue with Mobil to ensure an adequate response from the indigenous organisations and to make Mobil aware of the concerns of local people and the consequences of their presence.



*A Harakmbut community. Photo: Alejandro Parellada*

This was not the first experience with oil companies in Madre de Dios. In the 1970s, two companies, City Services and Andes Petroleum (a Japanese company) had carried out exploration activities in the Karene area (where the proposed Amarakaeri Communal Reserve is now situated), and also in the Río de las Piedras Basin. The companies' presence caused conflicts with the indigenous peoples, with incidents including the rape of indigenous women, crop-stealing, and the clearing of trails which were later used by colonising miners and loggers.

Mobil finally signed contracts with the Peruvian government in March 1996. The contract for Lot 77 covers the Río de las Piedras region, which is inhabited by indigenous peoples in voluntary isolation. We have identified three probable groups: Amahuaca in the north, Mashco-Piro in the south and Yora in the headwaters of the Tigres river. The main problem in Lot 77 is the possibility of contact and the subsequent spread of disease. Lot 78 affects the Tambopata-Candamo Reserved Zone (also a proposed national park) and the whole area proposed as the Amarakaeri Communal Reserve. Currently the Ministry of Agriculture will allegedly not approve the reserve because it does not want to complicate life for Mobil, and wants the oil exploration to continue.

Oil exploration has been completed in Lot 77, fortunately without very serious incidents, and it seems likely that Mobil will not go ahead with sinking wells in this region. They have until February 1998 to decide, although the information available indicates that they will not continue in Lot 77. Mobil has carried out some explorations in Lot 78, but has not yet sunk any wells. Furthermore, the seismic company went bankrupt, which stopped work while a new company was contracted. The fate of this area and the Tambopata Candamo Reserved Zone is still unclear.

### The Manu National Park

by Alfredo Ugarte  
*Pro-Naturaleza*

When environmentalists created the Manu National Park, they did not consult local indigenous communities, and this is why conflicts have developed in the Park. Furthermore, in its early years the Park was developed by natural scientists, who were interested in flora and fauna rather than in social questions. This caused problems for the Matsigenka communities. For example, the President of the Matsigenka community of Tayacome in the Park has said: "When a caiman dies, they come from Lima to find out why, but when a Matsigenka dies no one takes the trouble".

To try and address some of these problems, local indigenous peoples formed the organisation COHAR (Harakmbut Council) as a part of FENAMAD, to represent the indigenous peoples in and around the Manu Park. COHAR proposes that control of the Park should include indigenous participation, and they have tried to create a suitable space within the administration of the Park, for example in the operational plan and in the currently proposed anthropological and social development plans. Until now, participation has taken the form of workshops on economic activities, the Amarakaeri and Matsigenka Communal Reserves and protection of indigenous intellectual property rights in view of all the research being carried out in the Park. However the indigenous peoples lack information on what is being discussed regarding the Manu National Park itself.

In addition to the Amazonian peoples of the Park, in the higher regions there are several Quechua communities living over at 4000

metres above sea level. They have lived in this area since the 1500s and have their own form of vertically stratified ecological zonification.

Over the years the Park authorities have varied in their attitude towards indigenous peoples. It is now important that through their organisations, the indigenous peoples of the area should be able to increase their influence and participation.

Several voluntarily isolated peoples such as the Mashco-Piro live in the Manu National Park. As long as they choose to remain outside the framework of national society, the Park provides a place where contact with the external world will not be forced upon them. However, the whole of the region where they live should be protected, and this is particularly important since the clash with Mobil oil company. It is essential that just as titles exist for the communities around the Park, so territories should be recognised for those communities living inside the Park, including those in voluntary isolation.

### The Tambopata-Candamo Reserve

by Alfredo García  
*Centro Eori*

The Tambopata Candamo Reserved Zone is situated on the opposite side of the Madre de Dios from Manu National Park, towards the border with Bolivia. The area was established without any consultation with the local population, which includes three Ese'ija communities and the Harakmbut of Kotsimba, who entered the area about thirty years ago whilst fleeing from colonisation in their territories. There are also agriculturalists living in the area.

The original plan was to establish a reserve on both sides of the Peruvian - Bolivian border. However, there was local opposition and a group of environmental organisations promoted the idea of a reserved zone, which was approved in 1977. When the original zone was reformulated in 1992, the local and indigenous communities decided to come to an agreement to maintain the area, given the potential benefit from economic activities such as eco-tourism. However several problems arose.

One concern was access to a lake near the Ese'ija community of Infierno. The local people insist that the lake, which is suitable for tourist visits, is inside their territory. However the Ministry of Ag-

riculture does not recognise their claim and several tourist companies have been entering the area. For now, the government will not approve the request from the community to extend their lands to include the lake.

The other two indigenous communities, Sonene and Palma Real, have also been affected by the creation of the Heath Sanctuary. These communities have traditionally gathered turtle eggs for subsistence, and still guard the turtle beaches from Bolivian loggers. However, official authorisation is needed to enter the Heath Sanctuary, and this leads to conflicts with the authorities. It can also cause conflicts between the different communities if access is allowed for one community and not the other.

The problem in all of these cases is that the Ese'jea were not consulted when the Tambopata Candamo Reserved Zone and the Heath Sanctuary were created. Even though there has been some indigenous participation in planning in recent years, the bottom line is that the communities are suspicious, because they feel their influence to be limited. Thus, rural communities have not been able to take responsibility for the protection of biodiversity in the area, because of political limitations and the attitudes of the authorities and NGOs.

### The Amarakaeri Communal Reserve

by Tomás Arique and Héctor Sueyo  
*FENAMAD*

The Amarakaeri Communal Reserve (ACR) is a project initiated by the Harakmbut people, who consist of the following sub-groups: Amarakaeri, Wachipaeri, Sapiteri, Pukirieri, Toyoeri, Arasaeri and Kotsimberi. The proposed reserve is located in one of our sacred territories, where my grandparents lived up to the last stage of contact with the Dominican Missionaries (1940-1955).

Our ancestors lived in malocas (big communal houses), which they called hak. The maloca was the centre of social cohesion for the Harakmbut people, bringing together the seven surviving clans to carry out their rites. Before contact the Harakmbut lived in harmony with nature by their traditional economy, but as with all ethnic groups of the Peruvian Amazon, when contact was first made with

the Western world a large part of their population died from epidemics and the rest sought refuge in the present-day settled indigenous communities on the main tributaries of the Madre de Dios river.

We have maintained our unity even after the rubber boom, and after gold-mining by immigrant colonists. We have had bad experiences with unplanned colonisation, and now we are concerned about the possibility of seismic exploration in Lot 78 by the company Mobil, within Harakmbut community lands and to a large extent within the projected ACR. The ACR project is our last chance to guarantee our survival as a people.

The Harakmbut foresaw the arrival of uncontrolled capitalism in the Peruvian Amazon, and especially in Madre de Dios, where immigrants arrive with the idea of conquest and easy profit at the expense of others.

In November 1991, following a series of negotiations with the agricultural authorities, the Madre de Dios Agricultural Subregional Office signed an agreement for technical co-operation with FENAMAD to prepare a technical dossier for the creation of the ACR. FENAMAD contracted an interdisciplinary team of independent professionals to carry out ecological and ethnographical studies of the indigenous communities which use the area proposed as a Communal Reserve.

The dossier describes the ecological and socio-economic characteristics of the area; it presents historical evidence for its traditional occupation by the Harakmbut people and later by the Piro (from 1950 onwards) and Matsigenka peoples; and it describes present land use, and the significance of the lands for the cultural continuity of these ethnic groups. At present the dossier is at the INRENA office (National Institute for Renewable Natural Resources) pending approval.

The specific objectives of the ACR are as follows:

1. To give legal status to the use made by native communities of their traditional area between the rivers Alto Madre de Dios and Pukiri, in the Manu province, in order to allow them to continue the rational use of the area's fauna as their traditional source of food (through hunting and fishing).
2. To protect the headwaters on the southern side of the river E'ori (Madre de Dios) from uses which are inappropriate for sustainable economic development and which upset the ecological balance of the forest, endangering the breeding patterns of several animal species, including some which are endangered.

3. To raise the quality of life in the indigenous communities near the proposed ACR through appropriate management of the forest area, for both hunting and fishing, thus guaranteeing the sustainability of protein sources and maintaining sustainable rational economic development.

It is important to state that these objectives were drawn up in 1991 when the technical dossier was prepared. Depending on the new objectives to be approved for communal reserves, it is now very probable that other uses of the forest will be allowed, including the use of timber, but only once a management plan is formulated.

The ACR consists of 353.850 hectares in the districts of Manu and Madre de Dios, Manu province, Madre de Dios subregion, in the Inka Region.

**Land use is as follows:**

Land suitable for agriculture	0 hectares
Land suitable for forestry	176,226 hectares
Land suitable for protection	177,625 hectares

**The different forest types are as follows:**

Terrace forests ("Bosque de Terraza")	169,550 hectares
Lower hill forests ("Bosque de Colinas Bajas")	29,850 hectares
Higher hill forests ("Bosque de Colinas Altas")	21,525 hectares
Mountain forest ("Bosque Montañoso")	129,275 hectares

**Management Plan for the Amarakaeri Communal Reserve**

Indigenous organisations like FENAMAD, its sub-group the Harakmbut Council (COHAR), and several leaders of the indigenous communities are interested in the development and application of a management plan for the communal reserve. Proposals for the plan include the following:

- The communities involved must set up a system for the administration of the communal reserve. The system must respect and include traditional systems of consultation and decision-making within the indigenous communities. Therefore it should have an

executive body (management committee) and a body for consultation and decision-making on important issues - a Council of Elders. The Council of Elders is an existing social institution, but it is little in evidence to the eye of the casual visitor. It is an informal assembly and provides the traditional decision-making mechanisms.

- It is the Elders who have decided to create the ACR, in order to ensure the future of their children and grandchildren - that is, of all the Harakmbut people. Our elders are dreamers who have supernatural powers connected with the spirits of the forest, of the river, of animals and birds. At present it is they who, in coordination with the whole community, should decide whether to approve the structure of the management system for the communal reserve.
- It is important to provide legal advice and training on technical aspects of control. It is also a good idea to continue with specialised training so that each community knows the exact position of its own borders as well as the borders of the reserve; at present they are not always certain if logging or gold-mining are inside or outside the reserve.
- The most serious practical problem is that of a response once illegal activities have been detected. Community members do not always know what action they may take to detain a law breaker; or they may not have the necessary financial resources. Moreover, the authorities frequently fail to recognise the rights of indigenous communities and favour the law breaker.
- Use of the reserve by migrants (colonists) from surrounding areas must be regulated to avoid conflicts.
- Meanwhile, the indigenous people must reclaim our ancestral wisdom to produce a set of principles and build our capacity for political negotiation.
- The principal subsistence activities of the native communities involved in the communal reserve are hunting, fishing and agriculture. Contact with western society has forced them to incorporate new production activities to obtain the goods and services of the western world: gold mining, selective timber extraction and extensive cattle-ranching. All the non-traditional production activities in the area are foreign and have been adapted by the indigenous communities to the indigenous way of life.
- One of the activities with the greatest potential within the communal reserve is ethno-tourism. This option should be based on

the cultural potential and traditional ecological knowledge of the indigenous population, so that they can offer a competitive product which differs from conventional tourism. Tourism in the Manu area takes the form of eco-tourism, which offers the tourist contact with the biological diversity of the Amazon with the support of expert guides. The indigenous offer must have its own distinctive profile, and could for example be known as intercultural tourism. Its aim would be to offer forms of intercultural exchange, to teach visitors directly about indigenous values and to make them aware of the indigenous situation and its problems. At present, routes and tourist attractions in the ACR are being explored and identified. The indigenous people would tell their history while walking these routes, and show how they manage the environment.

- The re-evaluation of indigenous knowledge and culture (ethnoscience) is also an important strategy for the improving the quality of life in towns, and for the appropriate management of natural resources in the Amazon.

### Panel Discussion

Marcial Arias observed that the Madre de Dios cases show the confusion which can arise for indigenous peoples who find themselves inside alien categories of protected areas under the control of external authorities. Basically, indigenous peoples are fighting for their territories, not just for ecosystems.

The lack of participation in planning protected areas leads to other problematical issues - for example, whether indigenous peoples should take on eco-tourism or other activities; how they can defend their intellectual property from scientific researchers, and the relationship with colonists within their territories. All such problems can only be resolved with indigenous territorial control.

Another important factor is the cannibalism which takes place between NGOs, anthropologists and social scientists, who too often waste their time fighting each other and creating confusion between communities.

Gonzalo Oviedo said that suggestions were needed on how to resolve the problems facing indigenous peoples in protected areas and avoid them in the future.

Andrew Gray (IWGIA) concluded the discussion by comparing the three cases from Madre de Dios. Whereas Manu and Tambopata-Candamo were imposed on the local indigenous peoples, the Amaraeri Communal Reserve is an indigenous initiative designed to gain territorial recognition. The need for a communal reserve was exacerbated by stringent controls in the Manu Park, which forced colonists in the buffer zones to seek alternative areas, and led them to move into traditional Harakmbut territory.

The complex system of protected areas in Peru means not only that indigenous peoples such as the Matsigenka or the Ese'ejá are forcibly incorporated into legal regimes not of their making, but also that they can only assert their rights once they have learnt to understand the system. While the Ese'ejá have been able to come to grips with the Tambopata Candamo system and have frequently asserted their rights through protest, the Matsigenka in the Manu Park have no community titles, and their voice is always muted. However, every time they have attended FENAMAD's congresses they have complained vociferously of their treatment by the Park authorities.

Ultimately it is the State which is responsible for what takes place in these protected areas. The State signs contracts with oil companies; the State will decide whether to authorise the Amaraeri Communal Reserve or not; the State is responsible for protected areas as a whole. Even though the State is a complex beast, and different strategies need to be developed for different situations, the crux of the issue is that all these areas are indigenous territories and their rights must be respected. Only on this basis can the situation be improved.

### General Discussion

Throughout the session, there was a general discussion of the Peruvian case studies which covered several areas:

#### Indigenous Rights and Legal Protection

Marcial Arias emphasised the importance of Peru's compliance with ILO Convention 169 as a minimum standard for indigenous peoples' rights. The government signed this document on 5th December, 1993 and as a result cannot allow arbitrary decisions, such as those which have resulted in titling for communities in Central Amazonian Peru but not in Pacaya Samiria in the north.

Zulema Lehm (CIDDEBENI) concluded that indigenous peoples are often forced to use the national society's legal system in order to secure their territorial rights. If indigenous rights are recognised and local peoples have control over their resources and administration, government legal requirements and indigenous self-management can be compatible. Unfortunately, in practice, as soon as administration is discussed, outsiders usually snatch control of protected areas out of indigenous hands.

Guillermo Ñaco (AIDSESEP) drew attention to economic factors at the international level and to the neo-liberal conditions of the International Monetary Fund, which puts pressure on governments to increase production and to let multinational companies into indigenous territories. Indigenous peoples can only defend themselves by resisting these initiatives and supporting reserves such as El Sira, which have been initiated by local indigenous peoples themselves.

Alfredo García (Centro Eori) added that the Peruvian government is currently preparing forestry legislation which will open up more rain forest resources to capital investment. As matters stand, access to protected areas in Peru, whether for research or resource exploitation, is controlled by the state body INRENA. However, in Madre de Dios INRENA does not co-ordinate with the indigenous organisations nor with the Agrarian Federation.

### **Relationships between Conservation NGOs and Indigenous Peoples**

Marcus Colchester (FPP) pointed out that the serious problems facing the Cocama-Cocamilla in Pacaya Samiria are similar to those of 80 percent of indigenous communities in Latin America. It is hard to talk of a common cause between conservationists and indigenous peoples unless practical solutions are found to the problems in the Pacaya Samiria reserve.

Alfredo Ugarte (Pro-Naturaleza) said that environmentalists, like indigenists, come in various forms. Similarly the situation in different countries can be markedly different, as can the nature of forest exploitation. To solve these problems dialogue is needed, and there must be absolutely no oppression or restrictions on the life-styles of peoples living within protected areas.

Alfredo García felt that problems between different NGOs are often caused by different policies regarding indigenous peoples and protected areas. This can arise from religious or political affiliations.

Indeed, the indigenous movement itself is split in Peru to the point that in the Urubamba, two organisations of the same people will not talk to each other and cannot agree a common response to the presence of Shell oil company in the area. What is needed is a change in government policy and a dialogue to seek solutions.

### **Protected Areas and Indigenous Territories**

José Luis González thought that indigenous peoples should not have to rely on reserves, but should be recognised as indigenous peoples with their own territories. Nevertheless, they sometimes need to use the strategy of creating protected areas as a defence against colonisation. Environmentalists should not see indigenous peoples as enemies in this struggle.

Alfredo Ugarte pointed out some positive aspects of protected areas in Madre de Dios. If Manu National Park had not been created, it is likely that a road would have penetrated the area, as has happened elsewhere in the Peruvian Amazon, and it would have introduced problems of colonisation and drug-trafficking. Moreover, when the Matsigenka of the upper Urubamba learned that Shell was intending to carry out explorations in their area, they proposed that their territory be incorporated into the Manu Biosphere Reserve to protect their resources. Indigenous peoples should use the ambiguities in the system, assert the rights of inhabitants of protected areas and strengthen indigenous organisations, in order to put pressure on the State and make it accountable. Lastly, all such areas should be managed by their inhabitants and not exclusively by the State.

Angel Zamarenda (CONFENIAE) in Ecuador raised the problem of governments who recognise protected areas on indigenous lands, and then give concessions to multinationals to exploit the area. Marcial Arias said that in Panama as in Peru and Ecuador, the government accuses indigenous peoples of destroying the environment while they themselves are setting up projects which destroy the forests.

José Luis González said that too often indigenous peoples suffer on all sides in these arguments. Either they are prohibited from using their resources by the governments for environmental reasons, or else their resources are handed over to multinationals by the same governments. In the Peruvian context, the question is whether the concept of communal reserve is strong enough to provide the double protection needed.

Tomás Arique (FENAMAD) explained that unlike sanctuaries, national parks or reserved zones, in Peru the communal reserve is the only category of protected area which is in the hands of indigenous peoples. Other reserves are under state control. The Amarakauri Communal Reserve is an indigenous initiative, supported by the communities and FENAMAD since 1991. Furthermore, with the new generation of indigenous students, some of the professionals involved in its development are indigenous. As yet, however, the Ministry of Agriculture has not approved it, arguing that indigenous peoples want too much land. But this is indigenous territory which has been conserved by the Harakmbut people for centuries.

The discussion moved on to the rights of indigenous peoples in voluntary isolation from the national society. The commentators agreed that all indigenous peoples had rights to their territories.

### Concluding Comments

Marcus Colchester brought out several themes which had been raised during the case studies. Do reserves really improve the lot of indigenous peoples or do they create more problems than solutions? What is the role played by NGOs - both environmental and others? In addition, some people argued that indigenous peoples are true protectors of the environment whilst others say that with changing situations, they can also threaten the environment.

Indigenous peoples face conflicts caused by both the private sector and by the state. The state is not monolithic and in some areas it supports indigenous peoples; the question is to identify these areas and seek new ways to work with them. It is also important to restore indigenous territories which have been declared protected areas under the old model of conservation.

Andrew Gray pointed out that one should distinguish between protected areas imposed on indigenous peoples and those actively sought by them such as the communal reserves in Peru. When indigenous peoples want protected areas, it is as part of their aim of territorial recognition. When protected areas are imposed, this is not territorial recognition but a form of enclosure which has nothing to do with indigenous demands. In both cases the government is involved. In one it imposes a reserve against the wishes of the indigenous peoples, whilst in the other

it refuses to recognise a reserve which the indigenous peoples want.

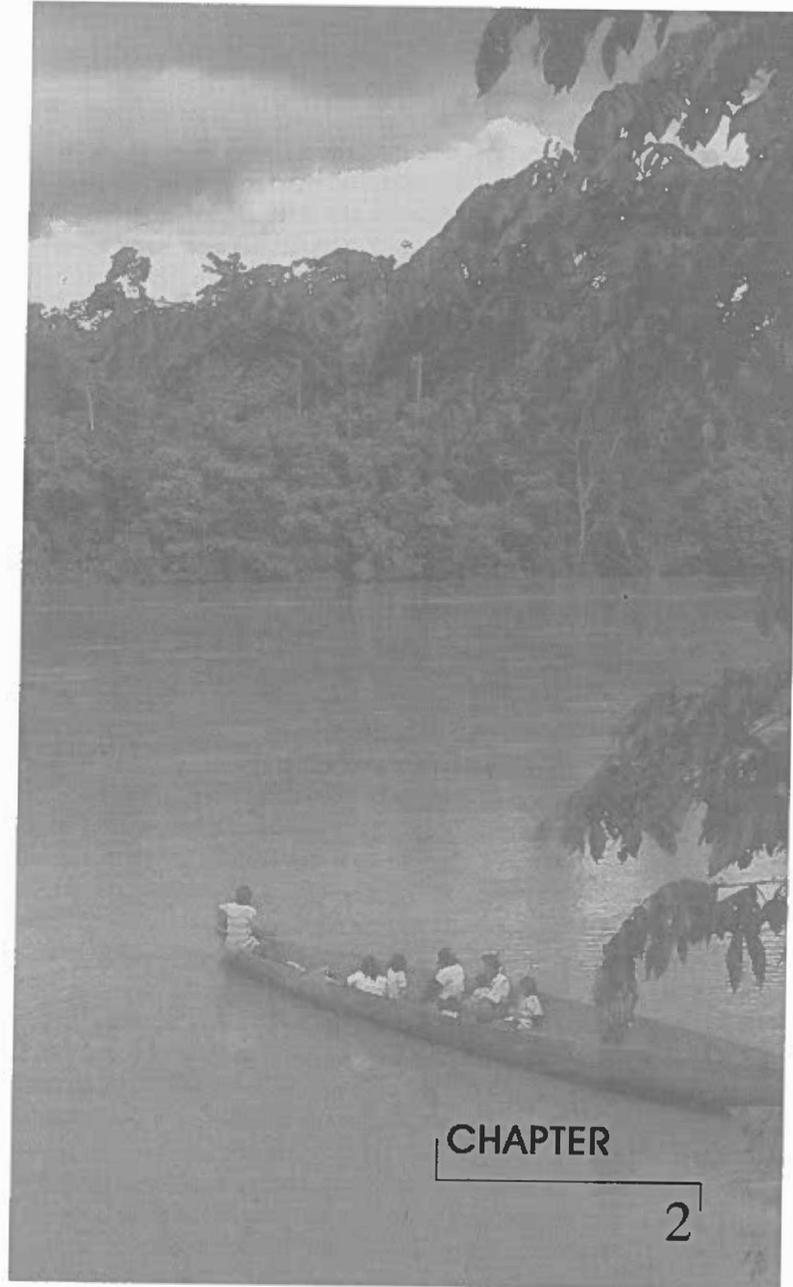
Furthermore the government clearly prefers to grant land to oil companies rather than to recognise indigenous peoples' rights. Ultimately what is at stake is the question of sovereignty - who has sovereignty over indigenous territories, the state or the indigenous peoples?

Gonzalo Oviedo said that it is not a question of governments not wanting to recognise indigenous territories. In his opinion, their lands had been declared 'terra nullius' and indigenous rights had already been extinguished before the protected areas were established. This is clearly wrong, and indigenous rights must be recovered through dialogue with the government. Major reforms will be needed, through which governments must come to accept indigenous rights. It will not be easy and the negotiations will be complex, but it is a falsehood that protected areas should always belong to the State. In many areas, conservation can work through individual or collective ownership. WWF and IUCN believe that a people whose rights are respected will conserve an area better than a people without such respect, and States should understand this.

Marcial Arias considered that recognition of indigenous rights, as set out in the UN draft Declaration on the Rights of Indigenous Peoples, will involve major governmental reforms. Wherever indigenous peoples live in protected areas crossing international boundaries, it will also affect international relations. It is not acceptable to assume that indigenous rights should be based on the principle of state sovereignty; for example, the Kuna live in both Colombia and Panama, but their sovereignty as a people cannot be divided between the two countries by considerations of national sovereignty.

As yet, NGOs and governments have not given serious consideration to the full participation of indigenous peoples in the planning of protected areas. Just as in the UN Intergovernmental Panel on Forests or the Convention on Biological Diversity, indigenous peoples are only called upon to implement what has already been decided; but environmental NGOs must understand that indigenous peoples want the political space to enter into the decision-making process itself. Conservationists must grasp the fundamental principle of indigenous self-identification within the spirit of self-determination.

Zulema Lehm from CIDDEBENI, Bolivia, ended the session by pointing out that anything less amounts to internal colonialism.



CHAPTER

2

## THE WESTERN AMAZON

*This chapter looks at three cases from western Amazonia, in Ecuador, Bolivia and Colombia. Each is an example of a protected area established without the consent of local indigenous peoples, who are now seeking ways to resolve the contradictions between a nature reserve and an indigenous territory.*

### Cuyabeno Wildlife Production Reserve

by Ángel Zamarenda  
CONFENIAE

*Ángel Zamarenda of the Confederation of Indigenous Nations of the Ecuadorian Amazon (CONFENIAE) presented a paper describing the establishment and characteristics of the Cuyabeno reserve, and the indigenous peoples it affects. In his presentation he also made comments placing the case in a national context.*

*Indigenous peoples in Ecuador began to form representative organisations in 1964, with the establishment of the Shuar Federation. The Federation aimed to restore the territory, education, health and social rights of its constituents. Over the next ten years the Quichua, Cofán, Siona and Secoya peoples also founded organisations and the national organisation CONFENIAE was created in 1980. From 1984 the indigenous peoples of the Ecuadorian Amazon began to take a firm stand on territorial rights. Meanwhile the government argued that the concept of territory could not be used within state boundaries.*

*A form of land titling had taken place between 1954 and 1979, as part of the Agrarian Reform, on the basis that 50 percent of the land titled must be used within five years. In 1984 CONFENIAE rejected this unilateral demarcation process and insisted on self-demarcation for indigenous territories.*

*In 1979 the Ecuadorian government declared several protected areas, thus reducing the land available to indigenous peoples under the Agrarian Reform. Indigenous peoples living in some of the protected areas were resettled or given small plots of land.*

*Many NGOs were formed during this difficult period, some of which supported the government, whilst others worked seriously with indigenous peoples to seek alternatives. CONFENIAE tried to provide the government with an alternative by which indigenous peoples living in reserves would be recognised and would become responsible for the use and management of their resources.*

*The Cuyabeno reserve has changed in size several times since its creation in 1979. About 60,000 hectares were removed in the 1980s for oil exploration and also for colonisation, which was encroaching further and further into the territories of the Siona and Secoya. CONFENIAE protested and eventually, in 1995, the government agreed that for a period of ten years the local indigenous peoples could divide the area into zones for intensive use by indigenous communities along the rivers, for hunting and fishing in areas further into the forest, and for maximum protection of areas which should stay untouched. Ten days after reaching the agreement, the government granted another oil concession further into the area designated for maximum protection. Today the local indigenous peoples are still fighting for their rights and for the protection of the reserve.*

The Cuyabeno Wildlife Production Reserve was created on 26<sup>th</sup> July 1979 by Interministerial Agreement No. 0322. It covers an area of 254,760 hectares and was enlarged to 655,781 hectares on 26<sup>th</sup> July 1991 by Ministerial Agreement No. 328, in order to preserve the biodiversity and ecosystems representative of the lowland forests of the Ecuadorian Amazon. Resolution 0049 of the Governing Body of INEFAN, approved in Quito on 17<sup>th</sup> December 1993, excluded an area of 52,410 hectares in the Dureno and Tarapoa parishes from the reserve, as it was a zone occupied by colonists. This area was instead incorporated into the State Forestry Heritage ("Patrimonio Forestal del Estado"). The Reserve currently covers a total area of 603,380 hectares, which is considered sufficiently large for the conservation of tropical rain forest. It is not totally uninhabited, since there are Siona and Secoya peoples living in its interior - the original inhabitants of the area long before the establishment of the Republic and the constitution of the reserve.

Politically, the Reserve is within the Province of Sucumbios, in the cantons of Lago Agrio, Putumayo, and Shushufindi, the parish of Pazacocha, and the Province of Napo in Aguarico canton.

There are two types of geological formation in the Reserve: the Curaray formation of the Upper Miocene, generally composed of clay of different colours, sometimes alternated with layers of very fine sand, and undifferentiated Quaternary formations.

The Reserve includes the lower part of the Aguarico watershed, except for the southern half of the Cocaya basin and the eastern half of the Lagarto river, both being tributaries of the Aguarico. It also includes the upper part of the Güepí watershed, a tributary of the river Putumayo.

The watersheds of the following rivers are wholly within the Reserve: the Cuyabeno (a deep, dark river in Paicoca), the Tarapuya, the Aguas Negras and the Balatayacu, the Zabalo, and the Hormiga and San Francisco. The Aguarico is navigable all year round by motorised canoe, but this is not the case for its tributaries. Their levels can drop drastically in the dry season (December, January, February).

The Reserve contains the biggest tropical lacustrine system in Ecuador, including the eight lakes of Cuyabeno (in the watershed of the same name), the lakes of the river Lagarto and another lake named Zancudococha. The latter is the largest and the only one which does not dry up in the dry season. The levels of the other lakes vary greatly during the year; for example, the level of the great lake of Cuyabeno varies by more than 6 m. This variation in the water level leaves massive beaches, and the habitat of the aquatic fauna is thus altered.

The water of the Aguarico is known as "white" and contains a high level of sediments drawn down from the Andes. The water from the lowland part of the Reserve is "clear water" or "black water" depending on the degree of contact with decomposing vegetation. The water of the Cuyabeno varies between clear and black. The black waters are so called because of their colour; the white waters are very different from the rest because they have a high content of kaolin and fine clay.

In addition to white water, the river Aguarico also carries waste products (including petroleum waste) from the areas of Shushufindi and Lago Agrio. The Cuyabeno has suffered from oil contamination since at least 1984.

The climate is hot and humid, with annual rainfall of over 3,500 mm and temperatures normally above 25° C. In spite of being situated in the lowlands exactly on the equator, the area experi-



ences quite marked seasons: dry season (December to March), rainy season (April to July), and intermediary season (August to November). Relative humidity is very high, particularly within the forest.

In spite of being entirely "tropical rain forest", the vegetation in the Reserve is extremely varied in the different areas, due to associations which depend on various factors such as the soil (edaphic associations), drainage (hydrological associations), and historical factors such as changes in the courses of the rivers. Another very important historical factor, but one which is very difficult to quantify, is the occupation of lands by the groups of people known as colonists. Indigenous occupation has shown little change.

The types of vegetation can be classified as "tierra firme" (hilly areas not subject to flooding); exceptionally species-diverse forests

which are flooded by white rivers and black water streams; and swamps (flat areas which are flooded for most of the year).

The forests on tierra firme contain an extremely high diversity of tree species, in spite of the poor soil quality. Certain areas may contain some of the most diverse forests in the world.

The wildlife is characteristic of the Amazon, with a very high number of species, but low populations of each one. The western edge of the Amazon, adjacent to the Andes, is known to be one of the most diverse areas of the Amazon Basin (1,500 species). So far, 493 species of birds have been recorded in the reserve.

There is a great diversity and high levels of endemism among the mammals in the reserve. The orders contributing most to the levels of diversity and endemism are: Chiroptera (bats), Primates, Rodentia, Edentata (anteaters, sloths and armadillos), Marsupialia (opossums) and carnivores. One notable group is the Caviomorpha, which includes the largest rodent in the world, the capybara (*Hydrochaeris hydrochaeris*), and other large rodents such as the paca (*Agouti paca*) and the black agouti (*Dasyprocta fuliginosa*). All are important in the diet of local people. So far, 100 species of mammal have been recorded in the reserve, and it is assumed that the number will grow rapidly as more studies are carried out, until it reaches approximately 165 (the current total number of species registered in the Ecuadorian Amazon region).

The Napo watershed (including the reserve) has the greatest diversity of fish (475 species) of any watershed of similar size in the world. Of these species, 320 have been recorded in the lower part, which includes the reserve. This very high diversity is due to the great hydrological complexity of the area: black, clear and white waters; variable patterns of flooding, and different types of forest.

To the north-east of Ecuador, 96 species of amphibians and 91 species of reptile have been recorded, the most common amphibians being frogs and toads and the most common reptiles, snakes. Amongst the herpetofauna recorded in the reserve are 28 species of frogs and toads, 8 lizards, 1 amphisbaenan (blind snake), 8 snakes, 4 tortoises and 3 caiman.

Amongst the wildlife there are species extremely sensitive to human activity, whose survival is strongly threatened. They therefore require the highest level of protection possible.

### **Critical areas for the conservation of Flora and Fauna**

Given that one of the main objectives of the reserve is to conserve a sample of the Amazonian ecosystem in perpetuity, it is extremely important to do everything possible to avoid the loss of any flora or fauna. If species are lost, the sample is incomplete.

The Amazonian ecosystem is renowned for its high number of species and the highly intricate interactions between them. For this reason, conservation of the flora and fauna cannot be considered on a species by species basis, but necessarily as a whole. Therefore it is vital to conserve large areas, so that the natural processes can continue with minimal disturbance from activities taking place outside the reserve area. For example, the effects of colonisation and the presence of the oil industry have been detected in birds more than a kilometre inside primary forest. Thiollay has calculated that in order to maintain viable populations of Amazonian raptors, it is necessary to maintain an area of forest at least a million hectares in size. Taking into account the biogeographical characteristics of the Amazonian avifauna, Vuillecumier advises the protection of particularly large Amazonian reserves if the avifauna is to be conserved.

For these reasons, it is very important to protect large undisturbed areas within the reserve. These areas must include all types of vegetation present in the reserve and all soil types. Nevertheless, emphasis should be laid on the protection of the tierra firme forests, for a number of reasons: 1) the diversity of flora and fauna is greater in this type of vegetation; 2) they are the areas which are under the greatest pressure from agricultural settlement, road construction and the oil industry, and 3) the constant rainfall facilitates erosion and debilitation of the soils on higher ground, leading to the threat of desertification.

### **History and current situation of the indigenous peoples of the Reserve**

The area which now forms the Reserve has long been inhabited by members of the western tucano linguistic family, mainly the Sionas. During colonial times, the western tucano groups were known as "the hairy ones" because of their long hair. It is believed they lived in small, scattered groups throughout the forest. Their diet consisted of cassava and maize cultivated on smallholdings, supplemented by animals hunted with pellets, fish from the small rivers and wild plants. When the animals they hunted became scarce in one place

and the soil became infertile, the group would move to a new area. This can be considered as a long term system of rotation. The large distances between groups which resulted from this pattern of land use were accentuated by their fear of witchcraft and the exhaustion of the flora and fauna by neighbouring groups.

The Jesuit missionaries did not have much success in converting the "hairy ones" and settling them along the banks of the navigable rivers. At the height of the rubber boom thousands of Siona were kept in semi-slavery, although there is very little information on this period. Fleeing from the rubber barons and the cruel land-owners, another group of Tucano speakers arrived in the present-day area of the reserve from lower down the Napo river (now in Peru). These were the Secoyas. In 1955, North American missionaries of the Summer Institute of Linguistics (SIL) set up a base in Puerto Montufar, where they built an airstrip and offered medical services and bilingual education in Siona and Spanish. They were well received and had great influence on the community. In the 1970s they took a group of Siona and Secoya to establish the community of San Pablo on the Aguarico river. It was in this way that the Siona and Secoya were stripped of their culture and their natural habitat.

The only Siona population within the reserve is that of Puerto Bolivar on the Cuyabeno river, a community of 26 families (approx. 120 inhabitants). Other Siona and Secoya communities near the Reserve are upstream on the Aguarico, Sehuaya (or Sicoya), San Pablo de Cantésiaiyá, Campo Eno, Orahueya, and Biaña. Some members of these communities have for many years been entering the reserve occasionally (particularly along the river Cuyabeno) to hunt and fish, for periods of up to three weeks. This activity was permitted within the reserve, as long as the resources were used sensibly and for subsistence only, and that the species in greatest danger of extinction were not hunted.

There are Siona and Secoya in Colombia and Peru and those in Ecuador maintain contact with them. Similarly, the Ecuadorian Cofan also visit and communicate with their relatives in Colombia.

It should be noted that the Secoya people have recently been negotiating the transfer of the use and management of the rest of the reserve, consisting of Zarcuya and Lagartococha, to themselves. If this happens, the 603,580 hectares will be distributed to the Siona, Secoya, Quichua, Shuar and Cofan peoples, and it will be they who will use and manage the Reserve, thus restoring their right of consent.

The Cofan people have long lived on the Upper Aguarico, including the area now known as Lago Agrio and its surrounds. In approximately 1982, a group of Cofan from Dureno, led by Randy Borman, came down the Aguarico to settle near to the mouth of the Zabalo river. The community consists of 25 families or approximately 100 people, and has a territory of 80,000 hectares, the use and management of which is subject to an agreement with INEFAN.

The history of the Amazonian Quichua people is complex and includes the imposition of the Quichua language by the whites, the assimilation of various different ethnic groups and various degrees of slavery at the hands of landowners and rubber barons. During this century they have slowly freed themselves from their masters, but they perhaps remain the group with the closest links to the market and the greatest tendency to work as labourers. During the last two generations some Quichua communities have been established along the river Aguarico, coming mainly from the area of Archidona de Alto Napo. The Quichua communities within the reserve are Zancudo (15 families, approx. 100 inhabitants) and Playas de Cuyabeno (20 families, approx. 180 inhabitants) on the Aguarico river. This latter community is demarcating its territory within the reserve in order eventually to sign an agreement with INEFAN for an area of approximately 100,000 hectares.

The Quichua communities near the reserve are Pucapeña on the river Aguarico; on the rivers San Miguel and Putumayo just north of the Reserve, and on the northern bank of the Napo to the south of the Reserve.

The Shuar ethnic group is native to the south-east of Ecuador, but in the last few decades has established a number of centres in the north-east, including two centres within the reserve which are less than ten years old. These are the centres of Charap and Takiua, situated on the north bank of the Aguarico between Sehuaya and Pucapeña, and they consist of approximately 40 families (250 inhabitants). Between the two communities, they have demarcated an area of 5,000 hectares within the reserve.

At present, the indigenous peoples in the Reserve are the Siona, Secoya, Cofan, Quichua and Shuar. Through their continuing efforts to keep up a permanent struggle, and with support from regional organisations such as CONFENIAE, they have managed to consolidate their organisational structure, lands, education, health and work. The Siona people are organised through ONISE (the Siona Indigenous Organisation of Ecuador) and are grouped in three

communities (Biaña, Orahuëya and Puerto Bolivar) with a total of 360 inhabitants. They have legal representation and together with the Secoya have legal title to 127,000 hectares of land within the reserve. The Secoya are organised through OISE (Indigenous Secoya Organisation of Ecuador) with three communities (Secoya, San Pablo and Eno) and a total of 320 inhabitants. The Secoya also manage their own territory separately from the Siona, in a region which is at present unoccupied, but which belonged to them in the past (Zancudo, Lagartococha).

The Cofan people of the municipality of Zabalo have a territory of 80,000 hectares. They, too, are managing an area towards Güepi, which is partly within the reserve. The rest of the Cofan are found in the Upper Aguarico. The Cofan people of Zabalo belong to the Indigenous Organisation of the Cofan Nation of Ecuador (ONCE), which is an affiliate of CONFENIAE and CONAIE.

The two Quichua municipalities are part of FOISE (Federation of the Indigenous Organisation of the Sucumbíos of Ecuador), which is also an affiliate of CONFENIAE. The Shuar communities belong to FICSHA (Interprovincial Federation of the Shuar), another affiliate of CONFENIAE and CONAIE.

Thus the four indigenous peoples are brothers, their fight is one and their objectives and organisational principles are the same, as are their needs, although their activities differ somewhat.

After the signing of agreements between the indigenous peoples of the reserve and INEFAN, the colonist communities were informed that they were located on the edge of the reserve, and of indigenous territory. Many of them are indigenous peoples from the mountains and the coast, who came to work in the oil industry or to look for land. They signed a definitive agreement with the indigenous peoples, the "Agreement for the Maintenance, Protection and Defence of the Territory and Demarcation", to make it understood that there would be no more colonisation of the reserve.

Unfortunately the rights of indigenous peoples are very limited. There is a Law of Reserves and Protected Areas, but it only talks of flora and fauna, of conservation and care of the ecosystem and biodiversity. It says nothing of the lives of the indigenous peoples within the reserve. For centuries before the law was passed, these peoples had conserved the ecosystem and biodiversity of the area which has been declared a reserve, and now successive governments blithely hand out permits within the reserve to oil, logging and palm

plantation companies as well as to settlers, for activities which are completely contrary to the objectives of the reserve declaration. The only ones who energetically react, resist and demonstrate are the few peoples that are found there. Even today it appears that the authorities read the objectives but soon forget them. Thus INEFAN, which is the state body responsible for the area, carries out arbitration and negotiations and takes decisions, and this creates confusion and uncertainty and puts the integrity of the reserve in danger.

The use and management of the reserve is granted to the indigenous peoples through an agreement of 5-10 years, and they have been told they should present a management proposal for the zonation of their lands into areas of intensive use, zones for hunting and fishing, for minimal impact tourism and the greatest area for maximum protection. For the indigenous peoples, the benefit is minimal and very limited. Companies, however, are given not agreements but concessions and gain maximum returns, because they do not zone the land and worse still, they do not take the same care over environmental impact because decisions are taken in other countries, far away.

Thus the authorities find the presence of the indigenous peoples a nuisance because they consider them negative factors in the development of the country. They only maintain agreements with them which restrict many of their activities.

Petroecuador has oil fields (Cuyabeno, Sansahuari, Fanny 18-b, Mariann and Tarapacoa). City Investing has contracts with the State for oil extraction from the fields of Fanny 18-b, Mariann and Tarapacoa.

The very declaration of the area as a reserve in 1979 was a problem, because it stripped the Siona and Secoya peoples of their land, handed it over to oil companies, permitted the entry of colonists and thus caused a sudden change to the ecosystem and its biodiversity.

The whole reserve should be handed over to the indigenous Siona, Secoya, Quichua, Shuar and Cofan peoples living in the area, as they are the only ones who know how to conserve, care for, handle and utilise the resources according to the principle of a relationship between man (life) and nature. There would be no indigenous peoples without nature and no nature without indigenous peoples.

The oil problem is acute in the reserve, since oil extraction in the region has been under way for over 20 years. Pumping stations, extraction wells, waste sites for production waters and all aspects of oil activity are installed to the west of the reserve, precisely at the source of the Pacayacu, Chiriza, Eno and Shushuufindi rivers, tributaries of the great Aguatico and Napo rivers.

It is the same for the black waters of the rivers Taraputo, Cuyabeno Chico, la Hormiga and Balatayacu which are tributaries of the great Cuyabeno and feed the eight lakes of Zancudo and Morcocha.

Fifteen years ago, seismic exploration was carried out over virtually the whole of the reserve by Britigas. Recently, following demarcation, the State and INEFAN authorised Chino Petroleum to commence work, but the people reacted by protesting against the activity and INEFAN later acknowledged their error. This was in 1995/96 and the government, not happy with this, again conceded exploitation of an area of 8,500 hectares, this time to CITY Tuverting Company within the areas of maximum protection, hunting and fishing and intensive use in the Siona-Secoya territory. They gave no heed to the fact that the area of maximum protection comes above all other zones and that no work can ever be allowed there, but then governments care little for their own written laws. I therefore suggest that all environmentalists, ecologists, and indigenists write to the Ecuadorian government so that the reserves, at least, are protected from oil activities.

Another problem is tourism, since many people want to visit the reserve (already invaded by oil companies) and, furthermore, there are NGOs which are aiming to set up large projects without consulting the indigenous peoples. Money is a factor which weakens leaders and disorganises the people. Before all else, it is essential to consult with the indigenous peoples and draw up projects with their direct participation and their intervention as landowners.

### Panel Discussion

Tarcisio Granizo (IUCN) argued that opposition to oil companies is something indigenous peoples and conservation organisations have in common. "We have the same enemy because oil exploitation

leads to illegal activities and the invasion of protected areas by transnational economic interests". Oil exploration in flooded forests such as Cuyabeno brings a risk of serious pollution. He also drew attention to the importance of the indigenous movement in Ecuador and how, after two up-risings, it has gained the respect of national society.

José Luís Gonzalez (COICA) underlined the contradiction in state policies, which on the same day can declare a protected area and open it up to oil or timber exploitation. As protected areas become smaller and smaller they will not become indigenous territories, but prisons. The contradiction arises from the relationship between conservation and development. "But where are the conservation organisations and other NGOs in the light of this contradiction? So far, indigenous peoples have stood alone in their efforts to conserve their territories, exposing themselves to death threats. They must fight together for a common cause, and persuade the states to change their policies."

### Bolivia: The Isiboro Securé National Park

#### Introduction

by Roberto Noza

*TIPNIS*

In 1965 the Bolivian government of General Barrientos declared the Isiboro Securé a national park, as if no one lived within its boundaries. It was administered by the government and until 1972, caiman, jaguar and other animal species continued to be exploited for skins. There were even plans for timber exploitation. Nonetheless, the government prohibited those of us living in the national park from gathering, hunting or fishing.

The communities within the national park were organised through a Cabildo leader, and today we still retain our sense of being a people with our own culture and traditions. However in 1988 it became necessary to create an organisation to represent the three peoples living within the national park (the Mojeño, Yuracaré and Chimán), in order to ensure that the park would be recognised as indigenous territory.

In 1990 we joined the first march for indigenous territory and succeeded in gaining recognition of our lands under the name

“Indigenous Territory Isiboro Sécure National Park” (TIPNIS) (Supreme Decree 22610). The next step was to form a technical committee which would work with our organisation to manage the territory as a protected area under the control of ourselves as the local indigenous peoples. We arranged training courses in administration and planning, and also for indigenous “territorial guards” to protect the area (not park guards, who would be responsible to the state).

Two years later we established an administrative centre with an office and space for 450 people. The administration concentrated on implementing measures for protection, and acted as the right arm of the more politically representative indigenous organisation. We are now planning a full agreement with the state, but have not signed it yet.

We believe that we should always maintain our territory as we have done in the past. We should consolidate it and treat it well. We should not be destroyers of nature, or we will destroy ourselves. We should protect the area, map the different zones and establish indigenous control posts. To do this we have formed groups and visited all the communities in the areas of conflict, where posts should be established. We decided that territorial guards would be responsible to the community authorities, and the hiring of both territorial guards and other employees would be subject to the approval of a meeting of all the community authorities.

We will continue to work on this basis to bring our goal to fruition - to have an indigenous territory managed as a protected area by an indigenous administration, divided into zones and controlled by ourselves. The government wants the area’s boundaries to be along the rivers, but we think there should be a buffer zone to ensure that the rivers are not affected by people crossing the boundary. We already have a problem with colonisation by coca planters in the community of San Miguelito, and a road is slowly penetrating the highest parts of the territory. We have drawn a red line beyond which there must be no colonisation, and we have tried to discuss the problem with the colonists’ leader. We do not want coca cultivation in our territory and do not want encroachment on our lands. Unfortunately the colonists do not agree with us and we are facing a serious problem.

## The Isiboro-Securé National Park

by Zulema Lehm  
CIDDEBENI

### Introduction

*“...We have problems with our forests, with traders chopping down the mara trees.... our hunting and fishing grounds are exploited and also our wildlife which is our future; we have to watch over our territory, for as indigenous people we are in danger of losing our heritage....”* (Report of the First Meeting of Corregidores and Representatives of the Isiboro and Sécure, 22/7/88).

*“Indigenous peoples and conservation organisations are habitually in disagreement both conceptually and in practice on ideas referring to protected areas, indigenous territories and state lands.”* (Conference Convocation)

This was not the situation with the Indigenous Territory and National Park Isiboro Securé (Territorio Indígena Parque Nacional Isiboro Securé - TIPNIS) at the beginning. It was recognised in this double capacity (both indigenous territory and national park) as a result of a long march by the indigenous peoples of Beni in 1990, to obtain the recognition of their lands by the state. The indigenous people demanded on principle that both categories should be combined, on the understanding that the status of the National Park - which was created in 1965 - to a certain degree constituted a defence against invasion by others, especially colonists from the Andean region. Accordingly, between 1991 and 1996 the indigenous organisations carried out a series of actions for the protection and management of TIPNIS with no support whatsoever from the State.

Through an analysis of TIPNIS’s situation, I will try to show that the conflict is focused not only on the subject of the conservation or otherwise of nature, but also on patterns of power relations and the “internal colonialism” existing in nation states. What we are calling “internal colonialism” is expressed fundamentally in the absence of recognition of the traditional organisational structures of the original inhabitants; the complexity of social relations in indigenous territories and protected areas, and, related to all this, an ethnocentric attitude which seeks to assimilate indigenous peoples into the life-style of the “national society” attempting, in this way,

to eliminate the pluricultural and multiethnic characteristics of a country where the majority of the population is made up of various indigenous peoples.

The Bolivian state has been moving towards overcoming this specific form of "internal colonialism" by carrying out reforms which recognise the fact that the country is multi-ethnic and pluricultural, trying to decentralise certain administrative functions carried out by the State and to obtain bottom-up citizen participation, with particular recognition of indigenous peoples. Paradoxically, the exact opposite is true of policies regarding protected areas, where there is still a profound lack of understanding of the pluricultural and multi-ethnic characteristics of the country as a whole and of protected areas in particular.

#### The TIPNIS Peoples

There are 47 communities and over 50 isolated households within the area of TIPNIS, with a total of 4,563 inhabitants in all (INE / UNDP 1993). Most of the settlements are by the rivers and especially along the banks of the Securé and Isiboro rivers, and for this reason, when claiming the land enclosed by the two rivers as their territory, the indigenous organisations also included a five kilometre additional buffer zone on the far side of the rivers.

TIPNIS is part of the territory of three ethnic groups: the Mojeños, the Yuracaré, and the Chimán. The ethnic distribution of the population is as follows:

Ethnic group	Number of inhabitants	Percentage
Mojeño	3,103	68
Yuracaré	1,186	26
Chimán	91	2
Others	183	4
Total	4,563	100 %

Source: INE / SAE / CIDOB 1993

The Mojeño population living in the area is the most numerous and belongs specifically to the "trinitarian" sub-group. The name comes from the fact that, in the XVIIth and XVIIIth centuries, several groups of Moja speakers (of the Arawak linguistic root), including

some living along the Securé river, were converted at the Mission of Trinity, now the capital of the department.

There is no doubt that the process of conversion left a deep mark on the cultural life of the Mojeño-Trinitarian people, and a kind of mission culture developed, which combined aspects of pre-Columbian cultures with a specific culture developed by the Mojos Jesuit missions (Block, 1980). The two cultures shared a deep sense of religion as their fundamental cultural nucleus. Within the framework of the cultural changes which took place during the conversion period, it is possible to identify a tendency towards sedentarisation; a relative concentration of the population; the introduction of cattle-ranching on natural pastures; a greater diversification in arts and skills, and, especially, a hierarchical organisation based on the indigenous "Cabildo". Other changes which were widely introduced, even to other, unconverted ethnic groups, like the Yuracaré and the Chimán, included metal tools; new crops such as rice, tamarind and others; but also new diseases which drastically decimated the indigenous populations.

In the history of the Mojeño-Trinitarian people, as with the majority of Amazonian peoples, the expansion of "economic frontiers" figures prominently, and has led to the occupation of indigenous territories. The rubber boom, the increase in the trade in skins and wild animals, the expansion of cattle-ranching, penetration by timber and oil companies and the massive migration of Andean people, in the specific case of TIPNIS accompanied by the production of coca leaves - these are the so-called "frontiers of expansion" which affect the peoples of the region.

Faced with these processes, the Mojeño-Trinitarian people developed a resistance mechanism: the belief in a sacred place in the jungle, free from the pressures of the white man. Like the Guarani people, the Trinitarians converted the myths of origin into myths of the end of the world and its renewal. This device, crystallised in their periodic messianic migrations, has led the Mojeño and in particular the Trinitarians to abandon the ex-converts and return to their pre-Columbian homelands.

There are two principal areas which make up the scene of the messianic migrations of the Search for the Holy Hill: and they are precisely in the area of the Isiboro Securé Indigenous Territory / National Park and the Forest of the Chimanes.

The Yuracaré and Chimán people characteristically live in small and widely dispersed groups in the forest, with a high degree of mobility both seasonally and in the medium term. They have multiple and diverse systems of forest resource use. Their organisation is highly decentralised, with influential people who could be termed "leaders" in every domestic group. The many attempts to convert them have always been in vain.

The TIPNIS cultures are open, dynamic systems which are in a permanent state of change and renewal and are constantly re-defining themselves. They have a long history of contact and have accumulated experience not only in the management and use of forest resources, but also and very specifically, in the handling of their social relations with different social actors. Although TIPNIS is one of the most isolated areas in the department of Beni, and although it is a "protected area", it is in no sense a "pristine" zone. In fact, there are pre-colonial archaeological remains in a large part of the territory, and as stated above, it is a place of complex social and political relationships. There are areas of intensive resource use and others of less intensive use, but all are integrated into the cultural systems of the peoples who live there. In this sense, the whole area forms part of the culture of its peoples.

#### **Physical, Geographical and Ecological Characteristics of TIPNIS**

The Isiboro-Securé Indigenous Territory / National Park (TIPNIS) is to the south of the department of Beni, in the province of Mojos. Its borders are: the Securé river to the North; the Isiboro river to the south-east, and to the south west, the Mosevenes cordillera (mountain range). Including the 5km band along the Isiboro and Securé rivers, which acts as a buffer zone, TIPNIS is estimated to cover an area greater than 1,100,000 hectares (Ribera, 1994), making it one of the largest protected areas in the country.

The altitude in TIPNIS, which is situated on the east of the Cordillera Oriental (Eastern Range), covers a wide range from 180 metres above sea-level to 3,000 metres above sea-level. (Subcentral / CIDDEBENI, 1992). The TIPNIS region includes two distinct climatic zones: the ecoclimatological region of the plain, which is characterised by a marked seasonality, moderate rainfall of 1,500 to 1,600 millimetres per annum, and average temperatures of above 25 degrees Celsius; and the ecoclimatological region of the subandean highlands and the transitional foothills, which are notably perhumid,

with diffuse seasonality; the annual rainfall is estimated to reach up to 4,000 millimetres, and the average temperature is 24.5 degrees celsius. The region is subject to cold winds from the south, known locally as "surazos" (cold air masses coming from the south-east), which make the temperature fall drastically in just a few hours. The average temperature during the "surazos" is estimated at between 10 and 15 degrees celsius (Subcentral / CIDDEBENI 1992).

Another important characteristic of TIPNIS is that approximately 70% of its area is subject to seasonal flooding between December and March. Over the last few years the floods in the area have been catastrophic, especially in 1992, 1993 and 1996-1997. The people blame this on the progressive deforestation in the higher areas in the south, where the colonist population is to be found.

As previously mentioned, the most important rivers are the Isiboro and Securé which with their major tributaries (the Ioha, Chimita, Plantota and many others) make up an important watershed subsidiary to those of the Mamoré and the Amazon. On the plain the rivers are characterised by strong hydrodynamic activity, whilst in the hilly areas it is less strong and the river beds are more clearly defined. Overall, the area is a gigantic alluvial cone to the south-east of the Beni which represents the greatest source of water flowing into the Mamoré river. Therefore the regulatory functions of the ecosystems of TIPNIS are of vital importance not only for TIPNIS itself, but for the whole of the department of Beni. (Subcentral / CIDDEBENI, 1992).

Three geomorphological areas have been identified in TIPNIS (sub-andean hills, foothills and the alluvial plain), with a total of 21 vegetation types. This represents over 90% of the ecosystems in the Beni department. As TIPNIS is in a transitional zone, there are species of flora and fauna corresponding to three biogeographic provinces: Amazonia, Chaco-Cerrado and Yungas (Subcentral / CIDDEBENI, 1992). Because of the altitudinal gradient, climatic variation and an intricate mosaic of vegetation types, TIPNIS contains a high level of biodiversity.

#### **Brief Social History of TIPNIS**

The Isiboro-Securé region was declared a National Park on 22 November 1965 under Law D. L 07401, with the purpose of the conservation of its watersheds, scenic beauty, and flora and fauna,

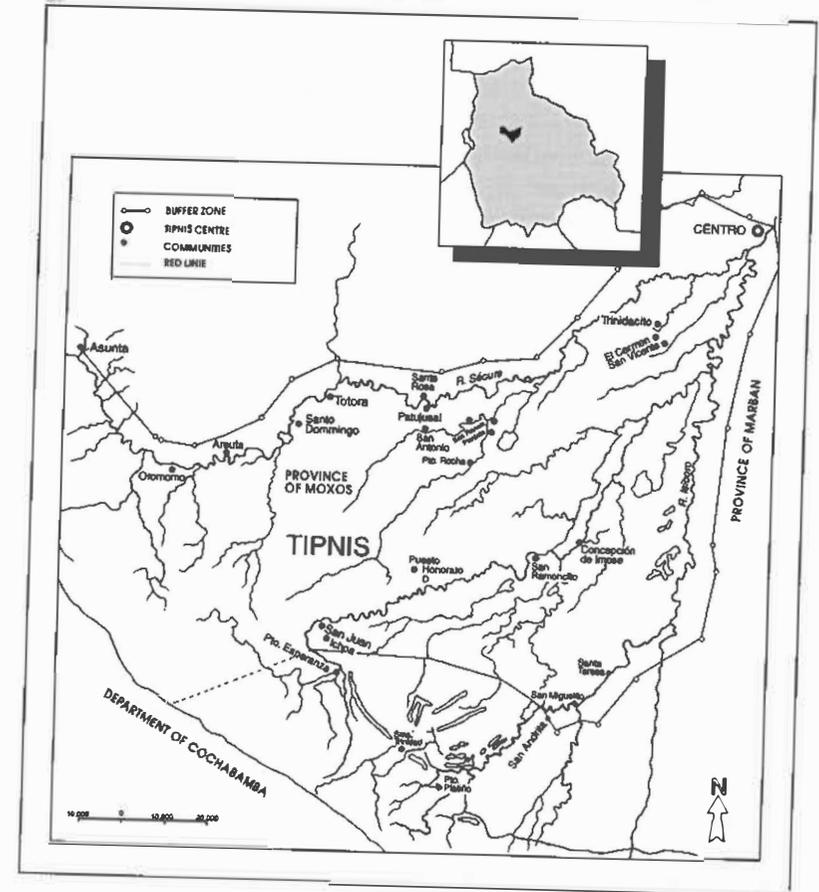
and their protection from factors such as the construction of a road along the edge of the selva region and plans for colonisation. In keeping with the concept of the Amazon as an empty space, the creation of the National Park did not take into account the indigenous populations.

In contrast to the above concept of the Amazon, there is evidence of human occupation in TIPNIS from pre-colonial times, as shown by archaeological remains of earth-works such as artificial mounds, ridges, embankments, and canals. Such remains are so common throughout Beni that hypotheses exist suggesting that the Beni landscape is man-made (Erikson et al., 1993). Also, chroniclers' accounts in the XVIIth and XVIIIth centuries (Castillo [1676], 1906; Garrigal [1715], 1906) and later those of travellers such as D'Orbigny (1946), refer to Mojeño and Yuracaré populations in the Isiboro and the Securé regions. In addition, since the end of the last century the Isiboro-Securé area has been the scene of messianic migrations in search for the Holy Hill, which are made periodically by the Trinitarian-Mojeño population, constituting an important spatial and cultural relationship for the whole of the Mojeño population living in the centre and south of the Beni.

For Mojeños, Yuracarés and Chimanes alike, TIPNIS is only a part of their larger territories, and this implies exchange relationships of all kinds (of goods, family relations and symbolic exchange) in much wider areas.

From the 1940s TIPNIS was frequently visited by travelling merchants, some of whom settled in the territory, forming non-indigenous family groups who dominated the region through "skills", "connections", "marriages" and more than a little violence. In many cases, the accumulation of possessions by these families was based on the trading of skins, wild animals, and wood, and later on, cattle ranching. The law that created the Park recognised their presence and authorised the continued existence of the properties already established, but imposed certain restrictions.

Apart from the properties owned by non-indigenous families who had settled in the region since the 1940s, from the 1970s the State authorised title deeds for cattle-ranchers, and at present there are approximately 40 properties both in the central area and in the buffer zone. As the area is a National Park, it can be assumed that some of the titles for the properties may present legal irregularities.



The social relations between the indigenous populations and the cattle-ranchers are very complex, and include the exchange of goods and services. These relations are also very variable; in some cases there is a peaceful co-existence, but in others there have been incidents of extreme violence. The most conflictive aspect of the relationship focuses on the subject of land ownership and the Territory.

In fact, although the National Park was created on paper, until 1990 there was no protection or management of the area. In spite of this, the status of National Park gave the indigenous population a feeling of security from other interests, perhaps more because the region is so isolated than for reasons of practical state protection.

From the end of 1970, the area began to be colonised by Andean migrants, and a road was opened to connect with the principal communications route between Cochabamba and Santa Cruz. It entered from Villa Tunari (Chapare region) and ran to the Ichoa river, almost at the centre of TIPNIS.

With the "coca boom", especially during the 1980s, the Andean colonist population increased to 9,000, organised into 7 campesino unions (Hoffman, 1995, quoted in Molina, 1994). They occupy 10% of the total area of TIPNIS. Several Mojeño and Yuracaré communities who stayed in the colonisation zone are now "shut in". The principal impacts of this relationship are demonstrated by the following:

- A drastic reduction in the wildlife populations used by the indigenous peoples for their subsistence, owing to the presence of a larger population and the destruction of habitats by agricultural expansion.
- Cultural conflicts regarding the systems of access to agricultural land. Colonisation has developed a system of land ownership based on agricultural plots obtained by their Union and paid for in cash instalments; whilst the indigenous system is different, based on the suitability of the soil, less hierarchical social relations, and a lesser importance attached to money. However, in order to conserve part of their lands many of the indigenous peoples have had to adapt themselves to these conditions, entering into market dynamics based on the extraction of natural resources in order to pay the instalments required by the Unions (Paz, 1991).
- The coca-cocaine link has generated relatively large trading centres, where a wide range of manufactured goods are available for purchase by the indigenous population. The indigenous peoples work as labourers or sell natural resources in order to gain money to buy these goods, thus intensifying the extraction of natural resources.
- There is a conflict between the Campesino Union which is the colonist organisation, and the Cabildo which is the indigenous organisational system, especially the Mojeño. This conflict is characterised by the forcefulness with which the Union seeks to impose its organisational style, and the resistance of the Cabildos to keep a degree of autonomy. The epicentre of the conflict is the colonised area, and it is more tenuous in the rest of TIPNIS, but nonetheless it has repercussions at the level of the parent

organisations - The Federation of Unions and the Subcentral of the Cabildos and Indigenous Representatives of TIPNIS.

- In general, the Andean colonist considers the Amazon indigenous inhabitants as "savages" "disorganised" and "lazy". This perpetuates a chain of exclusion typical of internal colonialism, in which indigenous peoples are at the very bottom. Meanwhile relationships of dependency, alliances and marriages between the indigenous people and colonists have developed as a mechanism for co-existence, which, however, actually expresses relationships of subordination of the former to the latter.

An ever-present factor in social relations in TIPNIS is an old inter-departmental conflict concerning the political and administrative boundaries between Beni and Cochabamba. It has been exacerbated in the past few years because of oil exploration and the expectations of both departments for the benefits. This issue has also generated a silent rivalry connected with the building of a road which will link the two departments. The TIPNIS indigenous peoples have already expressed the need for an initial environmental impact study.

As has been stated, timber extraction is not new in TIPNIS and from early on it has been connected with the presence of travelling merchants. However, the threat to TIPNIS has increased since the mid-1980s, with a survey of the Chimanes Forestry Reserve (Reserva de Inmovilización Forestal del Bosque de Chimanes) - which is contiguous with TIPNIS in the north-west - and the granting of timber exploitation licences to logging companies by the Centre for the Development of the North. Between 1995 and 1996, the threat became a reality with the opening of three logging tracks from Chimanes to the Securé river. One of the tracks is sponsored by the authorities of San Ignacio de Mojos, the provincial capital, and in just a few more kilometres will meet the route from Villa Tunari to the Ichoa river in the middle of TIPNIS.

In the 1960s, Shell carried out exploration for oil in the area, which was not successful. However towards the end of 1993 BHP petroleum, through Western Geophysical, entered TIPNIS to carry out oil exploration in the Chaparé Block, which includes the southeast of TIPNIS, and in December 1994 the Bolivian State gave a concession of over 1,000,000 hectares to a petroleum consortium consisting of REPSOL of Spain, BHP petroleum of the US, ELF of France and MAXUS of Canada. The contract is for 30 years including an exploration phase of

seven years in the so-called *Securé Block*, which includes the zone of the mountains and foothills in the western part of TIPNIS.

In view of the growing presence of Andean colonists and cattle ranchers, the abuses committed by travelling merchants, and the threats from loggers, in 1988 the indigenous peoples of the area formed an organisation similar to Beni Central Organisation for Indigenous Peoples, called an Indigenous Subcentral Organisation. From its beginnings, the Subcentral demanded from the State that the whole of the Isiboro-Securé National Park should be recognised as the territory of the native communities. In 1990, after two years of small advances and defeats, they decided to join with other communities who were also demanding territorial ownership in the Beni, and march together to La Paz. After a march of 34 days, the indigenous peoples of TIPNIS obtained State recognition of the area as both the Indigenous Territory of the resident Mojeño, Yuracaré and Chimán peoples and as a protected area: a National Park.

#### **Organisational Systems in TIPNIS**

As has been pointed out, the Indigenous Cabildos constitute a type of self-government for the Trinitarian-Mojeño communities of TIPNIS. This organisation generally regulates internal affairs within the communities and also represents the communities in dealings with other communities and State authorities. The Cabildo has a hierarchical structure headed by a Corregidor (chief magistrate), a Head Captain, two Chiefs, two Mayors, a Justice of the Peace, an attorney, a policeman, an executor and ten or twelve commissioners. This is the structure in theory, but it will depend on the size of each community. In addition, these communities traditionally have a specialised religious organisation, with Master Chaplains, sextons, and abbesses.

Each year the Mojeño communities elect the members of the Cabildo and then the Corregidor is formally appointed by the Prefect of the Department or the Sub-prefect of the Province, the state authorities who directly represent the executive power.

The Chimán and Yuracaré communities did not have Cabildos in the past, but with the emergence of the "new indigenous movement" they have begun to adopt the Mojeño system of self-organisation, though generally only through the position of Corregidor.

In the past few years, new organisations have also appeared in the communities, such as School Boards, Women's Organisations, Health Representatives, Religious Representatives and Sports Clubs.

Since 1988, new organisations have also appeared in TIPNIS at the territorial level: the Meeting for Corregidores and Representatives of the communities and settlements meets on a regular basis, twice a year. In this highest body of authority, the problems of the Territory and the communities are analysed and evaluated and lines of action are defined. It is also this authority which approves general operational plans, condemns actions by authorities or communities which contradict the principles of the indigenous peoples, and also elects Board members for the Subcentral.

The TIPNIS Subcentral is the executive arm of the Meeting of Corregidores. It has a team of technicians, subdivided into a planning team and a team of "territorial guards" who are in charge of protection measures. The project staff and the administrator of the Centre for Management and training of the Indigenous Territory also report to the Subcentral. The functions of the TIPNIS Subcentral are the internal administration of TIPNIS, and the presentation of demands to external entities, whether public or private.

The planning team is made up of about nine community members, and their principal task has been the formulation of the Preliminary Management Plan. At present they work increasingly as project administrators.

The protection team is made up of 12 community members known as "territorial guards". Their main tasks are to patrol the more vulnerable areas of TIPNIS; to build control posts and sign boards, and to try to develop a system of self-sufficiency, through the creation of small agricultural plots at each control post, to ensure a basic food supply for the guards.

The TIPNIS Subcentral is affiliated to the Centre for the Indigenous Peoples of the Beni (CPIB - Centro de Pueblos Indigenas del Beni) and therefore also to the Confederation of the Indigenous Peoples of the Bolivian East, Chaco and Amazonia (CIDOB - Confederacion de Indigenas del Oriente, Chaco y Amazonia de Bolivia).

As has been mentioned, the main organisational structure among the colonists is the Union (Sindicato). The Unions are linked to five Agrarian Centres, which are linked in their turn to the Federation of Tropical Workers, which is affiliated to the Confederation of

Unions of the Campesino Workers of Bolivia (CSUTCB), the parent organisation for the rural workers, whose greatest strength is mainly in the Andean part of the country.

The State is active in the colonised area of TIPNIS through the Programme for Alternative Rural Development (PDAR) and the National Bureau for the Conservation of Biodiversity (DNCB). They initiated a project for the protection and management of TIPNIS, appointing a director and some "park guards" chosen from the colonist population. The project entered into conflict with the indigenous organisations, who demanded greater participation. In answer to their claims, the PDAR and the DNCB agreed to restructure the project together with the TIPNIS Subcentral, keeping the director but adding an indigenous representative and another colonist, as well as including some indigenous people amongst the park guards. One of the activities that was of great interest to the indigenous peoples was the clearance of a "red line" (the opening of a breach in the forest), in order to prevent the advance of colonists. This task was carried out in 1994, and the project has brought about, amongst other things, the following:

- A greater differentiation of the colonised area from the TIPNIS as a whole.
- The establishment of two bodies for protection: the territorial guards and the park guards. The former report to the Indigenous Subcentral, and the latter to the National Bureau for the Conservation of Biodiversity.
- The creation of a structure for the dual processes of planning and decision-making.
- The distancing of indigenous participants in the project from their natural organisations.

### **The Processes of Indigenous Management**

#### **Planning**

A few months after the recognition of the Indigenous Territory and National Park Isiboro Sécure, the TIPNIS Subcentral, the Beni Centre for Indigenous Peoples, and the Research and Documentation Centre for the Development of the Beni (CIDDEBENI), organised a seminar on Conservation, Management, and Development in the Indigenous Territory National Park Isiboro Sécure, with the participation of community representatives and some specialists.

The aim was to organise work to consolidate the Indigenous Territory and Protected Area, and five action plans were established for Training, Protection, Planning and Management, Community Development, and Dissemination, Communication and Education. Priorities for action were identified as the following:

- The establishment of the "Red Line";
- The drafting of regulations for the Indigenous Territory and National Park Isiboro Sécure in its dual capacity of Indigenous Territory and Protected Area;
- The initiation of programmes for training, protection and planning;
- The continuation of the Programme for Community Development in the areas of Health and Education; and
- The initiation of a Dissemination Programme (CIDDEBENI 1991).

Based on this history, between 1992 and 1993 the Preliminary Plan for the Management of the Isiboro-Sécure National Park was developed. The plan reflected the priorities of the indigenous peoples, as follows:

1. The consolidation of their collective property in the region by the clear demarcation of borders, especially the "red line";
2. The establishment of an infrastructure to enable the protection of the area and the conservation of its ecosystems;
3. The need to achieve "socio-economic development to improve the conditions and quality of life of community members"; and
4. To achieve self-management for the area through an intensive training process.

The Preliminary Management Plan defined 9 management zones, as follows:

- Internal Control and Buffer Zone: For resource management and socio-economic development on the banks of the Isiboro and Sécure rivers, where most of the indigenous settlements are situated.
- Maximum Protection Zone: Only research and the gathering of medicinal plants is permitted.
- Watershed Protection Zone: This covers the highland regions and foothills which contain the headwaters of the rivers. Permitted activities are non-commercial hunting and gathering, and research into the conservation of watersheds and biodiversity.

- **Restricted Use Zone:** This borders the maximum protection zone and constitutes an internal buffer zone. Fishing, hunting, gathering and small-scale agricultural activities are allowed during emergencies from flooding.
- **Zone for Resource Management and Development of Production:** Includes forest and grassland zones on the plain, as well as the buffer zone on the far side of the Isiboro and Securé rivers. This area is designated for agriculture, cattle-ranching and the management of natural resources for commercial ends.
- **Emergency and Consolidation Zone:** These are the areas where there are conflicts with non-indigenous third parties for land ownership and resource use. The Programme for Social and Production Development should be a priority with the communities in this zone.
- **Emergency Zone for Natural Disasters:** These are scattered areas throughout the Territory whose main characteristic is that they are high lands, free from seasonal flooding, to where community members can retreat when necessary. In these areas, basic facilities for housing refugees should be developed, and a small number of farm animals should be provided.
- **Zone for Joint Management and Recuperation:** This is the zone occupied by the Andean colonists, where a management plan will be implemented jointly by indigenous peoples and colonists in order to incorporate the latter into the management and preservation of the area. (10% of the area).
- **Zone for Administrative Use:** This is where the administrative, training and managerial infrastructure is situated. At first the area surrounding Lake Bolivia was thought to be appropriate as it is in the centre of TIPNIS, but later an area was chosen at the confluence of the Isiboro and Securé rivers, in the buffer zone and on one of the emergency and consolidation zones (Isiboro-Securé Subcentral / CIDDEBENI, 1992).

One of the criticisms of the system of zoning was that there were too many zones and in some cases it was difficult to distinguish them, both on the ground and with reference to their functions, many of which overlap.

The plan was formulated within the framework of a training process for the community members elected by the Meeting of

Corregidores and Representatives. Conservation organisations and individuals took part in this process.

#### **Training TIPNIS Human Resources for Self-Management**

Training has become one of the main areas of activity in TIPNIS. The strategy was to train a team of community members for administration, protection and research. For this, several courses, workshops and seminars were organised, the contents of which dealt principally with control and surveillance; planning; legal matters; environmental monitoring (resource inventories); mapping and topography.

#### **Establishment and Implementation of a System of Control and Protection**

The System of Control and Protection functions through three teams of indigenous technicians: the "territorial guards", the "topographical technicians" and the "legal technicians", all of whom report to the TIPNIS Subcentral. There are control posts and a system of radio communications connecting a good number of the TIPNIS communities.

Work began on the demarcation of the so-called "red line" in 1991, and was concluded in 1993. The work was carried out jointly by colonists and indigenous peoples, with the support of the Programme for Alternative Rural Development and the National Bureau for the Conservation of Biodiversity and finance from USAID. In 1994 the demarcation of the buffer zone on the Securé river was started, with the support of the Centre for Indigenous Peoples of the Beni, the Under-Secretariat for Ethnic Affairs, CIDDEBENI and the Treaty for Amazon Co-operation.

On legal matters, the indigenous organisation has taken various actions to obtain the titling of the area, and also the reversion and consolidation of lands illegally held by third parties.

#### **Promotion and Implementation of Sustainable Development Projects**

In some communities the Subcentral has been implementing a group of production projects related to agriculture, small animals and cattle, craftwork and other areas, with varying degrees of success. In the social sphere, the Subcentral has worked on the improvement of the infrastructure and services for health and education in TIPNIS.

**Research on the Management of the Area**

The most important activities in this area have been some socio-economic studies, demographic censuses, studies of the legal standing of third-party land ownership, a study for the implementation of the buffer zone, inventories of the flora and fauna, mapping, specific studies on fauna and eco-systems and also, the development of an indigenous strategy regarding oil operations in the area.

A system for environmental monitoring is also being implemented by some TIPNIS communities, jointly with a process of development of management plans by each community, which are expected to feed into the overall plan for the management of the area. In addition, a weather station was set up at the TIPNIS Centre for Management, Training and Research.

**Infrastructure for Management, Training and Research**

Since 1994, an important project has been under way for the establishment of the Centre for Management, Training and Research at the confluence of the Isiboro and Securé rivers. The Centre can house 200 people and contains administrative areas, permanent residences, lodgings, a dining room, kitchen etc. and also electricity, running water and radio communications. At present a number of production activities are being implemented for the upkeep of the centre: carpentry, cattle-raising, vegetable gardens, and raising small animals.

On the whole, the TIPNIS management project has not received committed State backing; support for the process of indigenous self-management has come mainly from private entities committed to the indigenous peoples and conservation.

**Indigenous Rights and Biodiversity: Institutions and State Policies**

In connection with the rights of the indigenous peoples, Bolivian legislation presented strong indications of a late XIXth century "social Darwinism", based on the integration of the indigenous peoples into "national life". Even the Agrarian Reform Act, which resulted from the peoples' revolution of 1952, established that the eastern "tribes", characterised by their "primitive" organisations, should be placed under State protection. The State could delegate its task of "integration" to third parties, whose right to ownership of the lands occupied by the indigenous peoples was recognised. This view taken by the State only began to change in 1989, thanks to the

demands and actions of the indigenous peoples. In that same year, Supreme Resolution No. 205862 was passed, which established for the first time in Bolivia the "national and social need for the recognition, designation and ownership of territorial areas by the "forest groups" and original indigenous communities from the east and the Bolivian Amazon, to guarantee their survival and full socio-economic and cultural development". This ruling opened the way for the publication of new legal instruments for the benefit of the indigenous peoples.

In July 1991, the National Congress ratified Convention 169 of the International Labour Organisation through law No. 1257. In connection with the subject under discussion, it is necessary to point out certain elements which are compulsory for the State:

"To consult with indigenous peoples, using the appropriate mechanisms, before taking any legislative or administrative action that could affect their situation (art. 6a)".

"To establish the means for the full development of indigenous institutions and initiatives, including provision of the necessary resources (art.6b)".

"The peoples concerned should have the right to decide their own priorities with regard to the process of development. (art. 7.1)".

"Governments should take measures, together with the peoples concerned, to preserve and protect the environment of the territories where they live (art.7. 4)".

"To recognise the rights of the peoples concerned to ownership and possession of the lands they have traditionally occupied. (art. 14.1)"

"To protect in particular the rights of the peoples concerned to the natural resources in their lands. These rights include the right of these peoples to participate in the use, management and conservation of the said resources (art. 15)".

In the 1994 Reforms to the Political Constitution of the State, Article 1 should be noted, in which Bolivia defines itself as "free, independent, sovereign, multiethnic and pluricultural"; and in article 171: "Respect, recognition and protection are given within the framework of the law for the social, economic and cultural rights of the

indigenous peoples inhabiting national territory, especially those connected to their original community lands, guaranteeing the sustainable use of natural resources, their identity, values, languages, customs and institutions". Also, "legal representation of the indigenous communities is recognised and the natural authorities of the indigenous and campesino communities can administer and apply their own systems in order to resolve conflicts in accordance with their customs and procedures, as long as they comply with the Law and the Constitution" (CPE, 1994).

The Reforms to the Constitution establish an important legal framework in support of the indigenous peoples. Accordingly, its implementation has been carried out systematically by different legal bodies with the approval of the Law for Popular Participation. The latter gives legal representation to the indigenous peoples and communities, and opens the possibility that Indigenous Territories could be constituted into Indigenous Districts without having to lose their essential attributes.

Also, the new Forestry Act explicitly established its compatibility with ILO Convention 169. Within this context, the new Forestry Act gives specific recognition to the inalienability of indigenous settlements in protected lands, whether these are public or private (art. 14. VII). The Forestry Act also seeks to "democratise" access to forest resources (compared to the 1974 Act, which gave this right exclusively to logging companies), and to establish differentiated mechanisms whereby indigenous peoples are able to make commercial use of forest resources. The most important aspect of the Act in connection with the rights of indigenous peoples to the use of resources is in article 32 II, which states that "Indigenous peoples are guaranteed exclusivity of use of the forest in their original community lands, duly recognised as such in accordance with article 171 of the Political Constitution of the State." This guarantee does not remove the need for delimitation of these areas, management plans and annual reports on their exploitation. They also remain subject to a minimum tax (1 US\$ per hectare). But no tenders are applicable.

Lastly, after several years during which the established bodies were regulated by the old 1953 law, the recent National Service Act for Agrarian Reform has established the titling of Original Community Lands in favour of indigenous peoples, recognising their right to the use of existing natural resources. Within the framework of the

law it establishes that Original Community Lands are not incompatible with protected areas, but it defines "the conservation and protection of biodiversity" and "work in the public interest" as causes for expropriation. In other articles it refers explicitly to the Indigenous Territory and National Park Isiboro-Securé with instructions for its immediate titling in favour of the Mojeño, Yuracaré and Chimán communities which live there.

This brief summary of the legal context shows a systematic advance on the part of the State in recognition of the rights of indigenous peoples, which has resulted from the actions and mobilisation of an organised movement in the Beni department and at the national level.

On the other hand, although from very early on in the history of Bolivia there have been standards for the conservation of biological diversity, it was in the Constitution of 1938 that natural resources were first taken into account (Salinas and Quiroga, 1996). Both there and in the chapter on National Assets in the present 1994 Constitution there is the following statement: "In addition to all the goods defined thus by the law, the State has original dominion over both surface and subsoil with all their natural riches, the waters of lakes, rivers and medicinal waters, as well as the physical elements and forces" (CPE, 1994: Art. 136).

In spite of the fact that this statement dates from the 1930s, it was only in 1974 that a General Forestry Act was passed, and in 1975 the Act on Wildlife, National Parks, Hunting and Fishing. These Acts established that the administration of protected areas was under the jurisdiction of the Centre for Forestry Development. Internal conflicts became increasingly evident within this body, and were caused by the fact that its operational funds came from forest exploitation, while at the same time it was responsible for forest protection. Therefore although the creation of protected areas in the country dates from 1939, there was no effective management. In view of this situation, in 1992 a draft Act on Biological Diversity was presented to Congress, but it has not yet been ratified.

However, in 1992 the Environment Act was passed, establishing National and Departmental Secretariats for the Environment. Their institutional structure provided many opportunities for civil participation, but they were replaced at the end of 1993 by a Ministry for Sustainable Development, and finally the Act for State Decentralisation established Secretariats for Sustainable Development in all the departments of the country.

In connection with protected areas, the Act ratifies their character as part of the State Heritage, and charges the National and Departmental Secretariats with the responsibility of regulating and supervising their integrated management, stating specifically that "The following may participate in the administration of protected areas: non-profit public or private bodies; social organisations; established traditional communities, and indigenous peoples". The Act also charges the Secretariats with the organisation of the National System of Protected Areas (SNAP). Finally, it states the following: "The State will establish the necessary mechanisms and procedures to guarantee:

1. The participation of traditional communities and indigenous peoples in the processes of sustainable development and rational use of renewable natural resources taking into account their social, economic and cultural characteristics within the environment of their activities.
2. The recovery, dissemination and use of knowledge on the use and management of natural resources with the direct participation of traditional communities and indigenous peoples" (LMA, art. 64 and 78).

In 1992 the National Bureau for the Conservation of Biodiversity (DNCB) was established as part of the Ministry for Sustainable Development. Its objectives were as follows:

- To contribute to the *in situ* and *ex situ* conservation of biodiversity.
- To build institutional capacity for the management of biodiversity.
- To contribute towards the sustainable use of natural resources.
- To contribute towards the training of human resources for the conservation of biodiversity.
- To develop planning processes for the conservation of biodiversity.
- To promote the conservation of biodiversity.
- To manage finances for the conservation of biodiversity.
- To encourage the participation of civil society in the conservation of biodiversity. (Salinas and Quiroga, 1996).

In 1993 the National System of Protected Areas was established, "consisting of the protected areas which exist within the national territory, organised according to different related categories, which through their management and protection will con-

tribute to the attainment of conservation objectives." (LMA, Art. 63)

In 1994 a Ministerial Resolution approved a set of General Regulations for the Management of Protected Areas. Management would be through publicly endorsed agreements, which could be made with public or private non-profit organisations, social organisations, established traditional communities, and indigenous peoples. Three potential management options are distinguished, one of which involves the direct responsibility of the local population through its representatives. This National System of Protected Areas includes the following management categories:

- National Park
- National Sanctuary
- National Natural Monument
- National Wildlife Reserve
- National Integrated Management Natural Area
- Fixed Natural Reserve ("Reserva Natural de Inmovilización")

In a sense, these categories show a gradient of permissiveness regarding the use of natural resources, and also a transitory situation for the Fixed Natural Reserves.

Based on these regulations, in February 1996 the Ministry sent a draft Agreement to the TIPNIS Indigenous Subcentral.

#### **Points of Agreement and Disagreement between Indigenous Organisations and the State**

The following points in the draft Agreement deserve attention:

- The progress of national legislation regarding the rights of indigenous peoples is not taken into account; only progress related to protected areas is mentioned.
- It is established that the Ministry's functions are the organisation of the System for Protected Areas; the regulation and control of their integrated management; the evaluation of their state and proposals on how they should be classified; the organisation of personnel for their control and management, and also the organisation of management committees and anything else inherent in their administration and management. In our opinion, these words constitute the most critical and conflictive aspects in relation to the indigenous organisations of TIPNIS.

As has been shown, within TIPNIS there are organisations not only at the community level, but also, thanks to the campaign for the Territory, at the Territorial level. The Territorial organisation deals not only with community problems but is also specifically directed to the conservation of the area. The Ministerial proposal does not acknowledge these processes, and it expects to organise personnel for the control and administration of the area itself. This would involve superimposing another administrative structure on top of that of the indigenous communities.

Although Management Committees may constitute a mechanism for the participation of the "local population" in other protected areas in Bolivia, in the case of TIPNIS the following factors should be taken into account:

- According to the National Service Act for Agrarian Reform, the area is recognised by the State as an Original Community Land, and as such, the collective property of the original peoples who live there, which in fact implies an exclusive right. The Act also establishes the compatibility of Original Community Lands and Protected Areas, although no mechanisms have yet been established to make this possible.
- The indigenous organisations have gone some way to establishing certain agreements with the Andean colonist population settled in TIPNIS, such as the condition that the colonists recognise they are living in Mojeño, Chimán and Yuracaré Territory. This implies the acceptance of certain rules set by the indigenous peoples, which they have publicised at many Meetings. The rules include the substitution of coca with other crops; a ban on hunting for commercial purposes; a ban on fishing with technologically inappropriate methods, and, most importantly, respect for the indigenous organisations. They also proposed developing "joint management" strictly for the colonised area, which is 10% of TIPNIS.
- The formation of a Management Committee for the whole of TIPNIS with the participation of colonists on an "equal basis" would only serve to increase the unjustness of the treatment of the original TIPNIS inhabitants in their own eyes. The participation of colonists in a Management Committee for the whole area would imply giving them a management role for the 90% of the area outside the colonisation zone, which faces its own different and specific problems.



*TIPNIS authorities in the 1<sup>st</sup> meeting of mayors (corregidores), in Puerto San Lorenzo, July 1988. Photo: Zulema Lehm*

- According to the Ministry, the object of the agreement is to "facilitate the participation of the Subcentral in the administration and management of TIPNIS". This does not recognise the fact that the Subcentral is the result of the presence of the indigenous peoples in the area prior to the formation of the State, nor that their initiatives for the management of the area began prior to the establishment of the Ministry itself.
- The Ministry will "authorise" all interinstitutional connections (whether with national or foreign institutions) established by the indigenous organisations with regard to their Territory, and it demands "loyalty and diligence" from the Subcentral regarding ministerial policies.
- Also, it obliges the Subcentral to "implement a strategy for the prevention, legal enforcement, and territorial purging of the protected area under its administration, in order to guarantee its territorial integrity, intangibility and inviolability". It is paradoxical that the Ministry should demand from the Subcentral the same thing that the Subcentral has been claiming from the State, that is that in keeping with the Political Constitution, their original community lands be recognised, respected and protected (art.171).

- An Area Director, appointed by the Ministry, will be the chief authority for the TIPNIS, replacing the Meeting of Corregidores and Community Representatives.
- The "Territorial Guards" become the "Official Body of Park Guards". Their title is of great significance for indigenous organisations, but apart from this, they will no longer report to the Subcentral but to the Area Director, and their activities will be controlled by the Ministry.
- Finally, the agreement has a duration of 10 years and there are a number of potential reasons for cancellation, a fact which weakens the characteristic of inalienability recognised for Original Community Lands by the agrarian legislation. Not only does the Indigenous Territory lose out in this way, but also the protected area, as restrictions are placed on autonomous initiatives by the indigenous organisations who have amongst their objectives the conservation of the area.

Thus it is apparent that political mis-management of indigenous issues in connection with protected areas leads to the worst form of resolving the conflict, in such a way that everyone loses.

### General Conclusions

The points made about the Agreement proposed by the Ministry to the indigenous organisations of the TIPNIS call for more general reflections.

The 1992 Environment Act and the draft Act for the Conservation of Biological Diversity did represent progress for the recognition of indigenous rights at the time. However, in the last few years, new laws and reforms to the Political Constitution of the State have been passed, including the recognition of the multiethnic and pluricultural character of Bolivia. In the Education Reform Act, the Peoples' Participation Act, the Forestry Act, and the National Service Act for Agrarian Reform, there is a "positive discrimination" in favour of indigenous peoples which aims to overcome the integrationist spirit of previous legislations. Within the context of this dynamic process the Environment Act and the draft Act for the Conservation of Biodiversity lag behind in the recognition of the rights of indigenous peoples. The State sector responsible for protected areas has been applying policies based on the latter two Acts with an uncritical eye for these issues.

Also, it can be observed that the "integrationist" and "homonogenist" spirit is still incorporated into state policies on the manage-

ment of protected areas. The 1952 Agrarian Reform Act sought to deny ethnic and cultural diversity to the indigenous peoples, treating them all as "campesinos", and a similar purpose is to be found in the participation of "the local population" in the management of protected areas. Within the category of "local population" a number of culturally and ethnically diverse actors are included, as if they were a homogeneous group. Thus, under the guise of a democratic purpose, profound inequalities are being concealed, arising from social relations which have historically been weighted against the indigenous peoples.

One expression of this is the establishment of a National System of Protected Areas which, in accordance with international agreements (IUCN), is based on a number of management categories, none of which is concerned specifically with indigenous territories or with Original Community Lands. This in turn leads to the establishment of general systems of management which result in impositions on the organisational and management processes of indigenous peoples.

Compatibility between indigenous territories or Original Community Lands and protected areas is possible under certain conditions, including the following:

- The unconditional recognition of the indigenous peoples' ownership of their territories or Original Community Lands, in such a way that the transformation of an Original Community Land into a protected area is carried out within the framework of free determination for the parties involved, that is to say the State on the one hand, and the indigenous peoples who wish their Original Community Lands to simultaneously become protected areas on the other.
- The establishment of a category within the National System of Protected Areas specifically for indigenous cases, in the spirit of "positive discrimination" which has been applied in Bolivia's new legislation. This should allow the free integration of some of the Original Community Lands into the National System of Protected Areas, and permit the establishment of a management system appropriate and adaptable to indigenous processes.
- The free incorporation of those Original Community Lands which the State wishes to include in the National System of Protected Areas, because of their conservation value and the representative characteristics of their ecosystems. This would only be possible if the State offered the indigenous peoples

genuine respect and protection of their rights, especially against third parties who invade their lands systematically; and also technical training and financial resources. Although these conditions should be fulfilled for any Original Community Land, even if it is not also a protected area, the dual condition implies preferential status.

- Free incorporation does not imply unconditional treatment on the part of the State towards the indigenous peoples. The latter in their turn will have to guarantee certain factors such as the conservation of representative ecosystems, appropriate management of the area, submission to State control and supervision, and compliance with State management regulations.
- The regulations to be established for management should be the result of appropriate processes for agreements between indigenous peoples and the State, and should deal specifically with the dual status of Protected Area and Original Community Lands.
- To guarantee the appropriate management of lands under this dual status implies that the indigenous peoples should make some adjustments in their organisational systems, but this does not imply the imposition by the State of any pre-established system.
- Finally, a serious, critical and careful revision is needed of the Environment Act and of the Act for the Conservation of Biological Diversity in view of the new legal, social and political context in Bolivia.

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## Panel Discussion

Janis Alcorn (Biodiversity Conservation Program, USA) pointed out the importance of the fact that indigenous peoples have become organised for the protection of their territories. She emphasised the need to grasp the indigenous vision of conservation and noted that conservationists usually work with state governments and not indigenous organisations. It is crucial to understand indigenous participation and incorporate it into the categorisation of protected areas.

Marcial Arias (International Alliance) said that many of these cases are complex, but only with participation on an equal footing and with good administration can indigenous peoples achieve their goals. TIPNIS could provide an important alternative model for

indigenous conservation. However, there is only a small number of people in the area, and it is not clear whether this alternative approach is being considered as a strategy for Bolivia at the national level.

### Colombia: Yaigoje Indigenous Resguardo Natural Reserve

by Oscar A. Forero L. (COAMA)  
Jaime Tanimuca (ACIYA)  
and Ramón E. Laborde (GAIA)

*The paper was presented by Oscar Forero, Jaime Tanimuca and Ramón Laborde. Oscar Forero described the creation of the Yaigoje Resguardo in 1988, which established indigenous rights in the lower Apaporis area of Amazonas. However the resguardo was not properly demarcated and did not cover the traditional indigenous territory. Since 1993 the indigenous inhabitants have been preparing maps to justify the expansion of the area.*

*Jaime Tanimuca then explained in detail the importance of understanding that indigenous territories are sacred areas which are linked with mythology and shamanic activities.*

*Ramón Laborde looked at the problem which has arisen concerning the proposed area for expansion of the resguardo, which overlaps with an area which the state wants to establish unilaterally as a protected natural reserve. He presented the following letter which was written by the Capitán (indigenous political leader) to the Director of the Special Administrative Bureau for National Parks:*

*"We will not allow whites to manage our territories. Although you send us letters proposing joint management, we have clearly explained that the land cannot have two owners, and we are the owners. When you try to manage resources you destroy them, yet you tell us that you will teach us how to conserve and manage our resources. But we have said that these lands have a spiritual owner and our shamans communicate with the spirits so that there is harmony between the animals and ourselves. For us the animals have spiritual managers; hunting and fishing are delicate matters and no one can kill for himself; everything has its protector and*

*you whites cannot teach us why we have to look after creatures. The spirits have made sacred sites so that we can protect ourselves from sickness and evil. Without this defence, white men would already have destroyed the environment. You want these lands but we cannot allow you to have them, because it would be handing over our lives. We know that when someone takes something which is not his, he will not listen to reason... If you as Director of National Parks for Colombia want to protect this land, you should help us get recognition for our rights."*

*The letter ends by pointing out that Colombia has accepted private natural reserves since 1993, and this could integrate well with the indigenous notion of collective property of the resguardos.*

In Colombia, the State has recognised and legalised the rights of ethnic groups to collective ownership of part of their traditional territories. It has also recognised the rights of indigenous peoples to self-determination, self-government and control of the management of renewable natural resources. In the case of the Amazonian selva, some people consider this policy as an alternative for biological and cultural conservation. For others, however, recognition of indigenous rights represents a threat to conservation areas that should be protected through the exclusion of all human intervention. For the indigenous peoples, recognition of their territorial and political rights is one of the elements that serve to consolidate their institutions, guarantee their survival as ethnic groups and protect their environment. This debate becomes especially important in the light of the land planning process which is just beginning in Colombia.

In 1988 the Colombian government established the indigenous resguardo of Yaigoje – Apaporis River, a collective property covering 527,000 hectares, shared between the Makuna, Bará, Barasano, Yauna, Letuama, Yujup-Makú, Matapí and Tanimuka ethnic groups. The establishment of the Yaigoje resguardo involved an autonomous organisational process related to land planning and environmental management. During the process, conflicts have arisen between indigenous peoples and the State, due to clashes in scope and responsibilities for land management. An examination of this particular case may prove useful in observing practical problems confronting indigenous peoples, environmentalists and other political actors in the implementation of environmental management poli-

cies. The analysis of this experience may contribute to the formulation of environmental policies and education.

With the constitution of the Yaigojé resguardo, a series of questions arose about land planning and its implications. The dialogues and agreements between the Captains generated a process of reflection that led to the creation of the Association of Indigenous Captains of Yaigojé-Apaporis (ACIYA). Its aim is to achieve joint management of the inter-ethnic territory based on traditional knowledge, but also taking account of new sociopolitical relations with the State and with mainstream society.

The highest local authority in each community in Apaporis is the Captain. Captains are appointed by the communities to solve internal conflicts, maintain group cohesion and organise community activities. Specialists, such as shamans, singers and maloqueros are usually appointed captains, in recognition of their wisdom and experience. They have a great responsibility concerning the renewal of the group's culture and identity. They guide their communities and represent them in relationships with other indigenous authorities and with state or private institutions. With the establishment of ACIYA, the Captains' assembly has become the highest authority for regional decision-making

The present task of the association is to develop a territorial policy. Indigenous peoples have a traditional form of land planning corresponding to their conception of the origin and maintenance of the world, and of inter-ethnic conflicts. However, the former integrationist state policy was transformed by the constitutional reform of 1991 into a national project for land planning, which recognised ethnic and cultural diversity. ACIYA is therefore facing the task of making the Colombian state understand and accept the age-old process for their internal development of territorial policy as the basis for the autonomous management of the Indigenous Territorial Body (ETI).

### **Traditional Land Planning**

The territorial range of ACIYA comprises the traditional territories of the Yujup-Makú (Makú-Puinave linguistic family), Cabiari (Arawak linguistic family), Yauna, Tanimuka, Letuama, Barasano, Makuna, Jóbakana and Itana (Eastern Tukano linguistic family) ethnic groups. Each ethnic group has a territory that was assigned to it in the beginning, and which is characterised by a toponym. Sites are

named in the myths of origin, covering both territory which is shared by the different ethnic groups and territory particular to each group.

The geographical area occupied by these groups covers approximately 1,000,000 hectares and the total number of inhabitants is 1,300. It would seem an immense territory (769 ha per inhabitant). However it may well be insufficient, considering the quantity and quality of the resources the groups need for their biological and cultural renewal and the care that must be taken of the different ecosystems.

There are few sites suitable for settlement in the region; even with a low concentration of inhabitants - under 100 per community - each site must have good soil for cultivation, sources of drinking water, one or more fishing streams, and several hunting grounds. At present the communities prefer to settle on the banks of the Apaporis, which limits the possibility of finding other appropriate places for settlements.

In addition to the physico-chemical properties of the land to be occupied and used, the indigenous peoples consider it essential to maintain the balance of vital energy. Each ecosystem, place and space has an "owner", a natural and / or supernatural being that protects it.

The "sacred" nature of a place comes from mythology. Places inhabited by "owners" are named in the myths, which are used by the shaman as prayers to "cure" or "remove" diseases. Each place has rules for management and prescriptions that must be fulfilled. When "curing", shamans communicate with the "owners" and "visit" the sacred sites. Rivers, ravines and geographical features are all "visited" during the course of shamanic recitations, thus defining the borders of the area managed by each ethnic group (Rodríguez, C. and Van Der Hammen, 1991).

The territory also belongs to other species of animals and plants, with whom human beings share its limited vital energy (Reichel-Dolmatoff, 1976; Hildebrand, M., 1983). The vision that animals have of themselves, according to the indigenous people of the lower Apaporis, is that they are people. Kaj Arhem (1990) showed that for the Makuna, fish and animals that are hunted are people who have a protector. The shamans make pacts with these "owners", offering them coca and tobacco; they ensure that nobody breaks the territorial prescriptions so that there can be a balance of energy among the species.

In order to cultivate their smallholdings, it is necessary not only to analyse the soil, but also to establish a harmonious relationship with

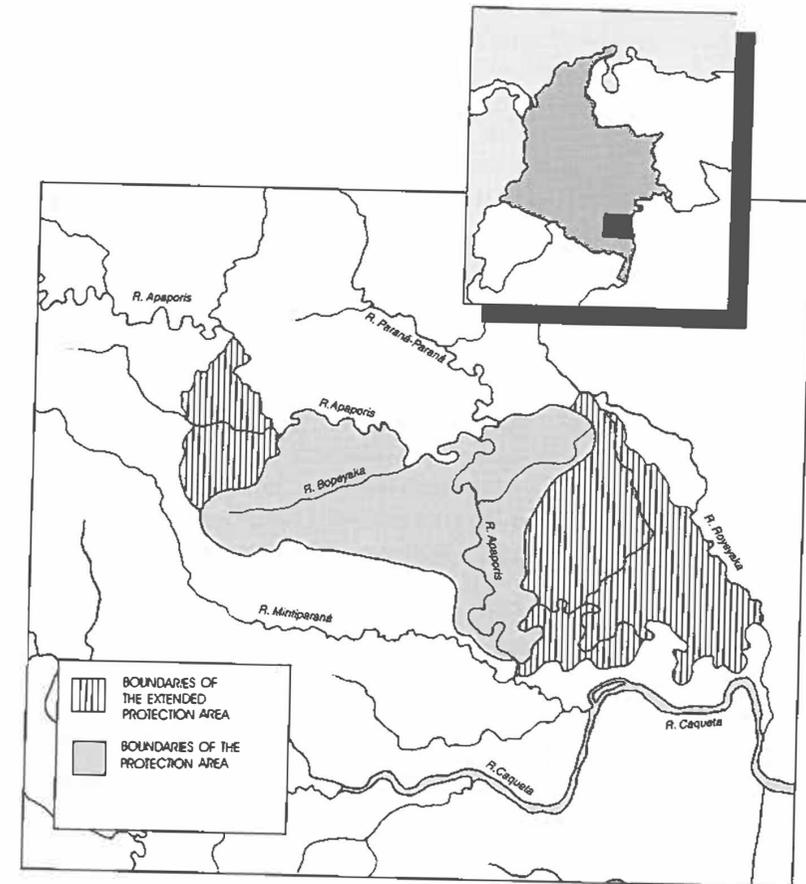
the “owners”, through the considerations and work of the shaman. There are uninhabitable and untouchable places: their “owners” have so decided. On constructing the “maloca”, the mythical past is reviewed, reconstructing the history of human beings in a cosmos in formation. To maintain the maloca is to reproduce the culture: to be able to rely on the necessary crops to maintain the people and to receive guests. It is the meeting place, the place where large dances are held. The “maloca” shows evidence of astronomical knowledge, ecological control and the management of social relationships (Reichel, E. and Hildebrand M. 1985).

The “owner” is a protector of each species, protecting its own in the same way as a “maloqueiro” protects the people that live with him. The shaman is responsible for ensuring a balance of energy flows between species. If too many animals are hunted, with neither justification nor reciprocity, the shaman will surely forecast sickness. Not all “owners” have the same language, nor do all shamans know all the languages. Each ethnic group has certain areas indicated for management within their territories.

Responsibility for the care of the territory does not fall exclusively to the shaman. Each person in the group must behave according to the prescriptions. To maintain a balance of energy, each family must regulate its diet and social behaviour. When sickness strikes a member of a group, the shaman interrogates the patient and thinks it over, then he tells the sick person and his family which prescription has been violated and how to make amends. Diet is part of the cure and the whole family must follow it. The sickness of an individual can be the result of inappropriate behaviour by a relative. A sick person in the group is indicative of a social pathology; sickness does not affect an individual in isolation from the social and environmental context.

Sometimes the shaman declares that he is prevented from acting and predicts more sickness and death. This can happen when an initiate (in Yurupari) violates dietary prescriptions. The state of health of the community is a consequence of past and present behaviour, and the shamans are conscious that any action on the environment has future consequences on the state of balance of the forces of nature.

Damage to species has repercussions on society. The spiritual owners of the sacred sites – and of the plants and animals – take human lives to re-establish the energy stolen from them by humans, which should have been shared. The lack of reciprocity (coca and



tobacco) and abstinence (dietary and sexual) makes people vulnerable to sickness.

Care of the environment, of nature and its balance of energies has been and still is the task of the Apaporis shamans. The communities consider that if they were to stop looking after the world, they would lose their health and stop existing: the world would come to an end.

**National Political-Administrative and Environmental Land Planning**  
With the establishment of ACIYA in 1993, the participation of the Apaporis indigenous peoples in the national process of land plan-

ning began to gather force. The association has become the seed for the political organisation which will be in charge of ETI administration and management in the future. With the management of fiscal resources provided by the state, new direct administrative responsibilities are being assumed for social investment in education, health, housing, public works, recreation and sports, agrarian matters, vulnerable populations, institutional development, and other social investment sectors defined by law. This process has generated a need for training in administrative issues.

As mentioned above, in 1988 the State partially recognised collective ownership of ancestral territory, with the exception of sacred places. Since 1994, the Association's priority has been to obtain legal recognition by the State for the integrity of the traditional territories not protected by the *resguardo* but still free from colonisation. A proposal was prepared to increase the Yaigojé *resguardo* and was submitted to the Colombian Institute for Agrarian Reform (INCORA), which is the body responsible for the process of legal recognition of indigenous territories.

The request was not given timely consideration, and formalities dragged out for three years. In 1995, individuals from outside the *resguardo* attempted to set up commercial fishing at the rapids at La Playa, a sacred site outside the *resguardo*. Faced with the refusal of the indigenous peoples to participate in such a project, the traders announced that they would initiate a colonisation process. Another communication was sent to INCORA, urging them to carry out a visit with a view to enlarging the area of the *resguardo*.

An INCORA official visited the *resguardo* in March 1996. However, he had not consulted the authorities and therefore his efforts were not valid. A guardianship action was initiated against INCORA. The Administrative Tribunal passed judgement in favour of the Apaporis indigenous peoples, found that the right to due administrative process had been violated, and ordered INCORA to make a further visit to the *resguardo* within 45 days, with a view to enlarging its area. Fulfilment of this ruling is still pending, and institutional negligence has caused the development of other territorial conflicts.

#### **Violation of a Sacred Site**

Without consulting the indigenous authorities, the Vaupés Government set up a police inspectorate, a school and a health centre

at the La Libertad rapids, a traditional sacred site for many of the ethnic groups in the region. Faced with this violation, the indigenous authorities requested the officials to transfer the installations and repair the damage. Opposing the Captains' suggestions, the officials continued to occupy the site and develop their activities.

In 1995, the confrontation between the indigenous authorities and the state authorities led Captain Rondón Tanimuka to bring a guardianship action against the Vaupés Government. The Administrative Tribunal dealing with the case judged that such buildings endangered respect for the cultural integrity and consciousness of the indigenous peoples of Apaporis. It also ruled that the Institution charged (the government) was weakening the cultural integrity of the ethnic groups and their self-government. The indigenous peoples succeeded in gaining special protection for a site of cultural importance outside the boundaries of the *resguardo*. The Vaupés Government was ordered to cancel the works and activities on the site. However, the pertinent authority had to listen to a further complaint by ACIYA before the ruling was fulfilled.

#### **Mining at the Serranía del Taraira**

At the beginning of the decade, exploration for gold began in the Serranía del Taraira (on the Colombian / Brazilian frontier). Due to the total absence of state authorities, the area became a place of violence. Guerrillas took control and imposed their own laws: they ensured that debts to workers were paid, stabilised gold prices, and established laws for "co-habitation" (prohibiting drug consumption, placing limits on the consumption of alcohol and controlling the bearing of arms). At present the Municipality of Taraira has an active trade, even though mining has collapsed and exploitation with dynamite and heavy machinery has become necessary. The Colombian authorities have regained control over the zone.

In spite of the great importance of the Serranía for the indigenous peoples, at a legal level it is at present considered a lost territory. The indigenous groups have decided not to include the area within their petition for enlargement of the *resguardo*, as they are unwilling to face the violence that the struggle for this territory would imply.

#### **A Park on the Southern Territory**

In July 1996, the thirteen Captains presently comprising ACIYA met to deal with the subject of land planning. They specifically

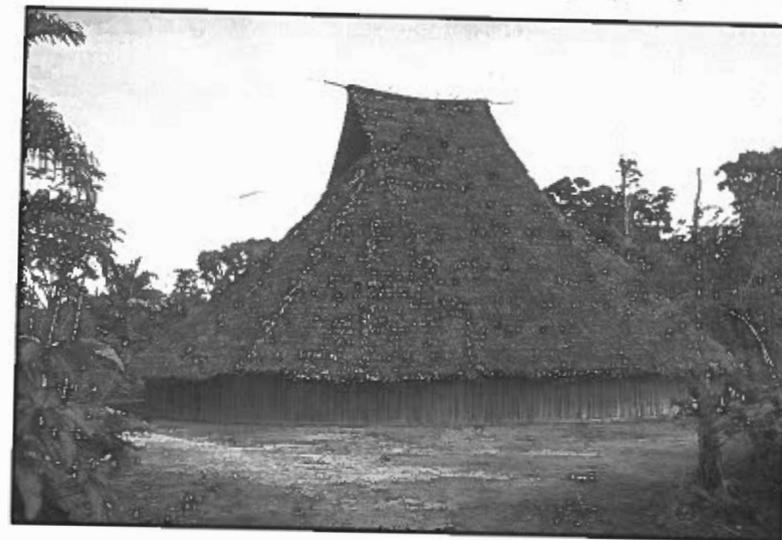
discussed the State's intention of setting up a National Natural Park (NNP) in territory coinciding with their request for the enlargement of the resguardo to the south. In their communication to the Office of UAESPNN (Special Administrative Unit for the National Natural Parks System), the Captains pointed out that the creation of a NNP would form a violation of their territory and the supplantation of their authorities. (Submitted to UAESPNN on 31/07/96). Resource management within their territory must continue to be autonomous, without detriment to cultural, social and economic integrity. This first communication described 21 sites, specifying their names and some management aspects. They did not include the Yujup-Makú territory, where the Yujup-Makú are the main occupants: from Jotabeyá, Ugá, Agua Blanca and other tributaries of the Apaporis, there are paths to Pará Cachivera in Brazil. With regard to the Yujup-Makú territory, the 1.8.1 map by ICAN (Colombian Institute for Anthropology: Map and research by Leonardo Reina), can be consulted.

The ACIYA Captains' Assembly stated their interest in the proposal made by Tom Defler to create an "indigenous faunal reserve" once the resguardo has been enlarged. The indigenous peoples are interested in getting to know the white man's methods of research, provided that the white man recognises their methods of classification and their methods of territorial management. The 1993 Law 99 on the environment has established the category of Private or Civil Natural Reserves (Reservas Naturales Privadas o de la Sociedad Civil). This category will enable indigenous peoples to create protected areas within their traditional territories, once the State has recognised their collective private ownership and the jurisdiction of their authorities, under the framework of the indigenous resguardo.

The Captains unanimously opposed the establishment of a NNP, as for them it is no guarantee of the protection of the territory: "...the white man has not been able to care for this land, which is why miners and other people have entered the Taraira. For this reason they have entered the Cabuinatí NNP without respect for the indigenous peoples, and have violated their culture. We do not want this to continue to happen in our land" (UAESPNN, 31/06/96).

#### **Applicability of Indigenous People's Rights**

In response to the indigenous authorities of Apaporis, UAESPNN stated: "The figure or category of Indigenous Faunal Reserve does not presently exist in Colombian legislation, therefore it has no legal



*Traditional house (maloca) in the Tanimuka community of La Playa.  
Photo: Adriana Rico Tovar - Oscar A. Forero L.*

value." UAESPNN emphasised that the rights acknowledged for indigenous peoples under the new constitutional order could not be considered as different from those for the rest of Colombian citizens (No. 1053 of 22 August 1996). This disregards the fact that the right of indigenous communities to self-government implies that the administrative authority of the National State is not empowered to impose limitations, other than those set out in law. These in turn must be concordant with higher constitutional regulations. It ensues that to disregard the right of indigenous peoples to manage the natural environment is to disregard the constitutional principle of ethnic and cultural diversity of the Colombian Nation.

As a general rule, the category of NNP does not allow for the coexistence of private property on land in natural areas protected by the State. Existing private properties should be compulsorily acquired by the State, and cannot be transferred between private parties. Exceptionally, the 1977 Decree 622 on Parks systems accepts their coexistence or legal compatibility with Indigenous Reserves, in which only the right of use and usufruct is recognised, with the exclusion of third parties. But their territorial rights are precarious. The category of Indigenous Reserve has evolved since the establishment of the new constitution. According to the recently modified

Agrarian Reform Law (Law 160 of 1994), this type of reserve becomes "communal lands for ethnic groups", for the purposes of article 63 of the National Constitution (collective ownership of an inalienable, unmortgageable and imprescribable nature) and of Law 21 of 1991, approving ILO Convention 169. Although the present concept of Indigenous Reserve is formally limited to the aspect of territorial ownership, in pursuance of articles 3 and 15 of Decree 2161 of 1995, a regulation on the Act for Agrarian Reform, the National State is obliged to convert reserves into Indigenous Resguardos. Through these resguardos, the State recognises the full territorial and political rights of the ethnic groups for whom they have been constituted, as required by the aforementioned Decree 2161 of 1995, as follows:

"Article 21. Juridical Nature: Indigenous resguardos are the collective property of the indigenous communities for whom they have been constituted and, in pursuance of articles 63 and 329 of the Political Constitution, they inalienable, unmortgageable and imprescribable.

Resguardos are specific legal and sociopolitical entities comprising one or more indigenous communities. With a deed of collective ownership, the communities enjoy the guarantees of private property, own their territory and govern themselves in the management of the said territory and in their internal affairs through an autonomous organisation, protected by an indigenous code and their own system of regulations."

In the judgement of the Constitutional Court this constitutes a fundamental right which is protected by our Charter:

"The Right to collective ownership of indigenous territories is of vital importance for the cultures and spiritual values of the aboriginal peoples. This fact is recognised in international agreements approved by Congress which emphasize the special relationship of indigenous communities with their territories, not only because these are their main means of subsistence but also because they constitute an integral element of the cosmovision and religion of aboriginal peoples.

"Furthermore, the Constitution stresses the fundamental importance of the territorial rights of indigenous communities. Without these rights, the aforementioned rights (to cultural identity and autonomy) are only formal acknowledgements. The ethnic groups

require the territory where they are settled for their survival and the development of their culture. This presupposes recognition of the right to ownership of traditionally occupied territories and the territories which constitute their habitat."

"The above permits ratification of the fundamental nature of the right of ethnic groups to collective ownership of their territories." (Ruling T-188 of 1993. Magistrate Eduardo Cifuentes).

The right covers ownership, management, use and harvesting of renewable natural resources in their territories. This was also indicated by the same body of justice in Ruling T-380, with a report by the Magistrate Eduardo Cifuentes, who gave this answer to the defence allegation of some loggers who had been illegally harvesting natural resources in an indigenous resguardo with the corrupt consent of the indigenous authorities and negligence by the environmental authorities. Legal action was taken by the Indigenous Organisation of Antioquia:

"...They claim that the renewable natural resources, among them the forests, are the exclusive property of the Nation by virtue of article 42 of the Natural Resources Code. Based on the text of articles 79 and 80 of the Constitution, they allege that the State is responsible for their management, administration, protection and recuperation as the owner of the natural resources. Furthermore, they consider that the territory of the resguardos belongs not to the indigenous peoples but to the Nation."

This was not endorsed in the resolution in this particular case, which determined:

"...The recognition of the right of indigenous communities to collective ownership of the Resguardos (CP, art. 329) includes their collective ownership of the renewable natural resources in their territory. Far from usurping the Nation's resources, the act of allocating empty areas to indigenous resguardos is compatible with the fundamental role of these groups in the preservation of the environment. Prevalence of the cultural, social and economic integrity of these communities over the exploitation of natural resources in their territories is only possible through the prior authorisation of the State (CP art. 80) and the indigenous community (CP, art 330)..."

Given this summary, MADARIEN's representatives can hardly appeal to a partial reading of article 12 of the National Code of Natural Resources, ignoring the rights of indigenous communities to collective ownership of renewable natural resources within their resguardos. In all events, this collective right must be exercised within the constitutional and legal limits necessary for the preservation of the environment (CP arts. 8, 79, 80, 333, 334) and renewable natural resources (D. 2811 of 1974, arts. 202 et seq.)."

Thus, the Constitutional Court indicated the rights and duties acquired by indigenous communities when their territory is recognised and legalised, establishing the State's obligation to protect the conservation of renewable natural resources in the Indigenous Resguardos; recognising the fundamental role played by indigenous peoples in the conservation of the country's forests; determining that the abuse of rights and arbitrary or illegal actions by the indigenous peoples themselves in relation to the use, management and harvesting of renewable natural resources are not defended by the Political Constitution.

The present system of indigenous Resguardos, later expedited (it is worthwhile emphasizing that it has been the only administrative Act to be expedited, in implementation of the requirement for consultation established in article 6 of the ILO Convention 169), determined that:

"Article 25: Constitutional and Legal Obligations. The indigenous resguardos are subject to compliance with the social and ecological function of the property, in conformity with the uses, customs and culture of the community.

"Furthermore, and in pursuance of the said uses, customs and culture, they are subject to all provisions concerning protection and preservation of renewable natural resources and the environment." Decree 2161 of 1995.

It may be concluded that management, use and harvesting of natural resources by indigenous peoples, within their traditional cultural, social and economic systems, is fully autonomous. The problem arises when the said activities are carried out within the framework of a capitalist economic model, contrary to traditional practices. In which case, and in pursuance of established regulations, they would be subject to the ordinary limitations of the national legal system.



*Jirjirimo rapids. Kabiyari sacred sites. Photo: Adriana Rico Tovar - Oscar A. Forero L.*

#### **Incompatibility of Legal Categories: Compatibility of Interests**

The analysis of this case makes it clear that the recognition and protection of a system for collective ownership and full political autonomy in favour of the indigenous communities, within their traditional territorial context, is not legally compatible with the present system of natural protected areas because it contradicts the constitutional legal order in two fundamental aspects, as follows:

1. **Indigenous authorities.** The recognition of the exercise by the indigenous peoples' own authorities of administrative, legislative or judicial powers within their territory, is an absolute right that cannot be limited by the national government. The establishment of a management or administrative plan for their natural resources without the involvement of their knowledge and traditional culture and disregarding the autonomy of their governors, is a restriction of the constitutional principle of ethnic diversity and a higher legal value. The continued management of natural resources by indigenous peoples today is widely recognised as a model that makes forest conservation possible and thus ensures the main object of conservation. The State could not claim the contrary without having to admit to its own irresponsibility. Therefore there is no reason to justify

compulsory co-management of natural resources between the State and indigenous peoples.

By law, the areas within the NNP system are administered by the Ministry of the Environment, who determines all matters relating to the management, use and harvesting of natural resources. The person responsible for directing the management of a NNP is invested with the functions of an environmental police, and his or her jurisdiction is imposed on that of the indigenous authorities, without any legal justification.

2. Ownership rights. The private, collective property consisting of the territories and their natural resources cannot be disregarded nor violated by the State. On the contrary, the latter must safeguard indigenous peoples' rights. The National Government cannot dispute the ownership of indigenous territories under the pretext of conservation of natural areas.

Areas in the NNP system are the property of the State and according to the national constitution, are inalienable, unmortgageable and imprescribable. The private collective property rights of the indigenous peoples prevail, as they are considered fundamental to the constitution.

An understanding between conservationists and indigenous peoples should be based on the full recognition of the latter's territorial and political rights, and on an agreement on the responsible, shared management of natural resources.

In the event of an NNP overlapping indigenous territories set up prior to implementation of the 1991 Constitution, the same legal provisions shall be applied, falling under the legal phenomenon of subsequent unconstitutionality, set out in the Constitutional Court's Ruling G-014 of 1993, as follows:

*"It is well known that in the framework of the changing constitution, the phenomenon of subsequent unconstitutionality exists whenever a provision that was originally constitutional becomes unconstitutional, by virtue of open and material contradictions of regulations in the new fundamental statute, in such a way that it becomes impossible to execute. By its very nature, it is clear that such a phenomenon can only affect regulations in force at the time the new statute comes into force. Concerning the actual effects of subsequent unconstitutionality, these are to a great extent assimilated in the annulment. (...)"*

122 In view of the new legal regulation recognising full rights of indigenous peoples to self-government and self-determination, subse-

quent unconstitutionality arises in the system of areas protected by the State in indigenous territories.

#### **Private Natural Reserve**

Contrary to what was stated by UAESPNN to the Indigenous Authorities of the Apaporis River, it may be affirmed that the legal potential exists to combine indigenous peoples' systems for environmental management and protected areas systems. The relevant category is known as Private Natural Reserves, and is considered in articles 109 and 110 of Law 99 of 1993, referring to the administration of natural resources and the environment.

The Private Natural Reserve is defined as a part of an overall property that conserves a sample of the natural ecosystem and is managed according to the principles of sustainable use of natural resources, with the regulation of such activities and uses. The indigenous authorities of the Lower Apaporis could decide to set up part or all of their traditional territory as areas for special management in accordance with their environmental practices.

#### **Maps and management areas**

Maps have been the main tools in the indigenous people's struggle for legal recognition of their territory. The maps prepared by the GAIA Foundation and ACIYA cover the main areas managed by the ethnic groups of the region with the exception of the Yujup-Makú, who are currently completing their own map as they are interested in participating in the work of the organisation.

In addition to the political dimension, the preparation of maps involves a learning experience: that of sharing their own vision with that of the white man. The preparation of a map involves a recognition of the territory, it stimulates reflection by the indigenous peoples on their own values, and recognition of "another world view" alongside their own.

#### **Indigenous Faunal Reserve**

The toponymy used in the map and in the proposal for enlargement of the resguardo has been prepared in the Tanimuka, Macuna and Cabiari languages. The natural features which are named are as follows: 32 streams, 13 rapids, 6 waterfalls, 14 still-water pools, 9 rocky formations, 4 lakes, 5 beaches, 8 salt licks, 4 islands, 1 river branch and 8 hills. Each place on the map has an "owner", respon-

sible for looking after the place and the "people" who live there. The description of these sites is referred to in the correspondence sent to INCORA and to UAESPNN.

The "owners" of 43 of these places have names related to an animal. In addition to the Jaguar, Boa and Tapir, there are different species of birds, monkeys and reptiles. Each name is the beginning of a story. In 33 of these sites, fishing and hunting is prohibited; but there are also 10 places specifically designated for hunting and fishing (and "curing" food). There are places for the production of seeds and fruits, which are carefully tended and which provide food for mammals and rodents that are hunted. There are 19 places where special care is noted of a plant resource: canaguchal, pineapple, guama and other fruit; trees; reeds (there are more than five special species for basket-making and three for twine used on houses); leaves (used as sandpaper, to give colour or consistency to mud mortar, and to polish saucepans).

The potential of the Indigenous Faunal Reserve, which combines traditional and "western" knowledge of forest management, classification and use of natural resources and environmental management, is proven. The aim is to describe and develop both biological and shamanic components of the relationships of ethnic groups with their territory.

### Cultural change

The Apaporis indigenous people have increasing responsibilities towards the State and the market system. Young people want to learn how to deal with the white world. They want to learn how to defend themselves from the white world. In this context they have foreseen the use of renewable natural resources. Production projects are being carried out in Yaigojé, using 100% clean technology.

The indigenous peoples know that they need to be prepared for management of political and economic factors in the region, in order to be part of the "national territory", but they also want to maintain a balanced management of the environment. The responsibility lies with us all, external and local actors, to create strategies to enable a dialogue, mutual learning and local redefinition of the ways of managing the Amazon forest.

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### Panel Discussion

Gonzalo Oviedo (WWF International) wondered why it was that whereas in recent years there has been some progress in legislation on indigenous peoples' rights in Bolivia and Colombia, laws and policies on protected areas are evolving more slowly. This is particularly clear in the Colombian case, where progress on indigenous

rights has been very fast whereas policies on protected areas have hardly changed at all.

Another interesting area raised by the discussion was the use of indigenous knowledge and its relation to territorial planning. Clearly indigenous peoples do not need official recognition of their knowledge, but nonetheless indigenous knowledge could be incorporated into legislation, policies, practices and methodologies and into the planning statutes for protected areas inhabited by indigenous peoples. Indigenous and non-indigenous knowledge about conservation need to be harmonised.

José Luis Gonzales (COICA) pointed out that indigenous peoples in Colombia reject the concept of "national park" not because they are opposed to conservation, but because they want to develop alternative forms of conservation according to their own cosmovision. The first stage has to be the recognition of indigenous territories; the second is to make a management plan according to their own cultural premises. Nonetheless, white people come and try to teach indigenous peoples how to look after a territory when they are already doing so. Furthermore, although the legal situation of indigenous peoples in Colombia may be positive, more indigenous leaders have been murdered in Colombia in recent years than in any other country in Latin America.

Gonzalo Oviedo asked Ramón Laborde about private natural reserves in Colombia. He was told that this is a comparatively recent category of reserve arising from the environmental law dealing with non-state lands. Nonetheless, the law has not been finalised yet and it relies on proof of ownership.

#### **General Discussion of the cases from Ecuador, Bolivia and Colombia**

The general discussion on the three cases covered two broad themes - the advantages and disadvantages of private reserves not owned by the state, and strategies whereby indigenous peoples can gain control over protected areas which have been established without their consent.

#### **Private Reserves**

María Teresa Amaya (TCA), said that there are now more than 150 private reserves in Colombia. This network of reserves is gaining influence and the law regulating them will soon be approved. It

would be a good strategy for the indigenous communities of Apaporis to push for a private reserve.

Gonzalo Oviedo mentioned that there are private reserves in other Latin American countries. For example, the category of protected forests in Ecuador has been used to obtain legal support for privately owned areas. This is an option which should be explored further.

However, Mirta Pereyra (Tierraviva) said that in her country the experience with private reserves had not been positive. Cattle ranchers with at least 61,000 hectares in the western Chaco have declared private protected areas in exactly the places where indigenous peoples have territorial claims. The management of these areas is then undertaken by an environmental NGO.

Dominique Gallois (CTI) said that in her country, people invading indigenous territories have taken advantage of financial resources which should have gone to indigenous peoples, on the pretext of using them for protected areas. Ramón Laborde said that it varies how appropriately financial resources are used in Colombia. Money should be used for the real needs of the communities, and the local people should have the necessary training and organisation to run projects.

### **Concluding Comments**

Gil Inroach (AIDSESP) compared the cases from Ecuador and Bolivia. In both examples a national park has been established without indigenous participation, but now the local indigenous organisations were trying gradually to take over the administration of their territory. In contrast to the situation in Ecuador, however, the Bolivian government has not yet given the go-ahead for this.

Marcus Colchester (FPP) noted that even though the Ecuadorian case was an example in which indigenous peoples recovered the right to manage their resources and decide on the use of their territory, they have not yet recovered their property rights or control of the region. Andrew Gray also commented that it was important to ensure that regulation of laws relating to indigenous territories in Colombia and Bolivia should enhance the implementation of indigenous rights and not create obstacles to the fulfilment of the law.

Gonzalo Oviedo pointed out that Ecuador needs to reform the law regarding protected areas to guarantee the recognition of territorial rights, and that the management agreement is a transitional stage before territorial recognition. He added that the model of indigenous territory as a protection category might be useful in combination with ILO Convention 169, allowing indigenous peoples to manage an area through their own traditional institutions. Legal reforms are needed in this direction, and would contribute to the implementation of indigenous self-determination.

José Luis González said that all protected areas should be converted to indigenous territories, and national parks should be seen as part of the national indigenous heritage. Marcial Arias (International Alliance) thought that agreements between indigenous peoples and states in these cases should be seen as, or developed into, types of treaty between indigenous peoples and national governments. He added "with or without title, we are the owners of our territories".



CHAPTER

3

## THE NORTHERN AMAZON AND THE ORINOCO BASIN

*This chapter looks at indigenous peoples in Venezuela and Brazil, who are in the process of strengthening their local organisations in order to defend their rights. The papers look closely at the themes of indigenous organisation and the way in which indigenous self-development can act as alternative to government-imposed development plans.*

### Venezuela: The Upper Orinoco-Casiquiare Biosphere Reserve

*The session on the Upper Orinoco-Casiquiare Biosphere Reserve began with an outline of the Yanomami's position from Yanomami leader Jose Serpino. There followed two papers: Marcus Colchester presented a paper on the background of the reserve and Javier Carrera presented a paper on the Yanomami's difficulties in becoming organised to deal with the problems facing them.*

#### Introduction

by José Serpino  
SUYAO

Today I will talk about the threats facing the Yanomami of Venezuela. We have serious problems with colonisation in our territories. We, the Yanomami, are suffering from this colonisation. Many of us do not understand Spanish and we are seeking help from the National Congress, the National Guard and the army. Another problem facing us is political; parties and other interests are trying to manipulate us and buy us off. We are suffering from illnesses such as malaria, hepatitis and tuberculosis in distant communities. Only very limited medical support reaches those of us living in the lowlands.

The Parima-Tapirapécó National Park has been established in Yanomami territory, but we know nothing of its constitution or how it will affect us. In 1990 we were invited to Caracas and were told about the plan to create the Park. We asked why it was necessary to

establish the Park without consulting us. We still do not know how it will affect our communities.

We now have our organisation, Shaponos Unidos Yanomami del Alto Orinoco (SUYAO), which has five areas of operation under a General Assembly. However, it does not reach the distant communities. The organisation deals with our problems, and through it we are becoming more organised and gradually learning how to fight for our rights. We will fight with our mouths, our tongues and our words, so that our rights as Yanomami are recognised.

### Conservation Politics: the Upper Orinoco-Casiquiare Biosphere Reserve

by Marcus Colchester  
FPP

In recent years, a growing consensus has begun to emerge that the classical conservation model, which establishes protected areas empty of human inhabitants, is neither just nor effective. Old-style protected areas have bestowed authority on state institutions and have denied local peoples' rights, and this has caused severe social and environmental problems. Particular concern has been expressed about indigenous peoples, whose ties with their territories are fundamental to their cultures and identities and whose rights to the ownership and control of their lands and resources are already acknowledged in international law (Colchester 1994a).

New models of protected areas management, which recognise indigenous peoples' rights and give them a central position in decision-making, are gaining acceptance. In 1996, the World Wide Fund for Nature adopted a new policy relating to indigenous peoples (WWF 1996), which fully recognises their territorial rights, endorses the United Nations draft Declaration on the Rights of Indigenous Peoples and stresses the principle of free and informed consent as central to all relations between indigenous peoples and conservation organisations.

However, actually ensuring the practical application of these principles is a difficult process. Even where legal provisions recognise indigenous peoples' rights and conservation planners aspire to a participatory decision-making process, the obstacles to full partici-

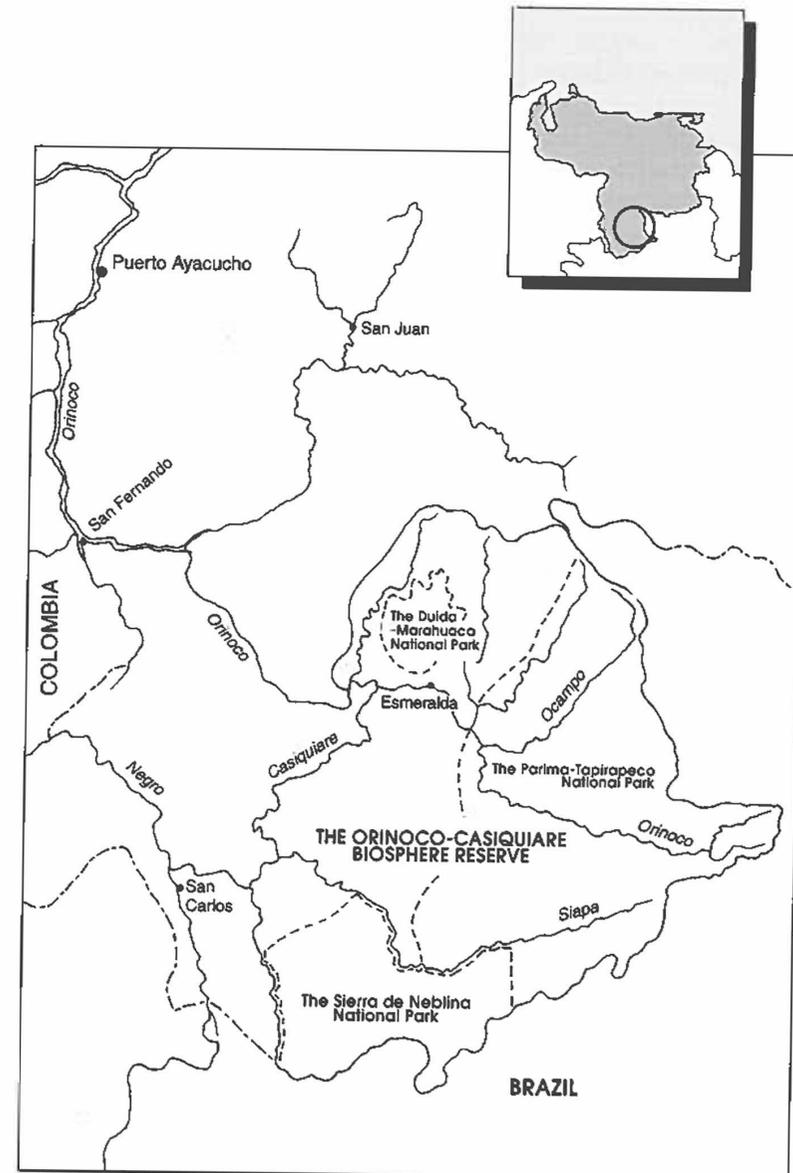
pation of indigenous peoples may present serious problems. One problem is that the cultural gap between indigenous peoples and conservation planners may be very wide. Operating within quite different perceptual frameworks of power, time, and the environment, and within contrasting institutions and social systems, indigenous peoples and conservation planners may have real problems in reaching mutually acceptable forms of co-ordination. Moreover, other players from state institutions, funding agencies and the private sector may intervene to promote quite different interests.

This study examines the case of the Upper Orinoco-Casiquiare Biosphere Reserve in southern Venezuela - the largest protected area of tropical forest in the world. The reserve overlaps parts of the territories of three indigenous peoples and includes an area of relatively isolated upland forest on the Venezuelan-Brazilian border, whose remoteness from central authorities is perceived as one of the causes of special problems of national security and state enforcement of the law.

This paper summarises the legal ambiguities regarding the rights of indigenous peoples in the Biosphere Reserve, and then focuses on the serious administrative and political problems which beset the Reserve. Indigenous participation in its management is nominal and is made almost irrelevant by the fact that the bureaucracy responsible for the Reserve's administration is motivated primarily by personal interests and extraneous political considerations. Despite these shortcomings, the existence of the Reserve has had clear positive consequences for the indigenous inhabitants - it has helped strengthen the hand of those opposing unrestrained resource exploitation by the State.

### The Indigenous Peoples and their Environment

"Yanomami" is the popular term employed to refer collectively to four closely related indigenous peoples - the Sanema, the Ninam, the Yanomami and the Yanomamo - who inhabit the watershed between the Orinoco and Rio Branco rivers. Numbering some 21,000 people, of whom about 12,500 live in Venezuela in over 360 separate communities, the Yanomami are spread out over a huge area of some 192,000 square kilometres (Colchester 1985). Two of these peoples, the Sanema and the Yanomamo, are found within the newly created Biosphere Reserve, which they share with the Ye'kuana to the west.



This upland region, most of which is over 300 metres above sea level, is characterised by steep rolling hills and valleys clothed in unbroken rain forest, drenched by an annual rainfall of between two and four metres. Today most of the Yanomami live from a mixed economy of hunting, fishing, gathering and shifting slash-and-burn cultivation, which they practise at a very low level of intensity. Shifting cultivation, which provides a constant supply of carbohydrates mainly in the form of bananas, plantains and cassava, occupies only some two percent of their land. This allows a sixty year cycle between initial and subsequent clearances, since between a third and a half of their territory is not suitable even for temporary cultivation. However, despite the low intensity of farming, the Yanomami make direct use of the majority of the vast area which they occupy. Day-time hunting, which provides most of the daily protein intake, extends the range of community activities to a radius of some 8 kilometres from each settlement, and foraging and hunting during extended treks takes the radius out further to some 25 to 30 kilometres (Colchester 1991b).

In addition Yanomami communities move around, split and join up again with great frequency and this extreme mobility combined with regular visiting between villages ensures that the traditional Yanomami never over-exploit any one location for too long. Villages are also extremely varied in size, ranging from six to four hundred individuals with an average of fifty eight. The distances between neighbouring communities are likewise very variable, some being only a few hundred metres apart, others being separated by several days' journey.

Although the Yanomami have an extremely precise geographical knowledge of their forests and hunt and farm within relatively well defined areas around their villages, they do not have a sense of exclusive ownership of all their lands. Whereas gardens and farmlands have clear owners, hunting areas are not even exclusive to single communities, but overlap extensively (Hames 1980; Colchester 1982a; CCPY 1982; Good 1982a). There is no evidence that the Yanomami have ever disputed access to hunting zones.

The corollary of these patterns of residence and notions of land ownership is that individual Yanomami villages cannot be considered to 'manage' their natural resources in the way that western farmers or conservationists might expect. Rather, their use of their environment is indirectly regulated by their social and political

structure. Because Yanomami communities are very decentralised, highly fissile, unstable and mobile, the Yanomami never exert pressure in any one place for too long before moving to fresh areas of forest. Their tendencies to mobility and dispersal are reinforced by deeply rooted traditions of raiding between villages.

Yanomami social organisation shows some significant differences from the endogamous village ideal which is structured like the Carib and Arawak societies of the Guyanan Highlands. Even compared to these other acephalous societies, in Yanomami society power is very diffuse and leadership structures weak and very flexible. Decision-making is extremely informal; although it is structured by very well known forms of shared social discourse, it is not ordered by concepts of authority or hierarchy. Correspondingly, Yanomami social structures are characterised by a marked agnatic and very fluid village membership.

During the past century the Yanomami have suffered devastating losses from introduced diseases, and their principal need from western society is effective, culturally appropriate, preventative medicine and primary health care to help them cope with new illnesses (Colchester 1985). Yet, while the Yanomami require territorial security and strict control of access to their region for outsiders, most Yanomami also aspire to an increasing involvement in the market economy, mainly to acquire simple manufactured goods such as metal tools and clothes.

The Ye'kuana are a Carib-speaking people who live to the west and north of the Yanomami. Both politically and economically, the Ye'kuana are quite distinct from the Yanomami and Sanema. They live in much larger, more stable, centralised villages. Their social systems are more typical of other societies in the Guyanas in that their cognatic relationship terminologies and their marriage alliances are based on the village as a socio-political unit (Arvelo Jiménez 1971, 1973). The assembly of village elders plays an accepted role in decision-making and provides the basis on which contracts with outsiders can be made and adhered to, though the degree to which they are considered binding is disputed (Dieter-Heinen 1979).

The Ye'kuana economy is also significantly different from that of the Yanomami. Agriculture is much more intensively developed (Fuchs 1964) and they have developed a complex system of hunting zone rotation (Hames 1980). Hunting and gathering expeditions

from their large, sturdily constructed villages may taken them well over thirty or forty kilometres from their homes. Although there is no evidence that they have a proprietary sense of ownership of their domains, in the western sense, villages do exercise control over village territories and dispute access to their hunting zones with their neighbours when entry is made without permission.

The Ye'kuana have a very long history of involvement in regional markets, being renowned as traders who in the eighteenth century would make their way as far east as the Dutch colonies in the Guyanas. Their connections with the trading and slave networks that criss-crossed the Guyanan Highlands have drawn them north from their homelands in the Upper Orinoco-Casiquiare area, into Macu and Arawak (Guinay) areas in the Upper Ventuari, Auaris, Upper Caura and even Paragua (Colchester 1982a).

#### The History of the Reserve

Outside contacts with the region commenced in 1760, when Apolinar Diez de la Fuente reached Raudal de los Guaharibos on the fringes of the Yanomami area during the Real Expedición de Límites (Perez 1946). Sporadic contacts with outsiders continued and gradually intensified from that time. However, neither the Portuguese and later Brazilian States, nor those of Spain and later Venezuela, made any sustained attempt to exercise jurisdiction over the Yanomami area until the twentieth century (Migliazza 1972; Colchester 1982a; Ferguson 1995).

Under the 1911 Ley de Misiones (still unrepealed), the Salesian mission was granted jurisdiction over the indigenous peoples of the Venezuelan Territory of Amazonas and in the 1940s, this branch of the Catholic Church gradually began to assert its authority over the Yanomami of the Upper Orinoco (Cocco 1972). Initially extremely conservative and paternalistic in its relations with the indigenous peoples, and strongly criticised by resident anthropologists (Lizot 1976; Chagnon 1994), the mission has more recently profoundly changed its way of working with the Yanomami, under the influence of the Second Vatican Council and the Medellín Congress. An adequate study has not been published on the political relations between the Salesian missions and the Yanomami communities with which they have interacted.

North American evangelical missionaries from the New Tribes Mission began working with the Ye'kuana and Yanomami in the late



*Yanomami natives. Photo: Marcus Colchester*

1940s and have maintained a presence ever since. They relocated their missions among the Yanomami to the Parima Highlands in the late 1960s as a result of the strong rivalry with the Catholic missions (Jank 1977). They have frequently been accused of ethnocide and insensitivity to the indigenous peoples' values and welfare, but enjoy strong political protection, and attempts to have them expelled from the region have proved unsuccessful.

In the early 1960s, the Yanomami on the Brazilian side of the border began to suffer the persistent invasion of their lands by miners, and in 1973 the Brazilian State began to intervene directly in the Yanomami territories by constructing the Perimetral Norte highway through their southern marches. Mining and road-building have caused massive mortalities and a long campaign has been fought, led by non-governmental organisations, for the demarcation and protection of the Yanomami's lands (Ramos and Taylor 1979; Survival International 1990). The result has been the legal recognition of some 94,000 square kilometres as an "indigenous park" (parque indígena) - a term which refers, in Brazil, to a very large indigenous reserve under state ownership set aside for the exclusive

use of a number of ethnic groups. However, owing to the inability of either the State or the Yanomami to prevent incursions, the Yanomami's lands continue to be occupied by a fluctuating number of illegal miners, some of whom cross the frontier into Venezuela.

The Yanomami's situation in Venezuela has been quite different from that in Brazil. In the early 1970s, state policy towards what was then the Territory of Amazonas consisted of a "developmentalist" programme that copied the Brazilian military model of road-building and colonisation, under a programme crudely titled "The Conquest of the South" (*La Conquista del Sur*, CODESUR). However, since real pressure to open up the interior of Venezuela was slight - both population and capital being drawn to the oil-rich coast - the CODESUR programme was never more than a political foible and soon lapsed. The lack of real pressure to develop the interior, resulting from the oil boom and the growing awareness of the problems caused by the model of development in Brazilian Amazonia, allowed room for the emergence of a different policy emphasising environmental concerns and scientific research.

The result was that by the mid-1980s the Ministry of the Environment (MARNR) had become the strongest Ministry in the Territory of Amazonas (Colchester 1982b). However, this situation is changing. On the one hand, MARNR has gradually strengthened its presence by defining some 55% of Amazonas as *Areas Bajo Regimen de Administracion Especial* (ABRAE - Areas under Special Management). On the other hand, the worsening economic condition of Venezuela's poor has seen the resurgence of populist policies that promise a rapid opening up of the interior to development. Road-building, mining and plantation schemes are now once again being advocated by parastatals and politicians, a process sharpened since 1991 when the Territory was redefined as a State and was opened to local electoral politics. State Governors have openly supported illegal enterprises, such as mining in National Parks and tourism in indigenous areas, and have sought legal reforms to open the State to logging and mining, activities that are currently banned by Federal Decree.

Efforts to protect the Yanomami in Venezuela commenced in 1978 with the idea of creating a binational Yanomami Park on the Venezuelan-Brazilian watershed (Colchester 1982b). Given the lack of an effective precedent for state recognition of indigenous land rights, in 1979 a Biosphere Reserve covering some 88,000 square

kilometres was proposed in Venezuela, which would divide the Yanomami area into a core zone made up of three existing and uninhabited national parks; a protected area enclosing the majority of Yanomami villages, and a buffer zone including both Yanomami and Ye'kuana Indians where controlled development would be permitted (Colchester 1980).

By 1982 a revised proposal was circulated for an indigenous reserve, with increasing support from the Agrarian Reform Institute, which wanted to establish a legal precedent for titling large indigenous areas. The proposal very nearly gained Presidential approval (Colchester and Fuentes 1983), but the process was confused by the emergence of a second biosphere reserve proposal that same year (Arvelo Jimenez 1983). A resurgence of anti-Indian rhetoric in 1984, after a violent conflict between Piaroa Indians and ranchers, buried both proposals (Colchester 1984b; Arvelo-Jimenez and Cousins 1992) and the idea lapsed until repeated invasions of the Upper Orinoco by Brazilian miners caused a revival of interest in protecting the area in some way in 1989.

That year, North American anthropologist Napoleon Chagnon and Venezuelan ex-Minister of Youth Charles Brewer-Carias, proposed a national park or anthropological reserve for the most isolated Upper Siapa region. This triggered a flurry of counter-proposals, as well as an international conference on the "Culture and Habitat of the Yanomami" (Caballero 1991; Colchester 1991a,b), and eventually led the Ministry of the Environment to push through the Presidential Decrees of 1991 creating the 83,000 square kilometre Upper Orinoco-Casiquiare Biosphere Reserve and the Parima-Tapirapecó National Park within it.

#### Land Tenure and Self-Development

Venezuelan law is ambiguous about the status of indigenous peoples' rights to land. On the one hand, under the Venezuelan Constitution (Article 77, clause 2) "the law establishes a special system as required to protect the Indians and permit their incorporation into the life of the Nation". The principle has been partly strengthened by Decree 250 of 1951, which regulates access to Indian areas, and Decree 283 of 1983, which provides for a bilingual intercultural education system for the Indian communities of the country.

As regards land, Article 2 of the Agrarian Reform Law of 1960 explicitly:

*"...guarantees and acknowledges to indigenous populations that they may genuinely keep their communal or extended family condition, without diminishing the rights due to them as Venezuelans, in accord with the above sections - the right to have the benefit of the lands, forests and water of the region they occupy or which belongs to them in those places where they habitually dwell, without prejudice to their incorporation into national life according to this and other laws."*

However, such legal assurances have provided little security for the indigenous peoples (Colchester 1995). Indigenous "reserves" created by a variety of decrees have been ineffective (Colchester and Fuentes 1983). Decree 250 regulating access to indigenous areas is now rarely applied in the State of Amazonas, while the land titling programme implemented under the Agrarian Reform Law of the National Agrarian Institute (IAN) has only resulted in the granting of provisional titles to the indigenous peoples. These titles are also often only for small areas, which do not correspond to the indigenous territories for hunting, fishing and gathering. They also impose a system of organisation into *Empresas Indigenas* (indigenous enterprises) which is not well suited to indigenous economies or social traditions.

Venezuela passed legislation incorporating the ILO's Convention 107 on Tribal and Indigenous Populations into national law, through Parliamentary Decree 3,235, on 3 August 1983 (*Gaceta Oficial* Año CX: Mes X). Under this law the Venezuelan Government has accepted the obligation to revise its national laws, policies, institutions and practices to ensure that they respect indigenous rights. This includes the following obligation (Article 11):

*"The right to ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised."*

This provision of the ILO Convention has very significant implications for Venezuela's indigenous peoples. The law firmly establishes the principle that indigenous peoples' rights to their land are based on "aboriginal title" and derive from immemorial possession. Their rights therefore do not depend on any act of the State, as they predate the State. Moreover, the Convention considers "land" to be

generic and to include the woods and waters upon it. The law thus has important implications for state agencies allocating rights to natural resources in indigenous areas; they must accept that the indigenous peoples are the legal owners of the land and the resources upon it.

In recognition of this right, the establishment of the Venezuelan State of Amazonas on 29 July 1992 by Special Law explicitly noted in Article 8 that:

*"Indigenous peoples and their communities will be respected in terms of their cultures, language and traditions, as well as in their forms of tenure and use of the lands they occupy, in accordance with the constitutional system of exception."*

Article 11 of the same law stated:

*"Lands occupied by indigenous peoples and their communities are of social significance and are inalienable. The appropriate organs of the State shall therefore proceed to delimit them in accordance with their settlement patterns, in order to award collective title, according to the relevant national laws."*

These legal guarantees have never been put into practice in Amazonas and it remains questionable whether the State will allow titling of indigenous lands in the 55% of Amazonas which have been defined as Areas Under Special Management (ABRAE). ABRAE are legally defined as "public utilities" and thus generally considered incompatible with private ownership of lands, conferring rights equivalent to land ownership on the State. However, in 1993, nineteen provisional titles were awarded to Piaroa Indian communities under IAN's land titling programme. This precedent suggests that community rights to land ownership can be asserted within ABRAE. In the same way, the Venezuelan State has accommodated private land ownership titles in National Parks in the north of the country.

The Upper Orinoco-Casiquiare Biosphere Reserve, and the Parima-Tapirapecó National Park within it, were created to protect the region's natural resources and prevent the expansion of uncontrolled logging, mining and tourism into the Yanomami area. Although Federal Law now recognises a Biosphere Reserve as a legal entity, no subsequent legislation has been passed setting out regu-

lations regarding the use of such an area. The protection afforded by a Biosphere Reserve is thus very ambiguous and depends more on the will of the state institutions responsible for its administration than the rule of law. It was exactly for this reason that the Parima-Tapirapecó National Park was established within the Biosphere Reserve, because National Parks legislation explicitly prevents development activities. However, the creation of the National Park within the Biosphere Reserve does impose further legal obstacles to the titling of indigenous lands and it creates a second tier of administration within the Reserve.

Up until the 1980s, most Yanomami communities relied on the missions and anthropologists and on trade with their Ye'kuana neighbours to gain access to the manufactured goods that had become crucial to their economies. However, since then a few of the larger settlements along the Orinoco and Ventuari (some with technical advice from the Salesian missionaries) have begun to trade directly with the creoles who are selling the surplus from their banana plantations. Since the late 1980s, an effort has been made to formalise these arrangements through the establishment of *Shapunos Unidos Yanomami del Alto Orinoco* (SUYAO), which because it incorporates most of the few Yanomami who speak Spanish, has also become a vehicle for Yanomami political aspirations in their relations with the outside world. However the degree to which SUYAO represents all the Yanomami of the riverine communities, let alone the Yanomami of the upland settlements, should not be exaggerated.

In the western part of the Biosphere Reserve, the Ye'kuana have had a much longer involvement with western markets. Their far-ranging travels along the trade networks in the colonial era were followed by a major involvement in the production of rubber during the late 19th and early 20th centuries. A trade in rare timbers flourished in the 1950s and with the state-sponsored stimulation of the economy in the 1960s and 1970s, many of the down-river communities became involved in increasing trade of surplus from their gardens, mainly cassava and bananas, as well as forest products, basketry and other craft work.

During the late 1970s and early 1980s, a number of Ye'kuana communities were issued with provisional land ownership titles under IAN's community titling project, and the *Empresas Indigenas* so established were able to secure grants and limited assistance through agricultural extension programmes (Clarac 1983).

Since 1995, the Ye'kuana of the Kunukunuma have embarked on a Canadian-supported initiative to demarcate their traditional lands as part of a territorial claim. Using light aircraft and GPS systems, they have located and mapped key points on the periphery of the area that they occupy, controversially including areas on the Padamo river also occupied by Yanomami (Jimenez and Arvelo Jimenez 1995).

A growing problem in Amazonas has been the explosive growth of entrepreneurial "eco-tourism" ventures which have been heavily promoted by the State Governor Edgar Sayargo and the ex-Governor Dr. Luis Gonzalez Herrera.

Under Venezuela's Tourism Law (*Ley de Turismo*), prior consultation with indigenous communities is expressly required before any tourism development can go ahead in their areas (Articles 59 and 60). This law has been further clarified in Amazonas by the approval of Presidential Decree 625 of 7 December 1989, entitled "Standards on Recreational Tourist Activity in the Federal Territory of Amazonas". The decree expressly recognises as "subsistence areas" those areas used continuously or seasonally by indigenous peoples, and also gives protection to the indigenous peoples' sacred areas (*areas de culto*) (Article 27). No tourist activities may be developed in such areas without prior authorisation from the Department of Indigenous Affairs and the consent of the communities and the Corporacion Venezolana de Guayana (Article 28). Unfortunately these regulations are routinely ignored in Amazonas and conflict between indigenous communities and eco-tourism ventures has been widely reported, including by the Yanomami of the Upper Orinoco and Pasimoni, the Ye'kuana of the Kunukunuma, the Piaroa of the Upper Manapiare and the Sipapo, and the Yabarana of the Parucito. Permanent tourist camps established in indigenous areas have been a particular source of dispute.

Ecotourism has proved a divisive issue. Individual Ye'kuana and Yanomami have become very involved in the promotion of the industry and act as guides to bring visitors into their communities. The commercial opportunities are well received by some but the intrusions have been strongly condemned by others who not only resent these impositions as a threat to their authority but also fear that the visitors will bring infectious diseases, some of which are lethal.

The expansion of the Biosphere Reserve over the whole of the Upper Orinoco area theoretically provides a mechanism for the

regulation and promotion of all these initiatives in socially and environmentally acceptable ways.

### **Administration and Participation**

According to Presidential Decree, the Biosphere Reserve is under the control of the Ministry of the Environment (MARNR); administered by its special autonomous Secretariat for the Development of Amazonas State (SADA-Amazonas), and directed by an interministerial committee which includes seven ministries, three parastatals, academic institutions and Catholic missionaries, as well as indigenous representatives. Although the legislation setting up the Biosphere Reserve and National Park implicitly acknowledges indigenous rights to land ownership, explicitly recognises their right to continue their "traditional ways of life" and prohibits colonisation or development by outside interests, it is not entirely clear whether the indigenous peoples have a say in what happens in the area.

The decree, which was issued in July 1991, established a period of two years for the development of a management plan for the Reserve. This has been slow in coming. Funds of US\$ 8 million for a project to begin the elaboration of such a plan were only approved by the European Commission in 1994 and due to very slow compliance by the Venezuelan authorities, disbursement of funds did not commence until 1996. The project plans activities relating to remote sensing and mapping; physical boundary demarcation, and the establishment of an improved communications network throughout the Reserve. It also plans a detailed programme of aid for community economic development, tourism, education, health and nutrition and environmental education. The Yanomami and Ye'kuana were not consulted in the conceptualisation of these activities.

One main challenge for the EC project and for the management of the Biosphere Reserve is the effective involvement of local people in decision-making. The proposed management structure of the project does not provide any clear indication on how local needs and interests will contribute to decision-making. The Biosphere Reserve is thus a long way from offering the indigenous peoples the decisive voice that sustainability demands, a deficiency examined in detail in a previous publication (Colchester 1994b).

A serious complication to the administration of the area comes from the fact that, while the Biosphere Reserve in its entirety is placed under the authority of SADA-Amazonas, the Parima-Tapirapecó

and Duida-Marahuaca National Parks which fall within it come under the jurisdiction of the Government's National Parks agency, INPARQUES. INPARQUES is receiving considerable funds under a nationwide, US\$60 million National Parks Management Project, being financed by the World Bank. INPARQUES officials have made it clear that they have legal responsibility for the management, planning and patrolling of the National Parks within the Biosphere Reserve. They resent the fact that INPARQUES was not properly consulted about the EC-funded project.

Yet it is doubtful if either agency has the management capacity to handle these projects. SADA-Amazonas, in particular, is poorly prepared to run such a large operation and lacks the necessary technical expertise. Unfortunately, instead of dealing with this problem by recruiting new staff to the project, funds, staff, vehicles and other resources are being stripped from other programmes and departments of SADA-Amazonas and MARNR's regional office, reducing their capacity to contend with the numerous pressing environmental concerns in other parts of the State. Partly as a result, illegal mining and other environmentally damaging activities in the State are unchecked and have increased. Mining dredges have begun to operate in Baniva and Guarekena territories on the Guainia river; a gold rush is under way on the lands of the Hoti and Yabarana Indians in the Upper Parucito and Sierra Maigualida; land grabs, deforestation, cattle-ranching and agriculture have intensified in the Cataniapo Hydraulic Reserve, an area occupied by Guahibo and Piaroa peoples which forms the catchment area for fresh water supplies to the state capital. Meanwhile the Alejandro Humboldt Amazon Centre for Environmental Research in La Esmeralda has been reduced to near paralysis.

Until mid-1996 almost no significant efforts were made to hold consultations with communities, although the EC team arrived in Puerto Ayacucho in October 1995. In part, this can be explained by the fact that no EC funds had been disbursed to the project, but the absence of consultation nevertheless reflects badly on the Venezuelan counterpart organisation, SADA-Amazonas. Even when the EC-funded project was officially launched on 14 May 1996 in Puerto Ayacucho, indigenous representatives from the Reserve did not participate.

A serious problem for the project is that SADA-Amazonas, which is meant to be an autonomous secretariat dedicated to promoting

sustainable development in Amazonas, has been taken over politically by the State Government. In 1995, the ex-Governor of Amazonas, Dr. Luis Gonzalez Herrera, was appointed head of SADA-Amazonas and at the same time was made state commissioner for the Programme for the Sustainable Development of the South (*Programa para el Desarrollo Sustentable del Sur* - PRODESSUR), an institution developed by the military under the present government to promote an aggressive policy of frontier colonisation, military garrisons and air bases to counter supposed threats to national security along the borders with Colombia and Brazil.

In his first meeting with the middle management of SADA-Amazonas, Dr Gonzalez described himself as neither an environmentalist nor a conservationist. He announced that his primary objective as head of SADA-Amazonas was to support the construction of a road from Puerto Ayacucho to San Fernando de Atabapo, a project that had been challenged in the courts and denounced by both church and indigenous peoples' organisations for its lack of an environmental and social impact study and its lack of consideration for the rights of local indigenous communities. Officials from the Ministry of Environment had already sought to intervene to halt the illegal construction of the road, which was being built without adequate preparation, planning or environmental safeguards. In fact the road was subsequently stopped by court order. So outraged were the staff of the State Office of the Ministry of the Environment at the appointment of Dr. Gonzalez that they published an open letter in the press calling for his dismissal.

This problematic appointment was quickly followed by another - the appointment of Victor M. Gutierrez Guape as both national co-director of the EC-funded project and as Regional Director of SADA-Amazonas, not so much because of relevant prior experience but because of his family's close political connections. His brother, Adrian Gutierrez Guape, is the Secretary General of the State Governor, who was elected to office on a platform of opening the State to mining and logging.

#### **Policies of the Federal Agencies**

These political appointments to control the Biosphere Reserve are not isolated events, but part of a fundamental shift in government policy towards the interior. Thus, whereas the previous Government had conceived the Biosphere Reserve as a relatively conventional

conservation initiative with a specific concern for the indigenous inhabitants, the new administration has a much more "developmentalist" mentality.

Accordingly, the EC project is now being presented as an integral part of PRODESSUR. The programme contemplates the establishment of new frontier settlements, military garrisons, tarmacked airstrips suitable for military jets, colonisation projects and infrastructural development. Conceived by a Commission top-heavy with military planners, PRODESSUR is a programme designed explicitly to counter the geopolitical pressures of Brazilian expansion through Brazil's *Calha Norte* programme. Any recognition of indigenous land rights is conspicuously absent from these plans. The official document setting out the PRODESSUR plan includes new military installations and roads cutting right through the area of the Biosphere Reserve (Republica de Venezuela 1994). Apparently as part of this programme, in 1995 a two kilometre long asphalted airstrip designed for F-16s was constructed in La Esmeralda, in the heart of the Biosphere Reserve. The airstrip runs right through a Ye'kuana settlement and provoked an avalanche of complaints from the villagers affected.

Over the previous three years, La Esmeralda had been developed by SADA-Amazonas with funds from the German technical assistance agency, GTZ, as a scientific research centre and potential administrative base for the Biosphere Reserve. However, GTZ withdrew from its collaboration with SADA-Amazonas in 1995, alleging serious mis-management and corruption in SADA-Amazonas implicating the most senior officials.

Concerns have also been raised about the vision and priorities of senior MARNR officials. During 1996, developments continued unchecked at La Esmeralda. It is alleged that the company EICA, which was granted the contract (without open tendering) to construct the 2,400 metre asphalt airstrip right through the middle of the Ye'kuana settlement, has close links with Environment Minister Roberto Perez Lecuna. The legally required environmental impact studies were never carried out, and despite the protests from the Ye'kuana, the contractor continued by asphaltting more roads and building houses in the village, including a two-storey house for the Minister, about which not even SADA-Amazonas was consulted. Land was granted to a friend of the Minister, Sr. Bracho, for the development of a tourist site. Sr. Bracho has links with gold pros-

pecting interests and with the National Guard. Pilots have complained that a control tower and cafeteria are being built dangerously close to the airstrip, and should be moved. The site manager for SADA-Amazonas at La Esmeralda, Sr Albornoz, was sacked for criticising these developments.

The policies of the State Government are also matters for concern. The new Governor and many members of the State Legislative Assembly campaigned on a manifesto to cancel decrees prohibiting logging and mining in the State, and to lift restrictions on ecotourism. Meanwhile, a blind eye is being turned to illegal mining and, in violation of the state law on tourism, permits have been signed by the Interior Political Secretary, Arquimedes Arriaga Ascarrio, for operators to take tourists into the Yanomami area. Questionable permits have likewise been awarded by senior State Government officials for new farms in the valley of the Cataniapo.

In late 1996, the State Governor tried to make good his electoral promises. Through his connections with the logging and mining lobbies in the capital he was able to get agreement from the President of the Republic to draft Presidential Decrees nullifying the existing prohibitions on logging and mining in the State.

However, approval of the decrees was halted by a well organised campaign by members of the National Senate, local environmental groups and international support organisations. A deluge of protest letters from overseas delayed the rapid approval of the decrees to allow time for more prudent counsel to be heard. European NGOs were also able to persuade the European Parliament to adopt an emergency resolution calling on the government to maintain its ban on logging and mining in the State. The Parliament felt emboldened to act precisely because of its substantial commitment to the Biosphere Reserve through the EC project. As a result, high level meetings took place between the Venezuelan Ministry of Foreign Affairs and the EC Mission in Caracas and this pressure, combined with that exerted by national NGOs and concerned members of the Senate, was enough to halt the Governor's efforts.

#### **Politics in the State of Amazonas and the process of municipalisation**

One further serious challenge to the integrity of the indigenous peoples of the Upper Orinoco derives from the fact that the Territory was accorded the status of a State in 1992. Under a decree that was passed in December 1993, the new State of Amazonas was

divided up into municipalities (*municipios*), each with elected mayors (*alcaldes*), and each in turn divided into a number of parishes (*parroquias*) with their respective elected heads.

These institutions correspond to neither Yanomami nor Ye'kuana traditional systems for decision-making and their imposition on the Upper Orinoco created a number of problems, of which the most significant were as follows:

1. Many indigenous people, particularly women and those in remote groups, lacked identity cards and were therefore disenfranchised.
2. Party politics were introduced into the communities, causing divisions.
3. Clientelistic relations were established and reinforced throughout the territory.
4. Urban domination of rural communities was reinforced.
5. Dominant communities and ethnic groups secured their authority over smaller and politically marginal ones. In particular, creoles came to dominate indigenous communities, while organised indigenous groups such as the Ye'kuana were able to strengthen their authority over others, such as the Yanomami.
6. Salaries and positions of power for office holders hastened the emergence of an indigenous elite and accelerated the trend towards individualist profit-seeking.
7. The boundaries of the municipalities and parishes did not conform to indigenous political or ethnic boundaries. This led to further divisions.

MARNR had argued strongly for the creation of a single municipality coincident with the Biosphere Reserve. However, the community of Rio Negro successfully insisted on the inclusion in its municipality of the Yanomami area between the Siapa and the Brazilian frontier, in order to secure access to the area for tourism and mining. The Yanomami denounced the proposal in an open letter of 8th July 1994 to the State Legislature, in which they insisted on an assurance that they would retain their own administrative region and would not be subjected to the orders of either creole or Ye'kuana mayors:

*"We Yanomami have our own customs and language, and we wish to organise ourselves, little by little, in our own way. So, please, do*

*not put us in a "municipio" with those from Esmeralda, because we don't agree with it and haven't been asked if we wish to be or not."* (my translation).

The implications of the new municipalities for the land tenure of indigenous communities constituted another matter of concern. In other parts of the State, actions are under way to take over indigenous areas presently officially classified as waste lands (*tierras baldias*) and re-classify them as municipal common lands (*ejidos municipales*) or even extended municipal centres. The indigenous residents would lose their right to claim land ownership titles in these areas and fear they might even be forced to relocate. The new mayoralties were also under pressure to raise revenue to pay the salaries and expenses of their new staff.

In the Upper Orinoco, Jaime Turon, a Ye'kuana who was previously a member of the New Tribes Mission, was elected mayor of a municipality with its administrative centre in La Esmeralda. His administration was assisted by Miguel Gutierrez Guape, brother of Adrián and Victor, who was appointed advisor to the Ye'kuana mayor by the State Government.

The Regional Organisation for the Indigenous Peoples of Amazonas (ORPIA) has challenged the imposition of this administrative structure on the State as contrary to the constitutional regime of exception, and took the case to the Supreme Court. The case suffered interminable delays and ORPIA had to resort to calling for international campaigns to pressurise the courts to advance the case. This action was successful in forcing the court to hear the case.

In a landmark judgement, the Supreme Court of Venezuela ruled the process of municipalisation to be unconstitutional and declared it null and void. It has now given ORPIA three months to come up with an alternative arrangement better suited to their cultural values. The creation of a single municipality for the Biosphere Reserve is one proposal being examined; the creation of a separate municipality exclusively for the Yanomami, to avoid Ye'kuana control, is another.

In its judgement, the Supreme Court also made some powerful statements on the rights of indigenous peoples to participation, noting:

*"Participation in public affairs may be considered as a constitutional principle in defence of public and community interests,*

*which allows a reciprocal osmosis between State and society and a confirmation of the legitimacy of public power. Citizens' participation in the formulation of laws before their enactment and validation ensures the identification of general community interests and the verification of the correct response to their aspirations, as well as its subsequent effective implementation."*

The Court found that "participation" by means of consultations with public bodies and state ministries was a "timid and insignificant expression of the constitutional right of citizens to participation in the formulation of laws".

Citizens' participation constitutes a form of political expression which has special relevance in the case of indigenous communities, given the special provisions of Article 77 of the Constitution of the Republic and in the context of the human rights of minorities, in particular, indigenous peoples. The Court declared that by means of citizen participation, the indigenous minority as a group is able to exercise its rights effectively relating to its traditions, customs, and religious, linguistic and ethnic characteristics (recognised in Article 27 of the International Convention on Civil and Political Rights).

#### **Conclusions:**

In a previous article I have described in detail the decision-making process in Yanomami societies in order to clarify their difficulties in adapting to western programmes of centralised management (Colchester 1994b). This article has focused on some of the problems arising within the State's own administrative machinery. There is an almost unbridgeable gap between a corrupt and inefficient public administration, which shows almost no real commitment to the welfare of the indigenous peoples, let alone to an understanding of their concepts and values concerning their ways of life and the environment; and indigenous social systems, which are decentralised and fluid.

Imperfect though it is, the Biosphere Reserve and its associated EC-funded project have the potential to benefit the Yanomami and Ye'kuana, at the least through strengthening the hand of the environmental lobby against the "developmentalist" pressures from the north of the country. Legalised land rights and indigenous control of the Upper Orinoco appear to be politically unachievable in Venezuela at the moment and the truth is that the Yanomami are not

politically coordinated enough to defend and control their lands effectively against outside pressures without state support.

This paper draws on fieldwork carried out among the Yanomami with the permission of the Bureau for Indigenous Affairs of the Ministry of Education and funded by the Social Science Research Council, the Emslie-Hornimann Foundation, the Ruggles Gate Trust, the Fundacion la Salle and the Corporacion Venezolana de Guayana. The research was also assisted by Novib, a Conservation Fellowship from the Pew Foundation and funding for the Conference from DANIDA and the European Commission.

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### Analytical Notes on the Management of Yanomami Territory

by Javier Carrera  
SUYAO

This presentation will focus on one of the problems we consider crucial when seeking joint management of Yanomami territory – at present also a National Park and Biosphere Reserve. One of the main obstacles to joint management is the identification of structures that make a dialogue possible. A dialogue between the two parties (the Yanomami and protected areas managers) should provide effective mechanisms for the Yanomami communities to develop their opinions and make their voice heard, using a democratic, representative system.

#### From the “Urihi”<sup>1</sup> to the ABRAE: a Territory with Two Different Visions

Experiences from other protected areas inhabited by indigenous peoples warn us of the enormous difficulties that must be overcome in order to make the term “joint management” become a reality

(Colchester, 1994). It is exceedingly difficult to conjugate the forms of management used by two different universes successfully, when they have little mutual understanding. On the one hand there is our own world, which has developed concepts and practices for conservation through the establishment of legal measures (working on the basis of maps); on the other there is the indigenous world, in which the way of life allows the population to exist in a relationship with the environment which has proven viable (living from the forest).

This paper will contribute to an analysis of the difficult situation of the Yanomami people, within the current context of the application of Decrees 1,635 and 1,636 to the Upper Orinoco-Casiquiare Biosphere Reserve and the Parima-Tapirapecó National Park. We will outline what could be termed a proposal for the continuity of the Yanomami's role in relation to their environment, the forest; but with new actors and new tools (technological, legal, political, etc.), and with the aim of gaining recognition of their rights over the land which they occupy, as a way to ensure a stable relationship with the environment. We consider this to be compatible with a successful conservation policy.

We shall base this examination on the subject of self-management, and we shall discuss ideas applied in practice which consider the Yanomami as the main actors in their development. But we shall not present the leading role (here referred to as overall self-management) as something that is solely Yanomami, since that would be unrealistic. The Yanomami world which is the basis for self-management cannot be separated from its connections with national society. Therefore we shall talk about experiences and ideas which in some cases have long been put into practice, and which form part of a developing process within an intercultural context. The current situation is undergoing major changes, and policies and programmes are often being prescribed from afar, to which the Yanomami should provide a response.

Within this intercultural situation, there are ongoing processes attempting to achieve a viable synthesis. Responses are being sought which will be defined not “from the ‘traditional’ structure as it used to be, but from the present-day system, with its connections and disconnections, with its focuses and omissions, with its consistencies and its paradoxes, with its strong points and its weak ones” (Mansutti, 1995: p. 82). Practical responses must be developed through a dynamic and continuous exchange between the two sides.

Very often such responses cannot progress to the practical level. As the socio-cultural patterns of Yanomami society change, so does their relationship with their surroundings, and their traditional balance with the natural environment must be redefined. Redefinition should involve new methods, including formal bilingual intercultural education, and education on subjects such as self-management. The new system should involve new knowledge, but from a Yanomami perspective. It is a long way from the concept of "Urihi", which is put into practice in daily life, to the understanding of "Areas under Special Management (ABRAE)". (We believe the comparison must be seen in this direction, starting from what is familiar to the Yanomami, and progressing to what is new).

If we want to maintain positive results for conservation through the relationship of the Yanomami to their habitat, we must learn from them and place tools at their disposal - this time with an input from the world of science, which will enable them to reach a new synthesis. The process of education and training should come up with an alternative to what we might call traditional conservation by indigenous peoples. The results will not come quickly, but will benefit us all.

Even so, we know that certain events are moving too fast - especially those initiated from outside. In many cases people have to work within a context of imposed policies, at present conservationist, even though they already have very successful models which, with internal restructuring, continue to work. Because of their effectiveness, which is widely recognised by experts, such models are now incorporated into some conservation projects.

But are they really such different concepts, or simply different ways of thinking which reach similar conclusions? In spite of difficulties in communication between the two worlds, the attempt must be made to find areas of complementarity (philosophical, economic, technological, and so on) to enrich the process. Although the two systems have very different rationales and follow very different paths, they share common objectives.

For example, the famous term "sustainable development" is defined by the World Commission on Environment and Development (WCED) as "the way in which 'development' is carried out to satisfy the needs of present generations without compromising the ability of future generations to meet their needs" (WCED, 1987, in Colchester, 1994:143). This is similar to the concepts that have led the Yanomami to their harmonious relationship with the environment.

Projects will be developed which recognise certain rights of the Yanomami from the start, and consultation periods are planned to learn their opinions. This is distinct from discussions of property rights or rights to self-determination, concepts which the Yanomami should include among their main claims. Therefore it is essential to establish the groundwork for the Yanomami's role in the future management of their territory. An important step was made when Yanomami territory was decreed a National Park and Biosphere Reserve, and we believe that the process, although not completely defined, is well under way. Part of it will concern the basis for the Yanomami's rights in the Decrees that state in their preamble:

*"It is the duty of the national executive to protect the rights of the indigenous populations to enjoy lands, forests and waters in the territories where they habitually dwell, which they occupy or own". (Considerations, Decrees 1635 and 1636. Gaceta Oficial No. 34767 of 1-8-91).*

And, among the articles:

*"To support self-management and ethno-development among the indigenous peoples settled in the biosphere reserve and to encourage their participation." (Decree RBAOC, article 5e).*

*"To promote bilingual inter-cultural education in indigenous communities, in conjunction with the Bureau for Indigenous Affairs of the Ministry of Education." (Decree RBAOC. Article 5g).*

*"The lands, forests and waters occupied by indigenous peoples, their economic activities compatible with the environment, and the entirety of their social, cultural and linguistic heritage shall be protected by the civil and military authorities. Both the various types of Areas under Special Management (ABRAE) in the Biosphere Reserve and all land use planning shall respect the territorial unity of the indigenous peoples." (Decree RBAOC, art. 6).*

These are some of the bases for the processes discussed above; for some of the rights of the Yanomami people, and for their dialogue with the protected areas authorities within the Ministry of Environ-

ment and Natural Renewable Resources (MARNE), with SADA-Amazonas and the National Parks Institute (INPARQUES).

Within the process of dialogue, all projects planned in the area should take the time factor into consideration. The passage of time is different in the Yanomami cultural universe, which has few points in common with our own. This is a basic factor which should be taken into account by the authorities and external advisors involved in the creation and implementation of policies and programmes for these protected areas, if they want to achieve the genuine involvement of the local people, the Yanomami.

Aware both of differences and of points in common, one of the main problems when we talk of the co-management to which we all aspire is to identify structures which will enable dialogue between the parties involved - project managers and advisors, and the Yanomami - with their different visions and demonstrations of reality. The representatives of the different visions must talk together and find common ground. Let us now consider the Yanomami vision, and try to define its structure.

#### **Yanomami Representation in the Current Context**

In order to analyse the current system of Yanomami representation, we should first consider "traditional" leadership in the context of a segmented society with many divisions and little internal cohesion. Such characteristics do not prevent it from being egalitarian, and in its own way democratic, with the prevalence of a strong individualism. Everyone has the same right to talk when it comes to taking decisions. Therefore, nobody can force anyone else to do anything and the best way of trying to convince them to do something is by setting an example.

But who are those who set the example? Here we find the kind of individual who, according to Lizot "may be the oldest of the active men - a father, or the eldest of several brothers - but the age criterion is not absolute. It is a matter of fulfilling a role or assuming a public function, and the correct vocation, motivation and qualities are essential. In fact, such a position carries an obligation for more work and the assumption of more responsibilities with no privileges except authority and prestige (which are always questioned). There is no material advantage." Such people represent a degree of authority in their communities and sometimes more widely, when they enjoy a certain personal fame arising from their political role.

The prestige is neither free, nor acquired by vote, since "they work more than the others, and their responsibilities are heavier. But they have the advantage of standing out because of their competence, their skill and their knowledge and, based on this, of achieving an authority which is purely moral. They have much weight in decisions which affect the group as a whole." (Lizot, 1988.555-556).

These characteristics have not been supplanted during acculturation, although there are now also political spaces for new forms of authority, where there are new "candidates." The new forms of authority may be superposed and complementary, but could also be antagonistic. They have been created in an intercultural context and are dominated by a new vision, a different language and different customs. Western culture is transmitted to the individuals who are in contact with the surrounding national society, with the world that the Yanomami call the world of the "Nape." In this context there is a type of dynamic relationship, but it is a dynamism which includes many points of conflict. The relationship tends towards asymmetry and antagonism, rather than towards equality and equilibrium. Spanish is the "official language" in such a relationship, but in most cases is not intelligible to everyone.

To return to the representative, the new candidate, the spokesperson who is very often designated as captain ("capitán"); his areas of authority (we could already talk of a certain power) usually consist of new fields of knowledge where bilingualism is a basic prerequisite - an important and essential tool - at least for any significant level of involvement.

Here we find people who acquire knowledge which is not common to everyone and which, for the time being, is not within everyone's reach. New possibilities for promotion are established; the foundations are laid for acquiring new skills that may lead to representation and therefore a kind of leadership (for those who know how to make use of them). It is these new candidates who participate in the various meetings where Yanomami representation is required (mostly by external participants). Under present conditions they are the only people able to transmit the "voice of the Yanomami." Similarly, they are the spokespeople in the opposite direction - towards the interior of their society - introducing "non-Yanomami" voices and carrying out the functions of translating and transmitting the results of their representative activities.

But in fact, in view of the weaknesses of both traditional and new systems of leadership, and of the segmentation of Yanomami soci-

ety, whom do these candidates and representatives represent if they are not integrated into an organised structure that supports their opinions, beyond the group of local communities which, due to their common history and their proximity, are better known to them? Whose is the voice which they transmit, and on whose behalf do they listen to the results?

We recognise the area of the Yanomami territory and the great number of communities, who each face very different situations. For example, there is the Parima zone, with an army post; the area of Delgado Chaibaud, with the National Guard and constant danger from the proximity the "garimpeiros" (gold prospectors); the Siapa zone which is practically unknown by the Yanomami of both the Parima and the Upper Orinoco; those settled in different types of evangelical mission centres; the communities in the area of influence of the Salesian missions with their bilingual, intercultural, co-operative schools, SUYAO, etc; those who are receiving the attention of traditional political parties that have broken with the system of municipalisation; others in intermediate situations, and those far from all these factors, but who are still influenced by them through third parties.

In spite of having greatly simplified these complex local situations, it is clear that they should be taken into account, not in order to reject any kind of representation (and this should be well understood), but to correctly identify a system that will allow an effective structure for dialogue involving participation; or at least where voices from different situations can be heard.

### **Trends**

On examining this type of representation with its limitations, and placing it within its overall context, we may observe two outcomes. It has often proved necessary and positive, but on other occasions it has had negative results, when it has been manipulated and directed at goals which do not represent the current priorities in the region.

### **Imposed Representation**

Internal divisions of the segmented Yanomami society are used and often exacerbated by both Yanomami and non-Yanomami individuals who see an opportunity for personal gain, almost always immediately, and to the detriment of others. In such situations, personal interests come before general interests and the conditions we wish

to propose are not present (that is, the widest possible consultation with the largest number of communities on the subjects proposed).

We have been direct witnesses of the negative effects of the type of representation imposed by external political parties. Its basic weapon is political patronage, and gifts, often in the form of paid posts, have been the mechanism of "integration" into party politics and the perpetuation of urban domination over the interior. In such cases, the majority on each side has attempted to derive the maximum benefit possible, with no consideration of costs. What matters is not who gives, why or how, but what is given. In times of serious national economic crisis, this policy has invaded some Yanomami communities, where it represents an opportunity and a source of wealth for those who support a certain political leader with their votes, rather than a way of building a better life.

Municipalisation, imposed through the Law of Territorial Political Division, produced real divisions in the communities without any real improvements. We have been witnessing a new version of a political practice more typical of the colonial period - though not absent in our times - whose clear purpose is de-culturalisation, in order to bring about an attitude of submission amongst the Yanomami as fast as possible to those who manage resources, in this case the representatives of the political parties in power. This is achieved through the use of our non-indigenous systems of categories and symbolic codes, even though they are often transmitted by indigenous peoples themselves.

Within this context there is also a type of representation that does not provide very positive conclusions. Because it is directed by interests frequently foreign to the Yanomami, we do not consider it valid from the present standpoint. However, through the virtues of contradiction, these specific experiences may illuminate the process towards a better type of representation. In this respect, the efforts of ORPIA (Regional Organisation for the Indigenous Peoples of the Amazon) and the Human Rights Office of the Apostolic Vicarage should be highlighted - a long process still under way, which led to the annulment of the Law and the subsequent preparation of an alternative proposal by the vast majority of organised indigenous communities of the State of Amazonas, where Yanomami representation existed.

The said proposal was discussed at Puerto Ayacucho from 23 to 27 February of this year, and submitted to the Legislative Assembly for

examination. In general terms, since the draft Bill is still under preparation, the paper submitted to the Legislative Assembly of the State of Amazonas is a territorial proposal which proposes the creation of eight multi-ethnic, pluri-cultural municipalities, in pursuance of Article 2 of the Constitution of the State of Amazonas and Article 77 of the Constitution of the Republic; and also the creation of indigenous and urban parishes.

From the Yanomami perspective, given this background, and conscious of the fact that experiences such as this will be repeated and demand more and more preparation, we would ask:

- What structures would allow a representation based on a consensus from the widest possible consultation?
- Can the democratic bases found in Yanomami society be combined with current demands for a series of decisions based on a degree of involvement of the whole population?

What are the best channels to disseminate the "Yanomami voice", in spite of the fact that it does not "exist" in a way that many can hear?

We are raising several questions that do not have easy replies; there are no magic formulae that can provide us with "the solution". However, there are ways to channel efforts to seek such a solution, or the most appropriate alternatives. In the search for and consideration of alternatives, we shall now discuss the Yanomami's organisation for self-management, SUYAO (*Shaponos Unidos Yanomami Alto Orinoco*), which is an example of a trend we consider necessary and positive.

#### **SUYAO: an alternative model of representation**

Through the experience of SUYAO, an organisational structure for the union of Yanomami communities, the potential emerges to make the "Yanomami voice" heard through the widest possible representation and to respond to the need for consultation processes. The model for organisation and representation proposed by SUYAO has already been recognised in the decree creating the Parima-Tapirapecó National Park which states in article 2:

*"...during the process for the preparation of the Land Management Plan, the represented communities should be involved in the relevant consultation stage through their organisation SUYAO."*  
(Official Gazette of the Venezuelan Republic, 1991).

Let us look at the way SUYAO operates in this respect, and the best way for the Yanomami to become involved in the consultation processes, which for them represent a major novelty "which should open up a new aspect in their most vital and immediate cultural perceptions: hunting, fishing, the home, socio-political relationships, etc..." (Bortoli, 1994:21).

Based on the advice available to SUYAO from different experiences, an attempt will be made to reach as many communities as current limited conditions allow. Today, over 45 communities are participating to some degree. The main operational activity of SUYAO is as a co-operative for the exchange and trade of goods ranging from handicrafts to honey, Brazil nuts, mamoré, chiqui chiqui and any other products that are in surplus, such as plantain flour for basic subsistence, hammocks, mosquito netting, clothes, soap and so on.

Certain geographical criteria of distribution have been used in deciding the management and administration of the various co-operatives, and they are currently divided into four zones: Ocamo, Mavaca, Mavaquita and Platanal. The distribution pattern is not only based on practical considerations, but also aims to achieve greater cohesion in each of these zones, and through experience in management and administration to establish groups that reach beyond local communities. The zones, which comprise neighbouring communities linked by family connections and a common history, constitute another level in the organisational process. The various local experiences of the organisational process are being incorporated into a wider structure, which can disseminate the results as a basis for further reflection, rather than letting them remain isolated and limited to a small geographical area.

The process starts with the basics - with the establishment, administration and management of various local community co-operatives - and then moves on to the next level of organisation, where a representative is elected in each zone by the representatives of local co-operatives. He joins representatives from other zones in assemblies or meetings, where he is responsible for transmitting the "voice" of the communities that he represents. Due to their proximity, the communities within a zone usually have interests in common. Furthermore, the representative will also carry the "voice" of other zones back to the communities he represents, thus completing the circle that should ideally make it possible to communicate and to receive communication.

SUYAO is presented as a model of self-management that, by moving between two culturally different but interrelated worlds, responds to the need for "self-management principles for different contexts: internal self-management and self-management towards the exterior" (Bertoli, 1991:52). This need makes it necessary to promote the autonomy of each local community while at the same time seeking increased inter-community cohesion, in order to establish a common front towards the exterior and act as an indigenous organisation to channel and defend Yanomami interests, by means of the process of representation described above.

Thus internally there are various local co-operatives which serve as a means to maintain the ideal of autonomy, and have different levels of operation according to their capacity for management and administration. In general, the criteria used are those well known to the Yanomami (although not always practised today), by which a balance is sought between their new needs and the means to fulfil them. This is not easy under current conditions, where many needs appear before the means exist. In the Yanomami world, the relationship between needs and the means of their fulfilment is based upon a particular philosophy; upon the use of simple but efficient technology, and upon a family structure for production which enjoys a wide degree of autonomy complemented by strong doses of solidarity and exchange, basic to Yanomami society.

The various relationships established in Yanomami society by the operations of SUYAO have developed not as a response to a global need for organisation, but in answer to a more immediate need for commercial exchange (in response to advice from the Salesians), which is the main motivation for people to participate in co-operatives. It should be noted that the material factor is the basis for a greater scale of mobility: there is a constant circuit of relationships promoted through co-operatives. Goods exchanged constitute vehicles of relationship, governed by reciprocity, and this maintains a level of relations between the communities scattered all over the territory. "There is a need for exchange in order to maintain and balance relationships, and a need for relationships in order to be able to exchange." (Bertoli, 1991: 50).

There is now a demand for new systems of Yanomami intermediation and representation, which must strengthen existing structures in order to incorporate new consultation processes into decision-making. This time, the exchange will frequently be of words, information,

proposals, meetings, encounters, and so on. Based on the importance of exchange and reciprocity, there will now be exchanges of opinion, proposals and points of view, and to do this well, lengthy consultation processes with the communities in their own language are needed. Many Yanomami will continue to be much more interested in obtaining the co-operative goods mentioned above than in many of the proposals made to them, and with reason. The level of response and the capacity to involve people will very much depend on the mechanisms developed for consultation.

#### **The Consultation Process: Basic Criteria**

We have briefly discussed some of the features and effects of the system of representation currently observed among the Yanomami. We believe that now consultation processes are being developed, the emphasis must be on their structure and mechanisms, which should allow the Yanomami to express their opinions and responses. The paper has focused on this objective, and we shall conclude by pointing out a few criteria:

- 1) The consultation process must be as broad as possible, and this will need the support of an organised, efficient structure to channel information and opinions.
- 2) Subjects under discussion that require decisions should be broadly disseminated in the Yanomami language before the consultation period begins. It is impossible to give opinions without being fully informed, and the best vehicle for comprehension is one's own language. The dissemination must include oral communication, production of written materials and audiovisual aids.
- 3) The enormous size of the Yanomami territory and the difficulties of communication means that consultations inevitably start in the most accessible parts, but it must be borne in mind that these represent only a small proportion of the total number of communities, and have their own specific local conditions.
- 4) Presentation of issues in an abstract, theoretical manner should be avoided in favour of practical points of view. The issues must be made comprehensible to the people.
- 5) Meetings should be promoted between Yanomami with different experiences, such as those who have been in direct contact with "garimpeiros", with tourism, or with political parties. In this way, information will be disseminated to different zones. One

excellent example was the visit from Brazil of the Yanomami leader David Koppenawa in February.

- 6) The time factor should be dealt with in consultation processes. Bearing point 3) in mind, the need to take quick decisions very often limits the possibility of basing responses on broad consensus.
- 7) The structures established for these purposes should gradually be improved through an efficient communications system and adapted to the conditions in the region. In practical terms, new types of communications should be promoted, such as radio, Yanomami newspapers and audiovisual material.
- 8) There is a need to provide adequate training for personnel involved in the various processes, be they Yanomami or external advisors.

#### Note

<sup>1</sup> Urihi: Forest. Could also be translated as "territory".

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## Panel Discussion

Janis Alcorn (Biodiversity Support Program, USA) commented on the difficulties of the clash between development and conservation, particularly in an area being colonised by oil, mining and military activities. The obstacles to indigenous organisation also make the confrontation of powerful interests extremely problematical. Nevertheless the Yanomami are succeeding in becoming organised and defending their territories, seeking support from wherever they can find it.

Marcial Arias (International Alliance) drew attention to the frequency with which protected areas are established without consultation. Some governments and conservationists are recognising that this must change, but this is not the case in Venezuela. The imposition of eco-tourism on the Yanomami, their health problems and the presence of colonists are all violations of their rights. A strong organisation is crucial for the Yanomami and maybe exchanges with other indigenous peoples who have more organisational experience could be fruitful. Environmentalists could provide support for this, and indigenous peoples with organisational experience can then help those facing serious threats.

### Brazil: The case of the Walāpi

by Dominique Gallois  
CTI

*Dominique Gallois from the Centre for Indigenous Affairs (CTI) explained that her paper shows how after waiting 15 years for the demarcation of their lands, the Waiāpi managed to expel illegal colonists and map out their territory. She said that the defence of a territory involves political organisation as well as a sustainable economy and only recently, once this process was complete, have the Waiāpi become interested in environmental issues. Traditionally they do not separate the concept of the environment from the rest of their culture. The mapping process has led to the zonification of their territory, centred around a protected area which provides breeding grounds for animals important for hunting. There is also a buffer zone around the territory to limit the presence of colonists.*

*In this way they have "extended the exercise of sovereignty over their territory to its utmost limits".*

### **The situation of the Waiãpi, past and present**

In the context of the social and environmental devastation that afflicts most of Brazil's indigenous areas, the current situation of the Waiãpi is a privileged one. They live in lands where there is no encroachment, which they themselves have demarcated, and which cover an area of 603,000 hectares of tropical forest.

They are now seeking development alternatives for exclusive resource exploitation within the territorial limits they have established over the course of many years, through experience of collective management.

During the process they established a Council of Villages (Consejo de Aldeas/APINA) to coordinate the commercialisation of production in twelve villages. They are advised by CTI, which has supported their initiatives for territorial control for several years, by training young people in the management of these activities.

### **A History of Flight in Search of Isolation**

During the last three centuries the Waiãpi, who belong to the Tupi language group, undertook successive migrations towards the north, fleeing the frontiers of colonisation and missionary activities in the lower Amazon. During the eighteenth century, they conquered a large area in the hills between the Jari and Oiapoque river basins by fighting and incorporating parts of other ethnic groups. They ended up by dividing between the two sides of the frontier between Brazil and French Guyana, where there are approximately 800 Waiãpi. There are 450 in Amapá, living in twelve villages.

### **"Sedentarisation", promoted by FUNAI**

In spite of sporadic contact with the "balateiros" (fur hunters) and scattered clusters of campesinos which had settled over 200 years ago, the Waiãpi group in Amapá lived in relative isolation until 1973, when the Federal Government initiated construction of the Northern Perimeter highway. In order to "clear" the region of indigenous presence and make way for the highway, FUNAI set up a post as a centre of attraction and strove to gather all the Waiãpi around it.

This marked the beginning of the most dangerous stage in the existence of the group. With the attraction of the FUNAI post, the

area was opened up to waves of invaders who came one after another to exploit the fauna, the flora and above all, the gold. Explicitly discouraged by FUNAI agents, the Indians stopped their production activities except in the vicinity of the FUNAI post. Infected by diseases they could not cure, practically all the local Waiãpi groups became concentrated around FUNAI, and later around the Evangelical missions (Summer Institute of Linguistics (SIL) and New Tribes Mission (MNTB)), in the hope of gaining the "protection" they had been promised against the invaders. Thus started a process of dependency which increased over a period of ten years.

During this time the Waiãpi built up a new image of white people, no longer distant and dangerous, but rather ambiguous providers of desired goods. This image of the "other" reflected a self-image that was also ambiguous, of a people that needed protection. Their self-image is now changing, but very slowly.

### **Disillusion and Return to the Forest**

The eighties constituted a turning point towards the restoration of a political organisation which would recover some of the Waiãpi's traditional principles and ways of life. They re-adopted a dispersed pattern of settlement in order to break out of their imprisonment and tensions arising from concentration around the assistance posts. Disillusion with coexistence with the white people grew, because the "cheap" exchange of handicrafts did not make up for the dependency on manufactured goods (mainly arms and ammunition) which the latter had introduced. On the other hand, they continued to come across gold prospectors whenever they went any distance away from their settlements. Disillusion increased with delays in the response of FUNAI and the Federal Police to calls for the removal of the encroachers.

This was the background to the launch of an internal movement for the recovery and exploration of an area of land, both for subsistence and (primarily) for trade. The area corresponded approximately to the area occupied by the Waiãpi before the arrival of the Perimeter highway and FUNAI, and the Waiãpi regarded it as their property.

It was during this stage that the Waiãpi first conceptualised their ethno-territorial limits, in contrast to the vision of the ancient Waiãpi:

*"Before, there were no limits. Only forest. There was no need to establish limits. All the forest was ours. The ancient Waiãpi spoke*

*only of the sites where they had established their dwellings. They opened up trails to hunt and visit other villages. Our ancestors only made hunting trails. They only marked certain paths; they only took those routes. When hunting was exhausted in one area, they opened up trails in another direction. And they settled there again...*" (Chief Waiwai, Okakai, 1995).

The new concept of "limits" arose from confrontation with invaders. Guided by the leaders who were most conscious of the ineffectiveness of official protection, the Waiāpi decided to eject the "garimpeiros".

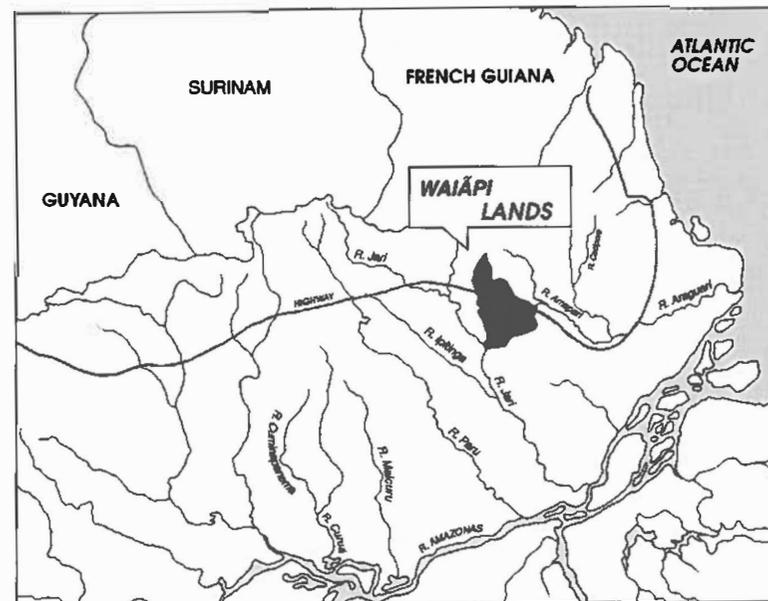
Between 1983 and 1993, there were nearly twenty operations under the exclusive control of the indigenous people. It is essential to note that the Waiāpi were capable of "cleaning" their lands of encroachers, who were in small, scattered groups: ten to thirty garimpeiros in each place could be ejected through humiliation (dismissal and return to Macapá under verbal aggression) rather than violence.

Families set up camps to monitor all the encroachers' trails, and some of the camps became villages. As they were recovering portions of the area, the Waiāpi also started exploring the gold deposits previously exploited by the invaders.

#### **Experiments to find substitutes for dependency**

During the 1970s, instead of ejecting the invaders, FUNAI officials helped them to enter the area. It was at that time that some of the Waiāpi families experimented with manual gold prospecting. During the 1980s an increasing number of Waiāpi decided not only to occupy the land, but also to exploit the deposits abandoned by the invaders. From then on, they also explored new sites during monitoring trips. At present, over one third of Waiāpi families prospect for gold on a seasonal basis. Gold prospecting is only one of many extractive activities which are totally integrated into the subsistence cycle, and also include slash and burn agriculture, hunting, fishing and gathering of plant species for trading. Monitoring and gold prospecting, like the use of plants, have become different factors in a single strategy for territorial control.

In order to fulfil their demand for manufactured goods (cloth, arms, munitions, pans, lanterns, batteries, and very rarely, food), the first alternative which occurred to the Waiāpi was to increase profitability from traditional types of forest management. They increased the collection of Brazil nuts, copaiba and various fruits; they cap-



tured parrots, macaws and turtles for sale; they invested in the production of handicrafts and in the extraction of alluvial gold. It is important to note that under their own initiative, they showed no interest in selling agricultural produce of the kinds produced by the regional population (cassava flour, bananas). Little by little they perceived that the best marketing strategy was to emphasise their traditional way of life in the forest, which gained them added "ethnic" value. Of course, gold was inserted into this framework, and their mythology was modified in order to attribute responsibility for the control of gold throughout the land to the mythical creators (see Gallois, 1987 and 1993).

These are the initiatives that were supported by CTI, after discussing the selection of products with the indigenous people. In a few years it was possible to stop the sale of animals. We invested in market tests of copaiba (which were not positive), we diversified the sales points for handicrafts (which are still not very profitable) and increased productivity in manual gold prospecting.

Gold prospecting (together with plantations along the forest paths – see below) is the alternative that most attracts the Waiāpi. We reverted to simple extraction techniques which do not destroy the

land, completely eliminating the use of mercury and other bad practices that the Waiāpi had inherited from their times alongside the “garimpeiros”. The new model of gold prospecting, now consolidated, favours the regeneration of areas that have been exploited, transforming them into plantations of native fruits. All the placers exploited by the Waiāpi were formerly farmland or villages but are capable of producing large quantities of caxiri and other fruits, and in the future they will be forests full of fruit “for the grandchildren.”

None of the Waiāpi families obtain their monetary resources exclusively from gold, nor from handicrafts, nor from the sale of plant products. Therefore it is difficult to compare profits from activities geared towards subsistence with those geared towards commercialisation. Extractive activities, be they for mineral or plant products, are necessarily dispersed and intermittent, strengthening the autonomy of the family units at the levels of both production and distribution. This formula, adapted to the Waiāpi social structure, promotes territorial monitoring. The same can be said of agricultural practices, also characterised by intensive rotation, which guarantee both a social balance (through the dispersal of local groups) and soil restoration. All the activities are interwoven in the calendar which acts as the bases for inter-community social relationships. There is a time for tending kitchen gardens, another for gathering plants, another for gold prospecting, and another for ritual village life.

Waiāpi extractive activities cannot be evaluated solely by the criterion of the recovery of investments, as they cannot attain sustainability in the short-term. They have in fact been subsidised by CTI (travel by advisors, equipment, fuel, training, and so on). Under the present use of the family structure, it is evident that profitability is low. But, although our aim right from the start has been the sustainability of these activities, it is first necessary to provide management experience. The results in terms of learning have been positive, both regarding methods of organisation and at the purely technical level of production and marketing. The subsidy of extractive activities and the associated process of territorial control was an essential stage in the training of the community.

What the Waiāpi want at present is to increase their economic independence. This expectation has been strengthened by demarcation of their territory which was concluded in 1996.



*Waiāpis natives. Photo: Dominique Gallois*

### **Appropriation and Demarcation of “land”**

Between 1983 and 1993, while they were recovering control of their land and investing in new goods (not “surpluses”) to replace their dependency, the leaders started to make systematic claims for the demarcation of their land. Its delimitation was altered as new areas were occupied and recovered during the process of dispersal. Successive proposals were submitted to FUNAI, through the anthropological advisory services that I was providing to the Waiāpi.

FUNAI’s delay in carrying out the physical demarcation made the Waiāpi leaders impatient. FUNAI gave in to pressure from interests opposing the indigenous people at both the local and federal levels, and put off its promise, citing a lack of resources. Meanwhile, the “garimpeiros” and small businesses interested in exploiting the rich subsoil of the area continued their attempts to invade the land.

After ten years of waiting, the Waiāpi decided to demarcate their lands themselves and requested support from CTI. In 1994, FUNAI,

CTI and GTZ (the German Government Co-operation Agency) signed an agreement to carry out demarcation and monitoring of Waiãpi Indigenous Territory in three stages<sup>1</sup>. The process would be a test case<sup>2</sup> for the demarcation to be carried out by FUNAI in the framework of the G7 Pilot Programme for the Protection of Brazilian Tropical Forests (known as PPG7).

From the above, it is evident that the work carried out by the Waiãpi over the next two years was neither the beginning nor the end of the process of learning about territorial management. It was simply one stage in the long process of transformation of the cosmic vision of these people, who are now in contact with various sectors of the surrounding society. It was a stage during which the land was the symbol of their search for autonomy; in other phases other symbols will arise.

Perhaps the main value of this experience is as material for reflection, because it represents a crossroads between different options for the future of a community considered to be "maintaining" its cultural patterns. It should be stressed that the Waiãpi are considered to be the "nice, pure Indians" of Amapá, and they learned to manipulate this image in order to strengthen their position and to obtain support. Is this "authenticity" simply simulation?

#### **Indigenous Production: a Concept of Land, a New Self-image**

Between the time of the first proposal to FUNAI and the completion of demarcation, the Waiãpi drastically modified their self-image. Previously, it took the form of a dispersed internal network of social patterns, which were not strengthened by external threats. Today, all relationships with the outside are integrated into the internal network. This was brought about through the creation of the previously non-existent concept of territory.

In summary, the Waiãpi have passed from:

- A decentralised self-representation (without ethnic connotations), based on internal social patterns, where organisation and territorial occupation were limited to the appropriation of historically remembered tracks which outlined the areas of passage of the local groups (*wan*). There was no "territory", but only different zones supporting the "fragmented life style", a translation of the expression *-ekowa* ("the place where 'I' live my style of life"), used to designate each local unit.

to:

- An ethnic self-representation, with the category of "we, the Waiãpi", born from the confrontation with a foreign life style, and which gradually came to be expressed through the claim for an exclusive territory: *jane ywy*: "our land". This term only exists as a global concept connected to "we, the Waiãpi". It would make no sense, either in the past or in the present, to attribute a territory to local groups. There is only land for the totality of the "Waiãpi". This is the conceptual system they developed over two decades.

For this process, new forms of inter-community relationship would be needed which were radically different to the traditional exchanges marked by tensions (matrimonial and ritual exchanges, and above all, shamanic aggressions). When they undertook the process of demarcation, the Waiãpi proved that they had reached a significant stage in the long process of internal sociopolitical adaptation to co-existence with the external world.

If, for the Waiãpi of today, the land is the basis of their ethnicity, this apparently self-evident fact is actually the result of a long learning process concerned with collective management. The process was only crystallised with the adoption of a limited territoriality (later without limits); there was no need for collectivity. The expression *jane ywy* is an invention of the 1980s, used as a synonym for Waiãpi self-designation; it was not even coined during the seventies. Both are concepts in a constant state of change.

This point appears to me to be fundamental to a portrayal of the Waiãpi experience: the adoption of interdependent ethnic and territorial limits is an open-ended process, and for this reason is not necessarily experienced as a definitive "encapsulation" (see below).

Thus the question of assimilation in defence of a territory seems to say less about the preservation of traditional types of land and resource management than about the more delicate question of inter-ethnic co-existence.

Today, various alternatives have been proposed to the indigenous people by intervention agencies, causing them to reflect on our own society's vision of them and their future. This means that from now on, young people may choose another path, not foreseen in the traditional expectations of the elders. They may take up the option of "becoming white", suggested to them by the protectionist practices of official agencies.

### The Failure of the Protectionist Model

The path followed by the Waiāpi shows that the process of territorialisation of an indigenous society can occur outside the limits of an official policy which, in Brazil, has used demarcation as an authoritarian instrument for minority "protectionism", to prevent communities gaining the capacity to develop and manage their own territoriality.

### Current Concepts of "Land" and "Territory"

The difference between "land" ("terra") and "territory" ("territorio") refers to the different perspectives and actors involved in the process of demarcation. "Land" is the political and legal process carried out under the aegis of the State; "territory" refers to the construction and daily experience (which is culturally variable) of the relationship between a specific society and its territorial base.

It is important to note certain points of disparity between those involved in the regulation of indigenous lands in Brazil, as follows.

The indigenous question is popularly summarised in the phrase "much land for few Indians". Sectors opposed to indigenous interests continue to oppose the expansion of land supposedly under indigenous control. They do not take into account the fact that they scarcely control one third of the total surface of those lands, which are invaded by gold prospectors, loggers, roads, hydroelectric power plants, transmission lines, colonisation and so on.

For FUNAI, which exercises trusteeship and should guarantee indigenous rights, demarcation is a supposedly neutral action which "attempts to transcend conflicts, suggesting an image of equilibrium and the conciliation of interests" (Oliveira, 1989); that is, it continues to deny the achievements obtained in the 1988 Constitution which highlight the "original rights" of indigenous peoples over their lands, independently of demarcation.

As conciliation is very rare, indigenous peoples have become organised into innumerable associations which have gained a place in the debate. In this way they have stopped representing a transitory category of "primitive people", and have become the spokespeople for development claims, which are often controversial.

NGOs are participating more and more in the technical field of "educational" alternatives to strengthen the processes of indigenous territoriality. Overall experience from many separate sources shows that support for the defence of indigenous territories is based on the

promotion of micro-processes for ethnic (but not pan-indigenous) affirmation, thus multiplying experiences of management which are further and further from the official model of "assistance".

With regard to the amount of land occupied by indigenous peoples, disagreements between those involved in the regulation of indigenous lands in Brazil reflect a clear confrontation between historical partners (researchers, NGOs, the church and some governmental sectors) and historical enemies (development sectors).

With regard to indigenous management of the resources on their lands, the divisions are more subtle and reflect different concepts of the future of indigenous peoples. Many sectors that identify themselves as "allies" of indigenous peoples still consider them incapable of protecting their lands on their own. It is enough to state that in Brazil, most ethnologists still support FUNAI, defending the revival of that failed institution rather than see the indigenous peoples "abandoned" to their destiny.

There is a total absence of dialogue between official actions (now in the context of PPG7, which was recently launched and faces immense difficulties) and the initiatives of indigenous groups such as the Waiāpi, who have constructed a new territoriality and are learning to manage their economic autonomy (an "economy" which, as shown above, grew out of the dependency generated by the protectionist policy itself).

### Assistance

In assuming responsibility for the authorisation and implementation of acts of demarcation (which number only one third of those foreseen in the framework of PPG7), FUNAI has destroyed the objectives of the protectionist act itself. As Oliveira affirms, "*The relationship between the State and indigenous groups in the context of demarcation does not allow them to experience its attainment as an objective for their own actions. It robs them of their secure position and stimulates a lack of commitment, with the maintenance of established divisive systems (demarcation). 'Assistance' includes a concept of waiting for the supervision of the guardian body...*" (1989).

Experience accumulated in Brazil in the last few decades has proved the failure of official protectionism. It is patent that the invasion and decimation of innumerable indigenous lands, which were demarcated without indigenous participation, continues. When

indigenous peoples are presented with boundaries and demarcations which have already been fully finalised without their prior involvement, they rarely commit to their preservation.

It has been known for many years that effective protection cannot be maintained permanently except by the intervention of indigenous groups. Who else will delimit and defend these lands?

The essential starting point of the process is not demarcation, but the process of identification of indigenous areas. That is to say, it is related to the entire process of construction of limits and the concept of "territory" on the part of the indigenous peoples. This is an alternative represented by the Waiāpi experience.

#### **What is the Failure in this Alternative?**

Demarcation is considered to be a state obligation, arising from a general humanitarian position in which it is part of our "debt" towards indigenous peoples. However, it is doubtful whether this attitude persists in the current context of the "indigenous question", especially in view of the following points:

- There is sufficient data to prove that handing over demarcated land to indigenous peoples does not necessarily mean an improvement in their living conditions. Without permanent monitoring, demarcation does not lead to exclusive possession.
- There is sufficient knowledge to show that monitoring is not viable without the participation of the communities involved.
- It is well known that no protection plan can be formulated without some measures for development. There must be a response to the demands generated by the state of inter-ethnic coexistence, which is a defining factor in cases of defence of lands<sup>3</sup>.

To think of land protection is simultaneously to think of sustainable living on the land. FUNAI has not yet incorporated this correlation into its indigenist practices. Once demarcation is complete, FUNAI's agents return to providing the same "assistance" as always, proposing short-term mechanisms for survival, through co-optation into non-indigenous ways of life (salaries, daily subsistence allowances, tickets, food, and so on). What then is the point of putting so much effort and investment into the demarcation of lands?

#### **Possible extensions of the Waiāpi experience: Administering their own "Encapsulation"**

If we accept that "land" is a new relationship with the outside, adopted by the indigenous peoples in the context of ethnic confrontation<sup>4</sup>, it is valid to question the negative evaluation that is usually made of the process. According to Oliveira: "*(adoption of a territory) proceeds from the establishment of a colonial peace, in which as soon as they are expropriated from their lands, the remnants of indigenous societies become encapsulated in limited areas and end up with a fragmented society which is necessarily connected to the standards, values and interests of the national society*" (1989).

This encapsulation is not necessarily experienced either as a limited sociability or one that is exclusively geared to external interests. The process of reconnection promoted by territoriality is part of a much wider process of differential cultural production. The invention of new ways of relating does not necessarily eliminate all levels of a traditional way of life.

The position which accentuates the dichotomies of inside/outside or traditional/new, in which the first terms are barely valued, persists because it justifies the perpetuation of an indigenist, protectionist policy and thus weakens the indigenous peoples' capacity to develop cultural methods to manage their own future.

On the other hand, the value given to the inside/outside dichotomy hides the fact that indigenous peoples may not perceive demarcation as a definitive encapsulation. The process of territorialisation, like that of ethnic constitution, involves a permanent revision of not only spatial but also social and political limits.

This is because affirmations of identity are not necessarily limited to the ethnic contrast. They are above all affirmations of social and cultural character. What the Waiāpi want for the future is the continuation of a "way of life" which implies the preservation of a pattern of internal relationships which demarcation has not abolished<sup>5</sup>. For them, as for some other groups in the Amazon, defence of land is not limited to safeguarding a means of production, but also to a political space for affirmation. "*We demarcate so that our grandchildren can continue to live as we have always lived. Separate from you, karaiko*" (Kumai, 1991).

They are not closing themselves off from outside knowledge, services and goods. The Waiāpi have shown this by many demands: they do not want to study just their own language at school, but also

mathematics and Portuguese; they want their own Waiāpi drivers, mechanics, photographers, and so on. These expectations have become accessible insofar as they have been able to prove their political effectiveness, challenging state "assistance" which, in order to survive, must maintain the fragility of indigenous populations which justifies authoritarian protectionist measures.

### The Search for Economic Alternatives

The guarantee of the land conquered by the Waiāpi has fired the discussion of production alternatives which, in the medium term, will be able to meet their increasing demand for goods and services. It is still a relatively low-level demand compared to that of other indigenous groups. However, the Waiāpi hope to be able to continue to fulfil it in a way that does not depend on external funding.

In fact some time ago the Waiāpi reached the conclusion that in order to overcome the instability of the limited financial support provided by CTI, they should increase (by changing scale) and diversify (by investigating new products) their production for the market. In the ensuing discussion, many concluded that only gold "is worth the same" (for the Waiāpi gold prospectors, it is the only extractive product which effectively compensates their effort and can be marketed without storage difficulties). Fortunately, the available financial and technical resources of CTI during the demarcation process made it possible to introduce a new alternative: the planting of fruit trees in strips in the forest, along the pathways opened up on the demarcation lines. This option also combined economic advantages and territorial monitoring, since the maintenance of the planted trees involves a systematic inspection of the boundary strips<sup>6</sup>. "Signposting" of occupation through planting is traditional among the Waiāpi, who continue to look after their ancestors' plantations (*urucu* (achiote), *flecha* and above all, *pupunha*). The ease of access to monitor production determined the selection of plants along each of the pathways. Because the Waiāpi hope to obtain economic benefits, they insisted on a large-scale plantation (6,000 plants of *cupuaçu* and *pupunha*) on the eastern strip.

With regard to gold prospecting, the Waiāpi are also discussing a transition from subsidised and subsistence extractive activities to larger scale, self-financing production. The change is obviously the result of an evaluation of previous experiences, which represented a "learning" phase they wish to transcend.

This is a delicate phase, with conceptual challenges that may be summarised as follows:

- The main challenge resides in the selection of alternatives which are complementary to – but not substitutes for – traditional practices. Extractive subsistence activities will continue to guarantee autonomy at the family level, but will never be able to meet collective demand (maintenance of equipment, stays in the city in order to sell produce and to defend Waiāpi interests before official bodies).
- The crucial point in the change in the scale of production concerns the adaptation not of the forms of production themselves, but of the means of distribution. Its success will depend on the capacity of the Waiāpi to "collectivise" part of their benefits, transferring the management of monetary resources obtained from production from the family level to the community level. Traditionally, production and distribution were carried out at the level of the family, without any need for accumulation, since the forest provided all the necessary resources. Then, through dependencies created by contact, the Waiāpi learned to extract "products" aimed exclusively at satisfying their economic needs. One limitation of the current model of "assistance" was that it never demanded community participation in meeting the costs of the infrastructure, which should have been under the control of the communities long ago, but does not even belong to them.
- It was also through this model that the Waiāpi came to consider money obtained from the sale of their goods as pure profit, to be spent on personal needs and curiosities. While the profits were small, they limited themselves to acquiring extras that were strictly necessary. With increased production, APINA is endeavouring, with much difficulty, to channel part of the resources towards the maintenance of village infrastructures. Today, the Waiāpi are conscious that CTI's investments in the maintenance of the infrastructure will shortly come to an end. It is for this reason that they are so interested in the introduction of larger scale activities.
- The Waiāpi demand to increase their extractive production also expresses an expectation of self-management. The Waiāpi leaders want young people to "learn" how to control fuel quotas, to handle money and bank accounts, and all the tasks that will enable them to increase and control the production and commercialisation of gold and crops on the medium term.

The learning process needs qualified technical advice (which depends on funding...) to increase the indigenous peoples' experience in administration and provide further training, in order to broaden their frame of reference and enable them to adapt their internal management parameters to external demands (made by funding agencies, regional and national politics, and so on). All of this will demand a minimum level of "collectivisation".

- The socio-political impacts of the change in scale of production activities should also be considered. When they started selling their small amounts of gold and other extractive products directly in the regional markets, the Waiãpi passed from being mere spectators of a predatory activity of third parties, to the position of producers, involved in the local market. As a result, their stereotypes in the eyes of the local population are changing. They are no longer seen as privileged Brazilians living under the wing of the State and having lands with abundant resources which are still not available to anyone else; they are now producers and buyers, capable of mobilising the local market and carrying out their economic activities without damage to the environment (they have a non-destructive technique for gold extraction which is the talk of Macapá). The change in scale sought by the Waiãpi, under the supervision of CTI and APINA, will increase this positive aspect of Waiãpi entry into their regional social environment.

The forms of territorial control practised by the Waiãpi have been successful because they adapt both to the environmental characteristics of the area and to their socio-political organisation. However, we know that without help to manage the alternative forms of production and marketing which they have selected (and are practising today in a socially balanced way), they will gradually be led to incorporate the short-term, predatory solutions which are prominent in the Amazon and in many indigenous villages, in order to meet their growing needs. Not all Waiãpi are conscious of the destructive effects of the short-term solutions constantly promoted by the official "protectionist" agencies.

This paper has attempted to contribute to a radical reformulation of the indigenist policies of the Brazilian State, with a description of a local experience, but one that can be applied to the demarcation of other indigenous areas in the Amazon.

## Notes

- <sup>1</sup> CTI's direct advisory service to the Waiãpi has been supported by the Secretariat for the Environment / SEMAM and the Commission of the European Community / CEC. Demarcation was carried out with funding from the German Cooperation Agency. In 1977, inspection of Waiãpi Indigenous Territory had the support of PPTAL; PD/A approved a project for decontamination of the areas most affected by the invasions of the seventies; educational activities had the support of the Norwegian Rain Forest Foundation. The various on-going programmes in the area also include CTI's "Video in the Villages" Programme, promoting internal and external discussion and dissemination of the initiatives taken by these people. The CTI team includes two field technicians and an administrative technician; the other advisors (a geologist, teachers and anthropologists) carry out periodic visits for training and assessment. General coordination is the responsibility of anthropologist Dominique Gallois, a voluntary advisor. CTI's annual budget for the Waiãpi programme is in the region of R\$100,000, including honoraria (R\$40,000), supplements and maintenance (R\$20,000), training (R\$30,000), and administration (R\$10,000). This is the absolute minimum necessary to provide adequate advisory services to APINA, which is gradually taking on the management of activities.
- <sup>2</sup> Waiãpi demarcation is not the only experience of non-conventional demarcation in the past few years; the Kulina and the Tikuna, amongst others in Acre, underwent similar experiences with the support of NGOs.
- <sup>3</sup> Cf. Viveiros de Castro "it is unrealistic to imagine absolute sovereignty of indigenous communities within their territory; indigenous societies are not autarchies; they depend economically on national society. The pure and simple guarantee of a tribal territory does not ensure survival of indigenous populations. If the conditions for economic communication between indigenous economies and the national economy are not taken into account, there will be an emptying of the possible reserves / (indigenous) areas."
- <sup>4</sup> Ethnographic studies of the peoples of the Amazon highlight the non-existence of a notion of territory as a structural basis for cosmology and social organisation: "The relationship between an indigenous society and its territory is neither natural nor ori-

ginal...It is not in the nature of indigenous societies to establish precise territorial limits to exercise their sociability. This need arises exclusively from the colonial situation to which these societies are submitted" (Oliveira, 1989).

- <sup>5</sup> As affirmed by Nazaré: "We are now satisfied because we shall be able to continue visiting each other, travelling from village to village, and our grandchildren will be able to open up new hunting trails." These are not ethnic but cultural values: for the Waiãpi it is essential to maintain an internal differentiation, territorial dispersal and the capacity of each individual to express their autonomy by making hunting trails that are individually appropriate.
- <sup>6</sup> If the objective of physical demarcation is to stay "visible", it cannot be achieved by cement plaques and markers. If the paths opened on the demarcation lines (in the case of the Waiãpi, a total of 73 km) were not used for some activity of interest to the indigenous people, their maintenance would demand high levels of effort and cost. As an alternative to the conventional scheme of maintaining the limits, PDW supported the Waiãpi initiative to follow their tradition of "signposting" areas of occupation by planting (*urucu*, *flecha*, and above all, *pupunha*). They still systematically tend the plantations left by their ancestors in scattered clearings throughout the area. The regional population in Amapá also recognises the plantings as a mark of indigenous presence (especially of *pupunha*, which only grows in cultivation).

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## Documents available on video

- Equipe do Programa Waiãpi, Video nas Aldeias, CTI:** 1991 "Meu Amigo garimpeiro..." (25')
- Dominique Gallois e Vincent Carelli, Video nas Aldeias, CTI:** 1996 *Placa não fala* (27')

## Panel Discussion

Tarcisio Granizo (IUCN) pointed out that just as in indigenous cases in Peru (such as El Sira), the Waiãpi are using environmental arguments to keep colonists out. However, indigenous peoples are not homogeneous and there will be many different types of proposal for solving the problems which they face.

Marcial Arias thought that the case was depressing, in that the Brazilian state institution FUNAI was using paternalism to undermine the very people it is meant to support. The Waiãpi have shown that sovereignty is the basis of indigenous territorial rights, and they have organised their territory in zones without the help of the government. More exhaustive consideration should be given to what constitutes a sustainable indigenous economy. The paper makes the significant point that demarcation in itself is not sufficient; some

form of development is also necessary. However, such development should be under indigenous management, which leads in turn to a discussion of whether or not it would be sustainable.

### Brazil: The Case of Raposa do Sul

by José Adalberto Silva  
*CIR*

Dominique Gallois has explained the successful results of demarcation by the Waiãpi people of Amapá, who eventually succeeded in receiving support from the state government. However the state government of Amapá is exceptional in the context of Brazil as a whole. In general, state governments are opposed to indigenous peoples.

Raposa do Sul in the Brazilian State of Amazonas is a prime example. It is an indigenous territory covering 1,678,000 hectares which was identified in 1993 and contains 12,600 indigenous people living in six different communities. The area has several different missionary groups who defend their existence together with the invading colonists.

According to the 1988 Constitution, all indigenous areas were to be demarcated by 1993. It was clearly the responsibility of the Federal government to carry out the demarcation, but as yet it has not been done. The government of Amazonas State has put pressure on the national government to stop the work. When the German government and the World Bank offered resources for demarcation, they were forced to abandon the project because members of parliament and politicians lobbied against it. The Brazilian federal government said that it would find resources of its own for demarcation, but this was stopped by the authorities of Amazonas State. The churches active in the area tried to convince the local indigenous peoples to accept this and not to demarcate their area, and this has caused internal divisions amongst the indigenous peoples.

An international campaign is under way to try to persuade donor governments to put pressure the Brazilian authorities to recognise the demarcation. However, the Federal government has just passed a decree enabling colonists to question indigenous demarcation. Furthermore, the state government has decided to create a municipi-

pal district within the reserve, in clear violation of the rights of the indigenous peoples who live there.

The decree caused many problems in Brazil. For example in the case of the Yanomami, the Congress and Senate of the Republic both came under pressure to decree a fresh demarcation of Yanomami territory, because those opposing it considered that the Yanomami territory was too big, and argued that it constituted a threat to national development. As in the case of Raposa do Sul, the Yanomami are divided by the presence of religious groups and the army. Thus, the current situation of the Yanomami is extremely serious.

When we talk in Brazil of the necessity of demarcation for survival, we must understand that we are also referring to an autonomy which signifies survival or self-sufficiency. The indigenous peoples must fight to free themselves from the tutelage of FUNAI and the Church, both of which obstruct our autonomy and our right to self-development. People are saying more and more often that indigenous peoples are threatening national development. There is a strong anti-indigenous ideology in Brazil.

At present, indigenous organisations are trying to forge an alliance with rural workers and rubber-tappers, because we share with them the need for genuine agrarian reform. We believe that the indigenous struggle can be strengthened by an alliance with the poor and with labourers. Rural labourers recently suffered a massacre, and as a result thousands marched to Brasilia to demand agrarian reform. It is true that some rural poor are invading indigenous territory, but it is at the instigation of large companies and agrarian interests. It is not the fault of the poor but of those who are behind them.

The Brazilian government is currently selling 200,000 hectares of land to Asian logging companies for resource exploitation, while the same government is participating in international conferences on biodiversity and sustainable development. In addition to national alliances, international alliances with other indigenous peoples are crucial, and this conference is one way of promoting them for our mutual empowerment.

### Panel Discussion

Marcial Arias pointed out how religious influences can easily cause divisions in indigenous communities and in these cases this has led

to a delay in the demarcation of indigenous territories. He also referred to the unpredictability of the electoral system, whereby the 1988 Constitution guaranteed indigenous rights in Brazil, but five years later another party came into power with different policies.

Tarcisio Granizo (IUCN) said that this meeting clearly shows the lack of knowledge amongst environmentalists of indigenous affairs. Territorial recognition and demarcation are a basic priority for indigenous peoples and environmentalists must understand this; they have to internalise the problem of the cultural survival of indigenous peoples. Furthermore, just as there is an internal environmental debate about indigenous rights, so there should be an indigenous debate on how to seek alliances with the environmental movement. IUCN and WWF have made some progress towards the recognition of indigenous rights, which although not perfect, are important steps in the right direction.

## General Discussion

### Indigenous Organisation

José Luis Gonzalez (COICA) drew attention to the importance of indigenous organisations. Indigenous organisations are federal, linking communities at the local, regional, national and international levels. He mentioned that the Yanomami organisation in Venezuela is part of the Regional Organisation for Indigenous Peoples of Amazonas State (ORPIA), which successfully stopped an attempt to divide the region into municipalities - an initiative of local and national interests which gave no consideration to the views of indigenous peoples. Their organisational strength has enabled the indigenous peoples of the area to present an alternative plan to the authorities. When indigenous peoples unite and work together, forming alliances with sympathetic researchers and environmentalists, their organisations become much stronger.

Marcial Arias said that the papers illustrate not only the geographical levels of organisation but also each people's different experiences of organisational capacity. Indigenous organisations with experience would do well to work to strengthen those which are less structured, so as to secure an overall system of indigenous defence.

Marcial Vazquez (FECONAU) pointed out that different experiences can be found within the same country. For example, indigenous peoples in Peru are not homogeneous. Whereas the indigenous peoples in the Purus have little experience of communal administration or organisational management, in other areas such as Pucallpa there is a long history of community defence and campaigns. To balance these differences, more emphasis should be placed on community education. This would also provide a basis for the conservation of indigenous territories.

### Development in indigenous territories

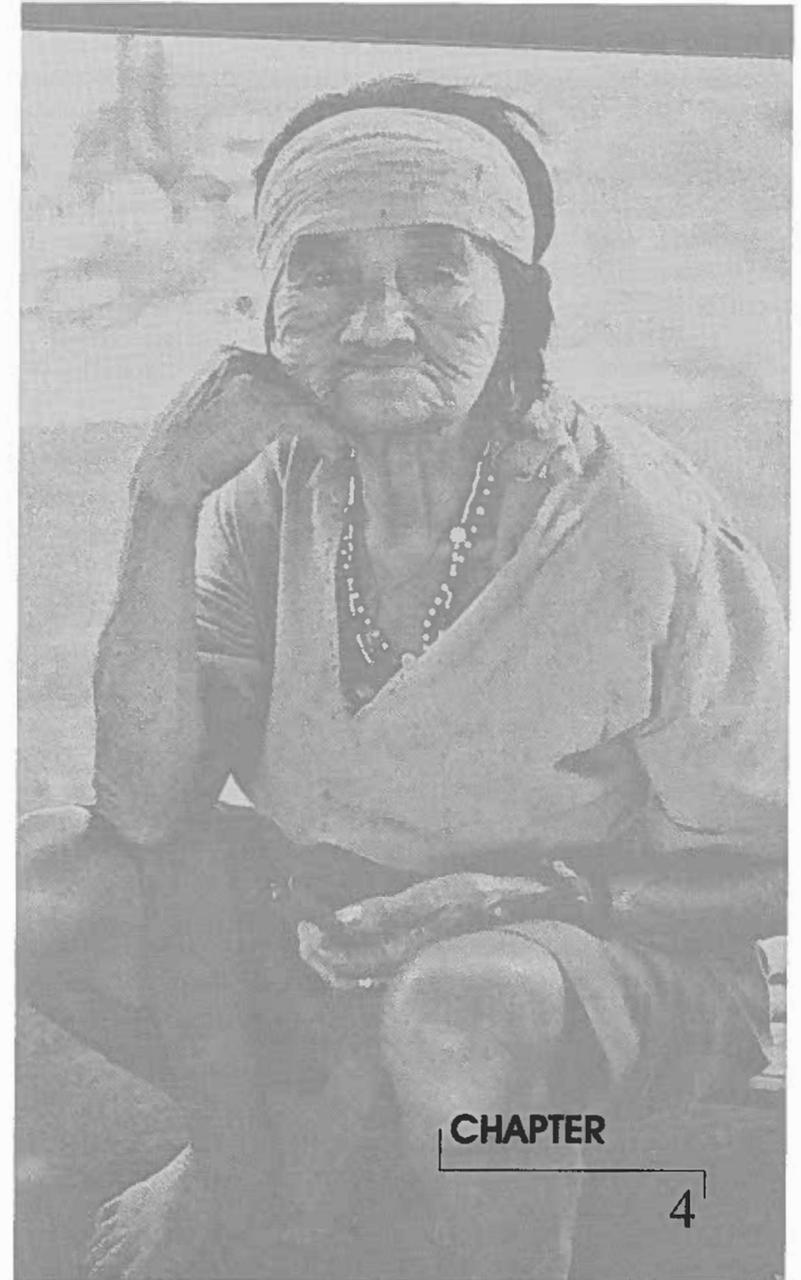
Roberto Guimares of the Federation of Native Communities of the Upper Ucayali (FECONAU) said that the problem with development is that it is defined by governments and imposed on indigenous peoples. Peru shares with Brazil the problems of massacres, invasions by violent colonists, logging and oil companies which exploit indigenous resources, and the marginalisation of indigenous peoples.

María Teresa Amaya (TCA, Colombia) raised the problem that the western capitalist society imposes development poles in the Amazon, where conservationists promote protected areas. As international capital invades Latin American countries, conservationists and ministries for the environment and for protected areas are mounting an opposition which could be useful to indigenous peoples. The Yanomami could perhaps take advantage of contradictions in Venezuelan political life. By thinking positively and constructively it will be possible to progress in these matters. Agrarian reform is also important, because colonisation arises from the survival of inequitable rural land distribution.

Tarcisio Granizo (IUCN) agreed and also mentioned that indigenous-controlled development must be based on their own definition of sustainability. Sustainable development is not only the domain of ecologists and biologists; it is a blank sheet, not a fixed recipe. Zulema Lehm (CIDDEBENI) agreed that indigenous alternatives are not only economic but also social and political. Indigenous peoples are seeking independence and this must be related to the concept of sustainability.

## Concluding Comments

Marcial Arias pointed out that the priority for the Venezuelan and the Brazilian cases was similar - in all cases the territorial rights of indigenous peoples should precede the establishment of indigenous protected areas. Governments and conservationists argue to the contrary, using the same reason throughout Latin America, that "indigenous peoples are opposed to progress and development". However, indigenous peoples must control their own development and this can only happen through strengthening their organisations and institutions.



CHAPTER

4

## THE GRAN CHACO REGION

*This section looks at the Chaco and compares an indigenous-controlled protected area in Bolivia with a protected area in Paraguay which is in the hands of private interests. The two cases are substantially different and the comparison leads to a brief discussion emphasising the need to monitor and influence national and international policies on indigenous peoples and protected areas.*

The Kaa-Iya Protected Area of the Gran Chaco:  
A case of collaboration between  
indigenous peoples and conservationists

by Evelio Arambiza S.  
*Fundación Ivi-Iyambae*

*Mac Chapin from the Center for Support of Native Lands (USA) provided an introduction and summary of the paper. He explained that the Gran Chaco is a dry plain which covers Bolivia, Paraguay, Brazil and Argentina. It has a great variety of wildlife and contains a substantial indigenous population. In Bolivia, the Ayoreo are hunters and gatherers who live in the central desert region, the Chiquitanos live in the north, whilst the Guaraní from the Izozog zone inhabit the agricultural and cattle-ranching lands. The Izozog peoples have been responsible for the management of the Kaa-Iya park and the integrated management buffer area since its establishment at the end of 1995.*

*The Wildlife Conservation Society has been working with the Capitania (Indigenous authorities) of the Upper and Lower Izozog (CABI) to protect the area as a hunting reserve and to defend it from the constant threat of colonisation. With US \$3.8 million over the next three years, they hope to set up a system of wildlife management and park rangers. Achievements so far include mapping and marking out zones for wildlife, agriculture and cattle raising.*

*Between 1950 and 1979 the Izozog Guaraní struggled hard to gain title to their territory and although they have made much progress,*

*they are threatened by the advancing agricultural frontier, particularly in the form of commercial soya production to the north. The area affected is not protected, and the Guaraní are therefore planning to map it as a means for the creation of management zones. This will involve bringing people together and formulating demands to be presented to the Bolivian government.*

*This strategy has been used in Bolivia, Brazil and also Honduras. However, by mapping we are not referring to sophisticated technology based on satellite images, but primarily to community participation and local information.*

The Kaa-Iya National Park in the Gran Chaco is a new park for Bolivia – it has only been in existence for a year and a half. Nonetheless, we believe that this very new example has much to contribute to other areas of the country and the continent in terms of organisation and management. For us, it represents a successful meeting-point between government interests, conservation concerns and indigenous rights, and shows that collaboration between these different stakeholders can give highly positive results.

The Bolivian Chaco covers three departments: Santa Cruz, Chuquisaca and Tarija. The Santa Cruz part, to which we shall refer in this paper, is the largest and richest in biodiversity. It borders the Paraguayan Chaco to the east.

This part of the Chaco is the traditional territory of three ethnic groups: the Chiquitanos to the north (although most of the Chiquitano communities are located in the Amazon part of the department); the Ayoreode to the north and east, and the Guaraní to the west and south.

Among the Guaraní a distinction should be made between the Avá-Guaraní from the south, who live in the outermost foothills of the Andes, and the Izozogans (approximately 8,000 people) - who occupy the lower Parapeti basin, in the Chaco plains.

The traditional political organisation of the Izozog is based on the Captaincy of the Upper and Lower Izozog, or CABI. There is a Great Captain (*Mburuvisha Guasu*), two Second Captains (one for the Upper and one for the Lower Izozog), and local Captains in each of the 22 communities. The highest decision-making body is the Communal Assembly, which elects authorities at each level.

The traditional Izozog organisation was neither transformed nor destroyed by missionaries and colonists, because it knew how to

defend itself, and today it represents the strongest indigenous organisation in eastern Bolivia. It made a major contribution to the establishment in 1982 of the Western, Chaco and Amazonian Indigenous Confederation of Bolivia (CIDOB).

In 1994, under Law 1551 for Popular Participation, the Izozog became the first Indigenous Municipal District in the country and in the South American continent. The same year, a great step forward was made through the creation of the Ivi-Iyambae Foundation, the operational and technical arm of CABI. From then on, the Izozogans have been able to develop their own projects in the area, and are not entirely dependent on NGOs or state organisations.

In 1990 CABI initiated the procedure and the first negotiations for the creation of a protected area in the zone, on the basis of the recent Environmental Law. They had two main motives - the consolidation and recognition of Izozogan indigenous territory, and the preservation and conservation of the environment in the Chaco sub-region.

In fact, the two aims are one and the same for the Izozogans, who depend closely on natural resources for their survival. They are mainly an agricultural people, and agriculture in this semi-arid zone is only possible thanks to irrigation from the Parapeti river. Hunting, fishing and gathering of wild fruit and honey contribute substantially to their diet. The families live according to the rhythm of the rains and the spate of the river. Community life is in tune with the rhythm of life of plants and animals. The Izozog people depend directly on the forest and the land for their daily living, and for centuries they have known how to maintain a harmonious relationship with their environment.

However, today this traditional way of life is threatened by various factors. Agricultural companies are gradually invading traditional territory, clearing the forest and frightening away the animals, and taking land away from the communities. Mennonite colonies in the south are practising forest clearance and intensive exploitation of the land, and are even in danger of changing the course of the river. Poachers also come in from Santa Cruz, and so on.

The Gran Chaco is a naturally fragile territory and special knowledge is needed to live there in harmony with the environment. For this reason, the struggle of the Izozog people for a territory of their own, an *Ivi-Iyambae* (a "Land without owner") becomes part of the struggle to preserve and conserve the environment. A territory

within the indigenous concept is not merely the deed of property of a community; it is also and above all the Chaco which is cultivated, the forest where the plants and animals live and breed, the river that makes life possible, the sacred sites of their culture. Territory goes far beyond the single space of the community; it is a guarantee of the life of the people and their way of being. To quote the Grand Captain of the Izozogans, "*Ivi-Iyambae* is our territory. Without our territory there can be no Izozog people; without the Izozog people, our territory will be destroyed."

Within this perspective, the actions launched in 1990 for the creation of a protected area are the necessary consequence of the struggles of former Izozogan Captains to obtain communal titles to land in the zone, and also of the Indigenous Marches which claimed indigenous territories throughout the east.

The Kaa-Iya Park, covering an area of 3,411,115 hectares, was created on 21st September 1995 by Supreme Decree No. 24122. On that occasion the three indigenous peoples of the zone united and signed an agreement between the Chiquitana Organisation of Turubó, the Ayorea Community of Santa Teresita and CABI. Representing the largest and best organised group, and furthermore, the one that had initiated the actions on its own, CABI was appointed to be in charge of the administration of the area together with the pertinent government body, the National Bureau for the Conservation of Biodiversity (DNCB).

This is the first great advantage of the Kaa-Iya Park over other protected areas in the country. The local population is directly in charge of the management of the area and it is they who struggled for the actual creation of the Park. Thus, actions and management plans correspond directly to the concerns of the local peoples. In the Chaco there are no conflicts between neighbouring populations and the institution in charge, as often happens in other parts of the country.

In order to carry out its tasks under optimal conditions - and this is the subject that interests us in this discussion - CABI also signed a working agreement with a North American NGO, the Wildlife Conservation Society (WCS). WCS is one of the largest conservation organisations in the United States and indeed in the world, and made considerable contributions to help CABI obtain funding from USAID-BOLIVIA in support of the Kaa-Iya Park.

The following projects are being developed jointly between CABI and WCS:

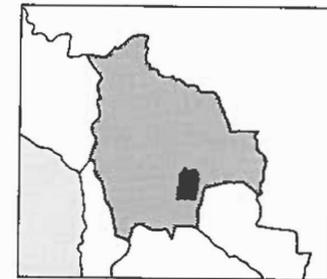
**1. Community mapping of the Izozog.** The North American NGO Native Lands and the Kuna indigenous peoples of Panama also took part in this project as technical advisors. The project aims at preparing detailed maps of the subsistence zones, clearings, sacred sites, location of natural resources, and so on. Printing of the maps is now in its final phase.

**2. Natural Resources Project.** This project consists of scientific research on the fauna of Izozog. The studies involve specialists from WCS and Izozogan community members who are being trained as "para-biologists" and park guards. The aim of these studies is to prepare a suitable management plan for the local fauna, and to determine possible alternatives for the sustainable use of animal resources. The project is complemented by the Forestry Project which is being implemented by CABI with the support of the APCOB institution.

**3. Environmental Education.** This programme, launched in 1996, has a strong formal education component which makes the most of the new opportunities offered by the recent Bolivian Educational Reform. In 1997 an Environmental Education curriculum was launched in the schools of the Upper and Lower Izozog, involving parallel training of teachers and students at the Charagua teachers' training college.

**4. Management Plan for the Kaa-Iya National Park and Natural Area for Integrated Management.** (To be implemented in 1997).

Thus, the different interests and focuses are converging. The protection of the Chaco, as the second largest biome in South America after the Amazon, is seen as the priority by environmentalists and the government (and also by financial bodies such as the World Bank and USAID), especially in Bolivia, since Chaco ecosystems are already seriously degraded in Argentina and to a lesser extent in Paraguay. The indigenous vision focuses on the National Park and Natural Area for Integrated Management as Izozogan Territory, in the sense that it allows the development of their peoples' traditional way of life and protects the communities against invasion by ranchers or agricultural companies. However, in the case of the Kaa-Iya Park, these two visions are not in conflict.



*A meeting of representatives from the Alto Izozog. Photo: Mac Chapin*

The body directly in charge of the area and the obligatory point of contact both for the government and for conservation and financial organisations is CABI, and it is this body that coordinates all the projects in the zone.

In its favour it has a strong, widely known history in political representation in the country, and a strong organisation which enables consolidation. But it must be recognised that the actions of CABI were highly favoured by the ideologies which are currently dominant in the country and abroad – specifically world concern over the environment and the recognition given to indigenous peoples by international agreements, such as ILO Convention 169. At the national level, recent

structural reforms such as the new State Political Constitution and the Law for Popular Participation should be mentioned.

The Izozogans recognise in the modern phrases of "sustainable development" and "integrated management" practices they have always followed for natural resource use. For their part, conservationists accepted the indigenous vision of the protected area as a territory, and mediated to obtain international financial support for the Park.

Each has their language and their interests. But they are frank and open about it and it has not caused any disagreements so far about the practical actions to be taken.

We believe that the key factor in this case was the long struggle of the Izozogans for their territory – *Ivi-Iyambae*, "The Land with no Evil", or what ever it might be called. Due to the historical background and the almost mystical search that gives an original stamp to Izozogan identity, so far it is CABI which has taken and kept the initiative for the protected area. It was CABI that started the formalities and actions for the creation of the Park, and it was CABI that sought out and involved people and institutions that could support the process – amongst them the environmental organisations. In other words, the intervention of conservationists and their particular interests was not something imposed on the Captaincy, but something integrated by the Izozogans into their strategy.

As long as there is respect for the strategy used by CABI, based on a historical and political course of action entirely of their own making, and while the legal and political framework so permits, we believe that the Kaa-Iya Park will be able to continue along its path, without conflicts of interest, to the benefit of all.

#### Panel discussion

Tarcisio Granizo (IUCN) considered that maps were a crucial subject for discussion, as they bring together "specialists" and indigenous peoples and open up a debate on territorial management. This is another case where indigenous peoples are using the concept of a protected area as a means to protect their own territories, which is most common when an agricultural frontier is present. Soya farmers are particularly interested in the region because they are looking for an outlet for crops to the Atlantic, by way of the controversial Hydrovia project which will linking Paraguay and Argentina.

## Paraguay: The Mbaracayú case

by Mirtha Pereyra  
*Tierraviva*

The Mbaracayú reserve lies on the Paraguayan border close to Brazil, Bolivia and Argentina. The indigenous Guaraní-speaking peoples - Aché, Ava and Mbyá - live in the reserve or depend upon it for their subsistence, but only the Aché have legal permission for use of the reserve. This leaves another 11,000 indigenous inhabitants in or around the reserve isolated from their territories.

Indigenous peoples in Paraguay are under the legal supervision of the Ministry of Defence, and the National Indigenous Institute advances government policy rather than reflecting the needs and desires of indigenous peoples. For example, rural land ownership in Paraguay is based on the principles of private ownership (20 hectares in the east and 100 hectares in the west), with the emphasis on campesino forms of land tenure, and ignores the importance of collective ownership to indigenous peoples.

Paraguay's policy on protected areas was established in 1994, without indigenous participation. Protected areas are divided into private and public areas, both of which have caused problems for indigenous peoples. For example, cattle ranchers are known for establishing protected areas on lands claimed by indigenous peoples as part of their territories. This happened recently in the Chaco, when over 7,000 hectares under the private control of the cattle rancher Sr. Rusqueti of the Rural Association of Paraguay (ARP) was declared a reserve. Yet this same land had long been claimed by the local indigenous community. Furthermore, Sr. Rusqueti, who keeps indigenous peoples in conditions which have been described as "slave-like", is president of the ARP's indigenist committee.

The Mbaracayú reserve was established in 1991 when it was bought by The Nature Conservancy by means of a debt-for-nature-swap from the World Bank for US \$3 million. The future for the Aché within the reserve is as park guards or other poorly paid employees, not as the owners of their territories. The whole organisation of the reserve, which is controlled by the Moisés Bertoni Foundation, should be denounced internationally, and the law establishing the reserve should be amended to recognise indigenous participation. Indeed the whole of Indigenous Law 904 needs modification and the

Indigenist Institute should be exposed and treated as the corrupt body that it is.

### **The Relationship between Protected Areas and Indigenous Peoples in Paraguay**

In Paraguay there are seventeen different indigenous groups, thirteen in the western region (Chaco) and four in the east. As part of their traditional economy they all practised hunting and gathering, which meant that they occupied very large territories. In addition, all the peoples except one – the Aché – practised agriculture, and in the Chaco several peoples had large numbers of domestic animals, mainly sheep and goats. With the colonisation of their lands the indigenous peoples have undergone a dramatic decimation of their traditional territories, and today this is the main problem facing them.

This paper deals with the relationship between indigenous peoples and protected wildlife areas in Paraguay, focusing on the Mbaracayú Natural Forest Reserve. There are two types of protected area in Paraguay – those under public domain and those under private domain. The former are state property under the terms of the promulgation of a National Law or an Executive Decree, dealing both with fiscal lands and land acquired from private owners. If the latter do not want to sell, the State proceeds to expropriate the land “for public use”, and provides a just indemnity in accordance with the Paraguayan Constitution.

The Law has an important exception, which is that real estate with or without deeds which is located in indigenous communities may not be expropriated.

Private wildlife areas are also dealt with through an Executive Decree or Law, with a prerequisite for an underlying technical justification. It would seem that the category of “private protected area” is sometimes being used by large landowners as a way of frustrating indigenous peoples’ claims to the land. Using the excuse that indigenous peoples cannot be entrusted with the task of caring for the environment, the large landowners have created natural reserves in order to conceal the enormous amount of land they own. They are supported in this by the Moises Bertoni Foundation, an environmental organisation of entrepreneurial orientation which is also responsible for the administration of the Mbaracayú Natural Forest Reserve. As an example, on the Maroma farm in the Chaco,

an area of 5,000 hectares has been set aside as a protected area with a management plan administered by the Moises Bertoni Foundation. It is on lands claimed by an indigenous community.

Examination of the specific situation of the Mbaracayú Forest is based on an overview of the national legislation concerning the fundamental rights of indigenous peoples. The National Constitution recognises the existence of indigenous peoples, defined as groups of cultures predating the formation and organisation of the Paraguayan State (art. 62), and recognises and guarantees the rights of indigenous peoples to preserve and develop their ethnic identity in their respective habitat (Art. 63).

Specifically, article 64 stipulates that “*indigenous peoples have a right to communal ownership of land, which should be of a size and quality sufficient to ensure the conservation and development of their specific ways of life. The State shall provide them with these lands free, and they shall be inalienable, unmortgageable, indivisible and imprescriptible. Furthermore, they shall be exempt from taxes...*”

Additionally, in 1993 Paraguay ratified the International Labour Organisation’s (ILO’s) Convention 169 on Indigenous and Tribal Peoples in Independent Countries, which is already a national law (Law 234/93). Article 14 is fundamental to the relationship between indigenous peoples and protected areas:

“*The rights to property and possession of land traditionally occupied by the peoples concerned should be recognised. Furthermore, in appropriate cases, measures should be taken to safeguard the rights of the peoples concerned to use lands that they do not exclusively occupy, but to which they have traditionally had access for their traditional subsistence activities.*”

As will be seen further on, it is the rights quoted in these articles that are most threatened by the system of protected areas.

### **The Mbaracayú Forest Natural Reserve**

The Mbaracayú Forest is the traditional territory of the indigenous communities of three peoples: the Aché (of the community of Chupa’po), the Mbyá and the Ava Guaraní (Tekoha Ryapu). As stated above, the Aché are the only hunter-gatherer people in Paraguay and since the seventies they have been in intensive and “friendly” contact with the dominant society, which has led to their exploitation in the zone as cheap labour. The other two peoples,

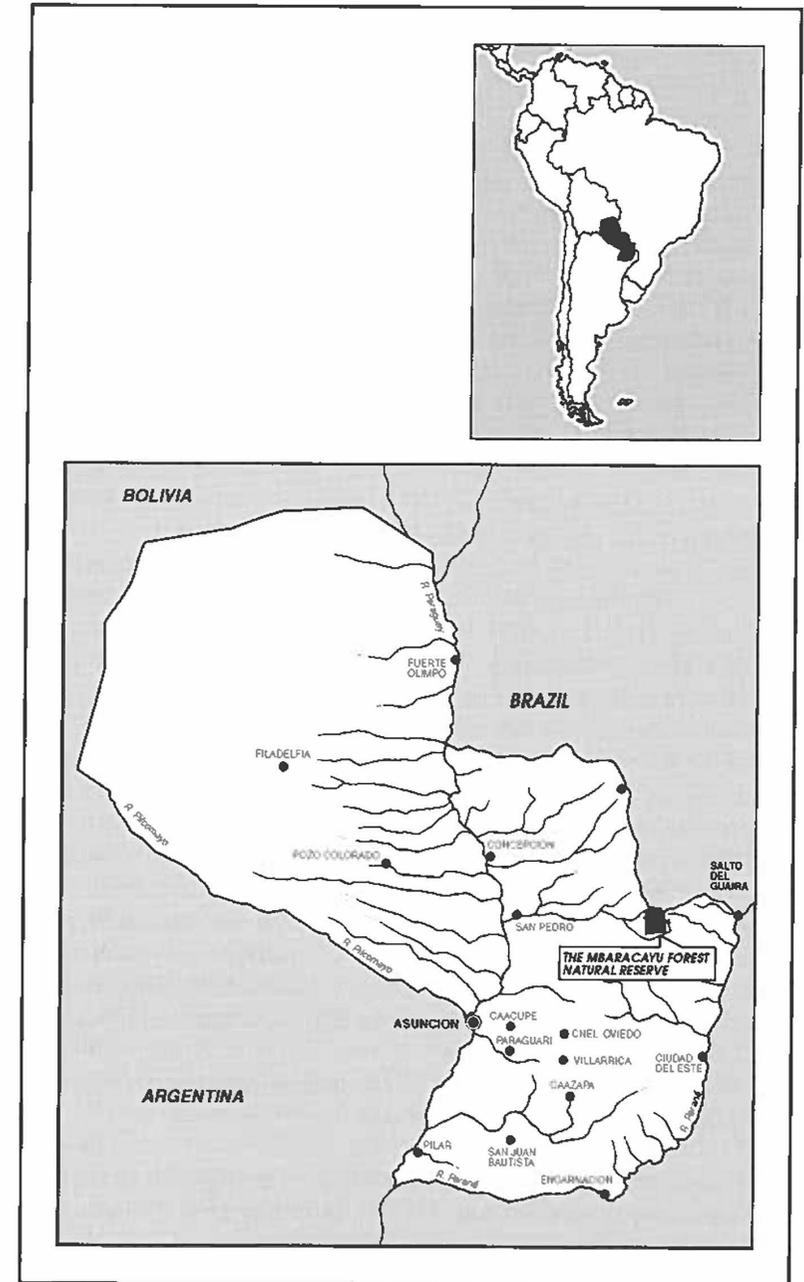
although they also practise hunting and gathering, are also farmers and the Ava-Guaraní especially can have quite large farms. According to the Moises Bertoni Foundation, the Mbaracayú Reserve used to be inhabited solely by the Aché, and the Guaraní were located nearby or settled on the outskirts of the property. However, according to information received by the Committee of Churches for Emergency Aid (CIPAE) there is a group of Ava Guaraní who had been living in the reserve for many years before it was declared as such. For instance, their ancestral cemetery is located here. The position of the Moises Bertoni Foundation reflects a very common prejudice in Paraguay, according to which only the actual locations of houses and farms are considered as the settlement area of an indigenous community. But according to the definition given in Law 43/89, an indigenous settlement should cover the whole area used by an indigenous community for their traditional economy. It is evident from this analysis that the Ava-Guaraní and the Mbyá have been inhabiting the Mbaracayú Reserve through their hunting and gathering activities.

The Reserve covers an area of 61,979 hectares and is located in the Department of Canindeya in the western region of Paraguay.

There is an "official history" of the establishment of the Reserve. In 1986 the anthropologists Kim Hill and Magdalena Hurtado of Emory University (Atlanta, Georgia, USA) were carrying out studies in the Department of Canindeyu on the Aché communities established in the area surrounding what is now the Mbaracayú Natural Forest Reserve. These people learned that the owner of the land, the International Finance Corporation (IFC) - an executive branch of the World Bank - intended to sell it and that this land was the ancestral territory of the Aché. That same year they contacted the Conservation Data Centre, a technical dependency of the Ministry of Agriculture and Livestock, to seek some kind of support to prevent the aforementioned changes.

In 1987 preliminary field studies were carried out to determine the biological importance of the area and the need to convert the property into a protected wildlife area. The document prepared for this purpose was entitled "technical justification for the incorporation of 60,000 hectares of land in the Department of Canindeyu into the Paraguayan system of managed areas." From then on, international and national processes were under way to bring the project to fruition.

At the annual meeting of The Nature Conservancy (TNC) held in Utah in August of the same year, the then director of the Conser-



vation Data Centre, Raul Gauto (presently Director of the Moises Bertoni Foundation), submitted the idea of creating the Mbaracayú Natural Reserve as an opportunity to conserve natural resources in Paraguay. One of the important actions in the process of creating the Reserve was the donation by USAID to TNC of some US \$500,000 towards the purchase of the Mbaracayú property.

June 1991 was a very important month for the Mbaracayú Reserve. The Agreement for the establishment and conservation of the Mbaracayú Natural Forest Reserve and the watershed around the Jejui River was signed between the Government of Paraguay, the United Nations, the Nature Conservancy and the Moises Bertoni Foundation. The Paraguayan Congress ratified this Agreement as Law No. 112/91. In article 1 it declares the following:

“The Moises Bertoni Foundation for the Conservation of Nature and The Nature Conservancy have engaged themselves to acquire the domain of the Mbaracayú Forest from the International Finance Corporation for the sum of US \$2,000,000.”

Article 2 declares that the Mbaracayú Natural Forest Reserve is a natural reserve in perpetuity for the benefit of the whole Paraguayan population. It states: “The Mbaracayú Forest Reserve is free from all expropriation, colonisation, transfer or conversion to any use other than that of a Natural Reserve.” (The said article is now questionable in view of the Constitution of the Republic approved in 1992).

Article 7, which deals with the contracting parties under item g), states that it is part of the Aché Community of Chupa’po (which, before the signature of the agreement, was claiming part of its traditional territory on these same lands). The agreement only mentions the Aché and no mention is made anywhere of the Ava Guaraní who were also ancient inhabitants of the said lands.

Article 12 of the Agreement establishes a management and development plan for the conservation of biological resources, clearly setting out the restrictions on activities that are forbidden in the reserve, for example:

“b) To capture, manipulate, harass, wound, kill or extract animals of any kind, size or state (live or dead)...

f) To bear any kind of fire arms, bows and arrows, spears, traps, nets, circular saws, axes, machetes, explosives or any kind of instrument or material that might be used to commit acts forbidden by this Agreement.”

Further on, in Article 13, reference is made to the recognition of the prior use of the forest by the local Aché indigenous community. Such groups will be permitted to continue hunting and gathering for subsistence in parts of the natural reserve using traditional methods, according to the provisions of the management plan. They may harvest species of fauna and flora which are not threatened or in danger, under the regulations established for the conservation of the natural reserve. The community council will regulate this use.

The process of the creation and consolidation of the reserve came to fruition on 10th January 1992, the date on which TNC and Moises Bertoni Foundation, on behalf of the Mbaracayú Foundation, purchased the ownership of the reserve from IFC for the sum of US \$2,000,000. Through signature of an agreement between the Mbaracayú Foundation - the owner of the Reserve - and the Moises Bertoni Foundation, the latter took on responsibility for the protection and management of the Reserve.

The documentation on the management plan for the reserve contains an appendix where mention is made of indigenous communities and specifically the Aché. The text reads as follows:

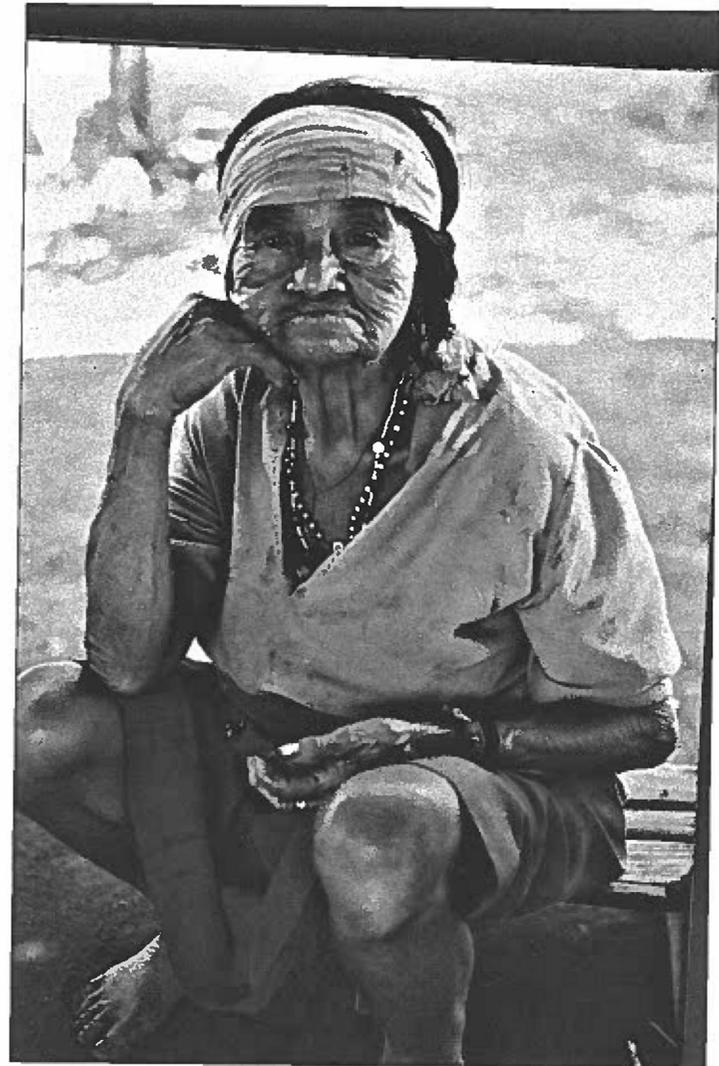
- “The Aché insist on the need to have their own lands with deeds made out in the name of the community, and do not want to have a mere right of use. They request a territory of at least 4,000 hectares, forecasting a natural increase in the population of Chupa’po and immigration from other places, and in view of the fact that no Aché community has sufficient land.
- ‘The section of most interest to them within the property of the World Bank is the south-east corner surrounding the “caseta de la Morena”, a high wooded area, which is relatively accessible from Chupa’po. However during meetings held with the Chupa’po leaders and during the meeting held in Asuncion between the current chief Martin Achipurangui and the Executive Director of the Moises Bertoni Foundation, the Aché showed their willingness to accept lands outside the reserve. After several meetings the Aché suggested that they be awarded a part of the 7,500 hectare property of Martinez Blanco, bordering the Chupa’po to the south of the Jejui river.
- One of the main issues is the sale of timber. In Chupa’po the Aché have sold nearly all the timber of commercial value, thus damaging the colony’s forest. They will probably do the same if they obtain their own lands within the proposed reserve. To

avoid timber being one of the main criteria in the selection of new lands, we have indicated that the Moises Bertoni Foundation could seek the support of other institutions to fund a project to improve or diversify production within the new territory of the Aché.”

It is interesting to note the prejudice against the indigenous peoples apparent in these comments from the Moises Bertoni Foundation. Although it is true that many indigenous communities sell timber from the settlements to which they have been assigned, there are two basic reasons. One is the lack of land; in eastern Paraguay, Law 904/81 stipulates that the size of an indigenous settlement should be calculated on the basis of a minimum of 20 hectares per family. In nearly all the settlements this figure has been taken as a maximum, and it has become impossible for the indigenous peoples to survive there. Therefore, a logical alternative for their survival is the sale of timber. Furthermore, many Paraguayans, including politicians and members of government institutions, intentionally cause divisions in indigenous communities and then make the most of the divisions to buy all the timber of any value at extremely low prices. If it were not for the influence of these non-indigenous people, many indigenous communities would have managed to keep their forest resources.

Furthermore, it should be clarified that the Aché's struggle to obtain lands was not as easy as the Moises Bertoni Foundation makes it appear. On 26th November 1990 the leaders of the Chupa'po community sent a letter to The Nature Conservancy claiming their rights to some of the World Bank lands in order to be able to continue living as Aché people. The processing of their claim was working its way through the system, and was in administrative file 6812/89 of the Institute for Rural Welfare (the government body in charge of land titling). Finally the community was obliged by environmental organisations to abandon their struggle and accept some land next to the Reserve, with the promise that they could continue to use the Mbaracayú Forest for traditional hunting. The National Mission Team of the Paraguayan Episcopal Council was unsatisfied with the situation, as can be seen from a letter sent to the National Congress:

- “Presently the Aché community has no trouble in entering the Reserve for hunting and gathering, but the situation is entirely



*Paraguay: Chaco indigenous woman. Photo: Tierraviva*

different for the Mbyá and Ava Guaraní, who are not recognised by the management body of the Reserve as original inhabitants of the area, and are denied entry.”

Several underlying conflicts may be identified in the national legislation and the system of protected areas concerning the rights of indigenous peoples:

- In spite of the clear stipulation that indigenous peoples' rights to the ownership of lands they traditionally occupy should be recognised, this does not happen in protected areas. On the contrary, protected areas take away this fundamental right. In the case of the Aché, The Nature Conservancy and the Moises Bertoni Foundation gave them a small piece of land outside the reserve to keep them quiet, suggesting that they would never obtain land within the limits of the reserve. Thus they had to abandon their first claim.

- Furthermore, and in clear contravention of article 14 of ILO Convention 169, only one indigenous group has the right to make use of the natural resources of the reserve. This decision has been based on erroneous reports and is causing serious damage to the Ava Guaraní and Mbyá communities, who should have the right to cultivate their farms within the Reserve. It is interesting to compare the situation of Mbaracayú with the Tinfunque Natural Reserve in the Chaco, where Creoles are allowed to raise livestock.

- The Moises Bertoni Foundation is forcing the Aché to follow a “traditional” way of life within the reserve; that is to say they may only use traditional techniques for hunting. Within their own territory they are forbidden to use more modern hunting techniques. This is in contravention of article 64 of the Constitution, which allows indigenous peoples to conserve and develop their own particular ways of life.

- Environmental laws are unconstitutional from the indigenous point of view in various aspects. Unfortunately this has not yet been proved in the law courts. Evidently, the legal support which many indigenous communities receive in Paraguay is vastly inadequate.

Instead of resolving these profound contradictions, which are tremendously damaging to indigenous interests, the discourse on indigenous peoples and protected areas is revolving around the way they can participate in the management of reserves. There have been romantic ideas about the indigenous peoples becoming park guards

or playing a role as tourist guides, but this has little to do with the true situation and effectively keeps the indigenous peoples on the bottom rung of the system of power and authority within the protected areas.

Furthermore, in Paraguay the status of National Park or Protected Area does not guarantee protection of the environment. There are many cases of protected areas which have been decimated, even by the Armed Forces. Serious consideration should be given to the idea that sufficiently large areas of land with title deeds in the hands of indigenous peoples may be the surest way to protect the environment.

In Paraguay there is still a great lack of knowledge. There is also little dialogue or exchange between the indigenous peoples and national groups supporting their struggle on the one hand, and environmental organisations and groups on the other. It may even be said that there is a certain degree of mutual antagonism and distrust.

The distrust felt by the indigenous peoples and their advisors towards environmentalists and the corresponding government bodies is still justified to a certain degree, if one observes the present legal basis governing the creation and management of Protected Wildlife Areas or National Parks in Paraguay. The laws and their regulations were made without appropriate consultations with indigenous peoples, on whose lands most of the existing and planned protected areas are situated.

Exclusion of indigenous interests may risk the creation of an unconstructive antagonism between indigenous peoples and public and private bodies defending the environment. Such an antagonism would weaken the strength of both parties in their struggles, which actually have many goals in common.

The Guaraní peoples are highly aware and knowledgeable about ecological balance, although at present the terrible pressures to which they are exposed often suffocate this awareness. Other NGOs have also experienced the fact that traditional production techniques and the economic system of the Guaraní farmers are perfectly adapted to the environment of the tropical forest, and are highly sustainable. In no way should they be confused with the techniques applied by the Creole population, whose negative impact on the environment is undeniable.

## Panel Discussion

Marcial Arias (International Alliance) drew attention to the paucity of information available on the situation of indigenous peoples in Paraguay, many of whom live in conditions of slavery. With few indigenous peoples in the country linked to the international indigenous movement, the role of NGOs is particularly important, but in this case the creation of a reserve serves only private interests and does not support the rights of local indigenous peoples. Thus, whilst indigenous peoples could use protected areas as a strategy to gain recognition of their rights, private interests can use the same strategy to make money. This calls for reflection on whether there is really a new model of conservation, or just the old protected areas model in a new guise.

Tarcisio Granizo (IUCN, Ecuador) pointed out that the Mbaracayú case limited true indigenous participation to work as employees for NGOs.

Indigenous peoples in Paraguay have had a terrible history. During the dictatorship which lasted until 1989 they were hunted like animals and their territories, cultures and identities were plundered. In Paraguay there was not only ethnocide but genocide against indigenous peoples.

## General Discussion

### Policies on Protected Areas

Marcus Colchester (FPP) pointed out that in 1982 the World Bank rejected a policy of forced primitivism, yet in practice it continues this very activity. International policies do exist and institutions should be made accountable. Mac Chapin was also concerned at the World Bank's role in supporting the private sector to buy protected areas. As private interests try harder and harder to thwart indigenous territorial claims through the establishment of protected areas, the Bank is ignoring both its indigenous and its environmental policy. There is a similar case in the Darien region of Panama.

Tarcisio Granizo (IUCN Ecuador) explained that the original private owner of the Mbaracayú reserve was in debt to the National

Finance Corporation of Paraguay, which took it over. However the Corporation itself collapsed because it was in debt to the World Bank. The debt bonds were then bought from the Bank in a debt-for-nature swap, and the Moisés Bertoni Foundation was established to manage the reserve.

In answer to a question from Zulema Lehm (CIDDEBENI) on ILO Convention 169, Mirtha Pereyra said that the Paraguayan government had not established any legal mechanism to implement its provisions. Thus, national policy is neither consistent nor is it implemented.

The discussion concluded that national and international policies regarding indigenous peoples and protected areas should be encouraged and closely monitored.

### Economic dependency and sustainability

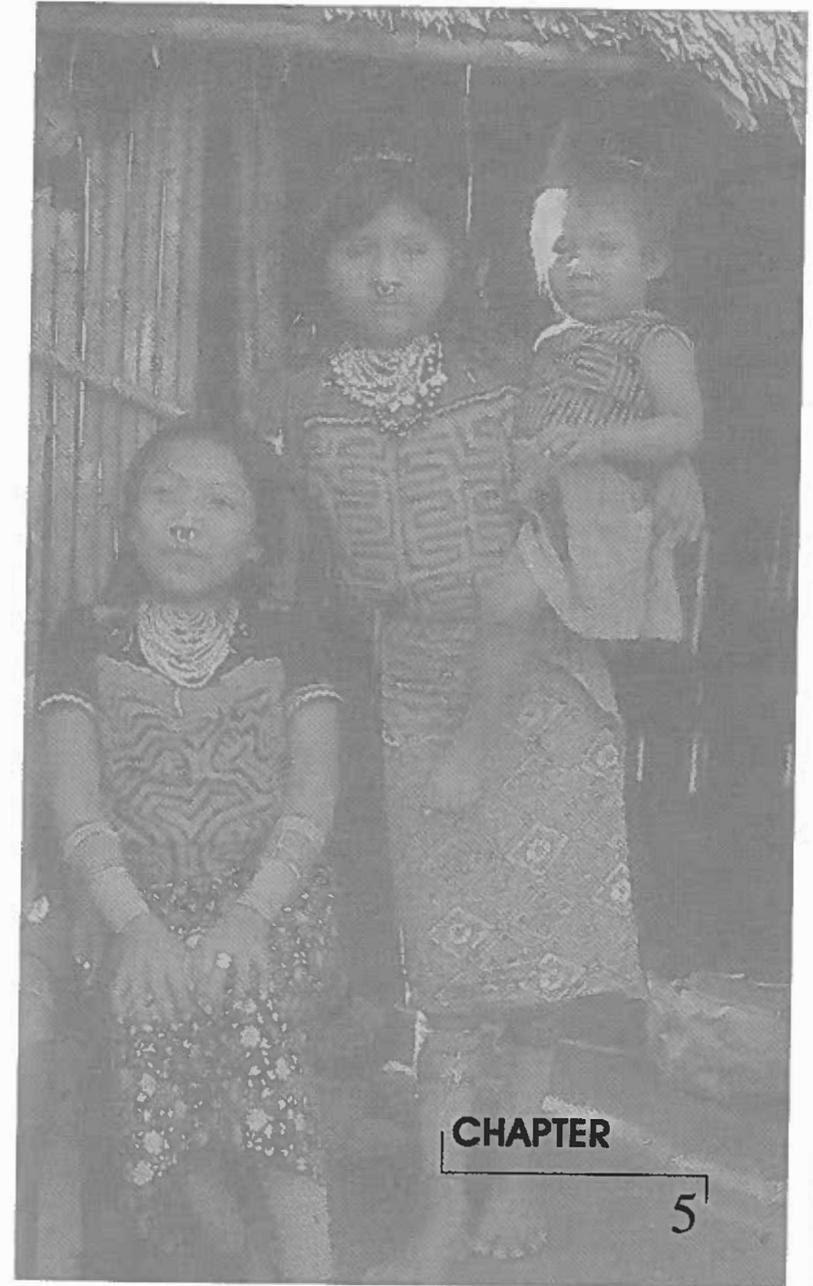
Gil Inoach (AIDSESEP) drew attention to the dangers of colonisation, which affect not only territories but also indigenous ways of relating to the environment. Indigenous peoples must also be aware that their own over-hunting has the potential to drive some species to extinction. As indigenous populations grow, this could be a risk. As an example, he cited the scarcity of leaves for communal houses faced by the Aguaruna. Indigenous peoples must not change their mentality but keep their sustainable approach to production, which is under threat from the external economy.

José Luis González (COICA) pointed out the increasing importance of money and income-generating activities such as mining and timber exploitation amongst indigenous peoples. This can affect the whole concept of subsistence needs. Marcial Arias then warned of the danger that indigenous peoples would become totally dependent on the market economy and lose control of resources. He stated that economic relations need to be built up carefully and gradually, based on free and informed consent.

Jose Luis Gonzales raised the question of the sources of funds for research and conservation. Indigenous peoples would like to know the sources of these funds because often the same international companies which threaten indigenous territories are those providing small hand-outs. Alliances with NGOs or any other interests need to be based on a genuine support for indigenous peoples.

## Concluding Comments

Tarcisio Granizo reviewed the question “why have reserves?”. Clearly some ecosystems do need protection, but all the cases presented in the conference demonstrate a lack of knowledge amongst conservationists of the rights of indigenous peoples. Even though states may consider areas to be empty, really they have indigenous owners. When the environmental movement began to protect areas in Latin America ten or twenty years ago, the aim was to stop the plundering of resources, and indigenous peoples were ignored. This still continues - in Ecuador, for example, four protected areas have been created in the last six months without the consent of local indigenous peoples. Indigenous peoples now need to work with sympathetic environmentalists to seek positive outcomes, as in the case of the Izozog Guaraní. Obviously areas without indigenous peoples can be protected and conserved, but either indigenous territories must be included in the existing system of protected areas categories, or new categories need to be developed.



## CENTRAL AMERICA

*The papers in this section examine ways in which indigenous peoples have tried, with varying degrees of success, to work with governments and take on the control of protected areas. The examples range from Honduras where the process is still under way, to Costa Rica where it is in operation, and to Panama where indigenous control of a protected reserve has lost its momentum.*

### The Tawahka Asagni Biosphere Reserve in the context of ecological issues in Honduras

by Edgardo Benítez, *Fundación Raíces* and Héctor Leyva, *UNAH*

*In his presentation the indigenous leader Edgardo Benitez of the organisation Fundación Raíces described the background to a proposal to establish an indigenous reserve in Honduras. He explained that conservation is a concept which has arisen from experiences in developed countries. Environmental destruction and political mobilisation have too often been imposed on indigenous peoples of the South, resulting in various contradictions.*

*The Honduran government has signed ILO Convention 169, which recognises indigenous rights and includes provisions on the environment. Yet the same government has also granted a forty-year logging concession for an area of one million hectares. The concession benefits logging companies from the very countries which are supposedly concerned about environmental destruction, including Canada, Japan and Germany. Another contradiction arises when agencies such as the United Nations Development Programme (UNDP) or USAID place conditions on the Honduran government to create protected areas, while at the same time excluding all consideration of indigenous peoples. For example, when the Río Plátano Biosphere Reserve was established in 1980, the indigenous peoples living there were ignored; indeed they did not become aware that they were living in a reserve until four or five years ago. This constituted an obvious lack of participation.*

*The indigenous proposal for the Tawahka reserve first arose eight years ago, and is an attempt to change the situation. It is an indigenous initiative to try to combat the threat from the advancing agricultural frontier, by securing land tenure. The indigenous Tawahka began the process by making maps, carrying out research and drafting laws. The proposal is for a Tawahka-Asagni Indigenous Biosphere Reserve which would cover some 233,000 hectares and embrace five communities totalling just under 1000 people. The first proposal was rejected by the National Congress, and it is currently being reviewed by the Tawahka in committee with NGOs and other supporters. The State is reluctant to recognise the reserve as indigenous territory.*

*In his statement, Hector Leyva, a university professor working with the Tawahka, explained that territorial recognition is a problem about power. Indigenous peoples want self-determination in opposition to colonists and multinational companies; but the State does not want to relinquish control. This is the central problem for the Tawahka reserve.*

*However, the State is weak, and it is threatening the people even more by not controlling environmental destruction. For this reason civil society has become more apparent in recent years. The rise of the Indigenous Federation of Tawahka over the last ten years has led to the training of a new generation of indigenous leaders who are concentrating their activities on the establishment of the Reserve and the development of a bilingual education project. These complementary initiatives provide the Tawahka with the drive and capacity to negotiate with the State and other interests. Nonetheless, the State is reluctant to support indigenous peoples sufficiently, and alliances must be forged with other groups such as NGOs, the university and civil society as a whole. Furthermore international backing will be necessary to reach the indigenous peoples' goals.*

*Hector Leyva also pointed out that the real enemy of the Tawahka is advancing colonisation, which is encroaching upon indigenous territory.*

*It is in the State's interest to protect this area, which is historically Tawahka territory. The proposal divides the area into a central zone, which would be under Tawahka control and corresponds to their territory, and a buffer zone, which would be under State control. It will relocate colonists and establish sustainable development projects to stabilise the frontier. In this way both colonists and indigenous peoples will benefit.*

*Edgardo Benitez summarised the session by emphasising that indigenous peoples are all different, with different struggles, but they have one single aim - territorial recognition. The government does not like this and clearly does not intend to comply with the provisions of ILO Convention 169. The Tawahka do not see the Reserve as the only manifestation of their territorial rights; in addition, the five Tawahka communities should receive title to about 7,000 hectares of land under the aegis of the Agrarian Reform. This law demarcates cultivable land and would provide them with an opportunity to take out loans for sustainable development plans.*

*Indigenous peoples have many customs which both support conservation and are also innovative. However this does not mean that all peoples are fossilised remnants of the past. "Just because our ancestors ate wild turkey does not mean we can't raise chickens now", said Benitez. In the same way that communities use both indigenous and western medicine, so everyone should benefit from constructive views of conservation from both indigenous and non-indigenous perspectives, so that both forms of knowledge can be used to serve humanity. However, each people has to decide whether and how this could take place.*

Honduras is probably one of the least biologically inventoried countries in Central America, but contains significant levels of biodiversity. The number of plant species has been estimated at five thousand, of which 148 are considered to be endemic or restricted to the northern part of Central America and 35 are threatened. There are 710 bird species listed for the country (59 nationally threatened and five endangered); 196 mammals (19 threatened and eight endangered); 170 reptiles (15 threatened and four endangered), and 75 amphibians (12 threatened). We do not have a list of marine species, but the three islands in the Bay's coral reefs and the numerous keys along the Atlantic coast are very important in terms of biodiversity. The list of the country's vertebrates is shorter than that of Costa Rica but is still considerable, particularly in view of the fact that Costa Rica is presently the best inventoried country in Central America, while Honduras practically lacks inventories.

### **Threats to Biodiversity**

In general, the present threats to biodiversity are brought about by the lack of a clear biodiversity conservation policy.

The main factor affecting biodiversity is the reduction of habitats due to the deforestation of the most important zones and ecosystems. The advance of the agricultural and livestock frontier has significantly reduced the size of wildlife areas.

Over the past seven years, forest clearance has quickened its pace. Of course, the higher the cost of living, the greater the monopoly on land and the pressure on natural resources. This phenomenon is believed to have led to the transformation of the agricultural frontier into a livestock frontier. Cattle ranchers with expansionist ambitions have established a monopoly on cleared lands for land speculation.

The deforestation process is very evident in the western region of Honduras, a more developed zone which has been more prosperous due to Spanish occupation in colonial times. The region has also been covered by pine and oak ecosystems, which are healthier than the broad-leafed forests of the western and northern coasts of Honduras.

Environmental degradation in the region has not affected the high mountains, which so far have managed to keep their broad-leafed forest cover. However, coffee planting and cattle ranching have begun on the largest mountain.

Another aspect threatening biodiversity is the elimination of fauna by indiscriminate or selective hunting, including the elimination of wild animals to prevent attacks on domestic livestock. Many Hondurans kill otters, boas, weasels, pumas, tayras, and other species to prevent them attacking chickens, dogs and other livestock.

In the Gulf of Fonseca, the expansion of shrimp breeding is placing the survival of mangrove ecosystems in serious danger. The latter have already been fragmented, and a tax on their use has benefited the management of wildlife areas.

Another threat to biodiversity in Honduras is the support given to coffee plantations. However, the spirit of the Decree supporting the use of land for coffee plantations implies that biodiversity must not be affected.

With this support, many coffee-growers are attempting to take over wild areas that are either protected or proposed for protection, particularly in the buffer zones. Shaded coffee-growing does not conflict with environmental aims as it is beneficial for the establishment of biological corridors. However the problem is that most wild areas require a redefinition of their limits to make it possible to

acquire the wooded lands around them. Others have made the mistake of delimiting the buffer zone and not the core area, so that the invaders and occupants do not know where the untouchable area begins.

To this should be added the fact that many people kill large animal species in the coffee plantations, some out of ignorance and others out of fright or simple pleasure.

### Economic Information

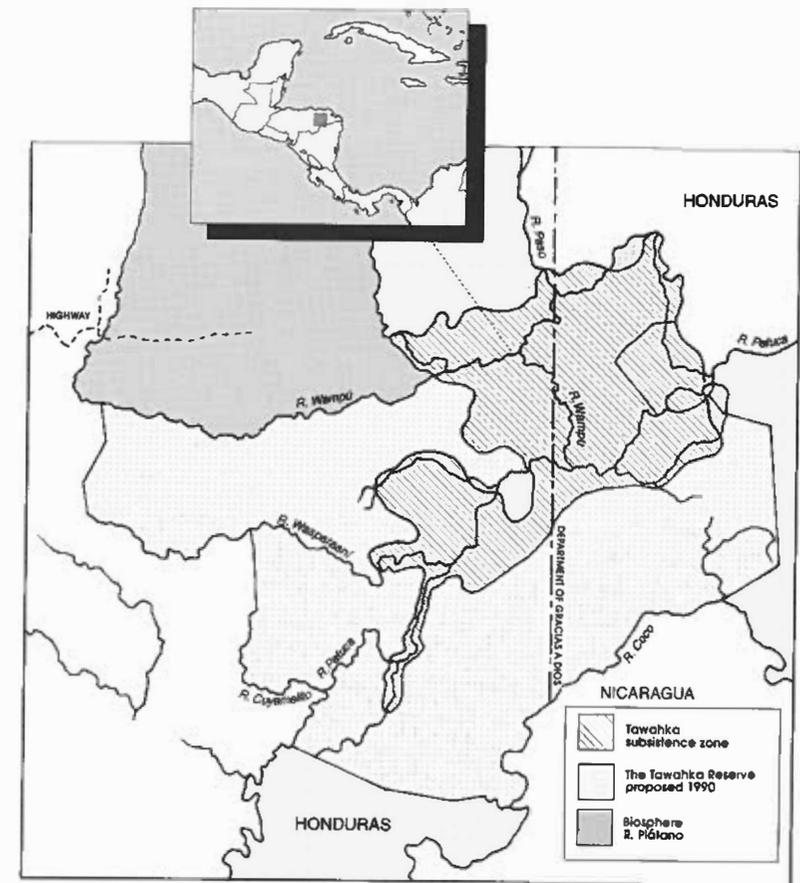
In 1995, the population of Honduras was estimated to be 6.6 million inhabitants, of which 12.5% were made up of six indigenous populations and two Afro-Caribbean Negro populations. These are the Misquito, Pech, Tolupan, Lenca, Chorti, Tawahka, Garifuna and Creole peoples respectively. The annual rate of demographic growth is 2.9%, one of the highest in Latin America.

Honduran economy depends heavily upon the agricultural sector. The direct contribution of agriculture to the GNP is about 18% and involves 37% of the workforce in direct employment. If processing and marketing of agricultural products is included, the sector generates around 40% of GNP and over 50% of the workforce. It also produces about 80% of all exports.

The structure of the population, together with the lack of investment in human capital that would be necessary for the diversification of production, imposes tremendous pressure on the country's natural resources, leading to a rapid advance of the agricultural frontier, which in turn leads to irrational exploitation and accelerated exhaustion of the natural resources.

The rate of growth in GNP in 1995 was estimated to be around 3.6%, and an annual rate of 4.5% is foreseen for the rest of this century. Inflation in 1995 was 26.8% and is forecasted to decrease, reaching 3% in the year 2000 (according to International Monetary Fund estimates).

It is estimated that the country will accumulate international reserves at an annual rate of 1% of the GNP over the next few years and that public sector investment capacity, which is at about 6% of the annual GNP, will basically be financed from public savings. On the one hand this shows a very limited capacity for external indebtedness, and on the other, it shows the need for a very considerable effort on the part of the State to maintain strong discipline in managing public spending - not only in order to generate savings but also to generate resources for servicing the public debt, which presently involves about 36% of total exports.



These macroeconomic circumstances circumscribe the possibility of finding public funding for protected areas management, and essentially limit us to private sources. They also underscore the need to encourage the use of protected areas for tourism and to make this activity more dynamic, since due to a multiplying effect, it generates employment, hard currency and expansion of other related industries.

The legal framework for protected areas gives AFE-COHDEFOR the responsibility for the management and administration of Protected Areas and Wildlife. For its part COHDEFOR, together with other related bodies such as the Secretariat for the Environment

(SEDA), are responsible for coordinating issues relating to environmental management, including the conservation of biodiversity. The Secretariat for Natural Resources and the Planning Secretariat share responsibility for policy development on conservation of biodiversity. There are approximately 60 people responsible for the management and administration of protected areas, including the staff at the main office. Only in very few protected areas is there any permanent staff from DAPVS, and this staff is partially complemented by NGOs and municipal administrations.

The concepts of "core area" and "buffer zone" are used in Honduras as a fundamental part of the management of these protected areas. Through the joint WB/UNDP/GEF project and the Regional UNDP/GEF project for the Central American Biological Corridor, the concept of "biological corridor" is also being introduced to Honduras.

#### Population in the Protected Areas

Most protected areas are open to access and their state of conservation is deteriorating. Local populations are fast invading the areas and clearing more and more land to meet their needs. The local populations live under very hard conditions and are clearing the forests because they do not have any alternative. They are among the country's poorest of the poor and have either very little or no formal education. Their knowledge about the resource base is usually scant and immigrants from other parts of the country may even have erroneous ideas on the potential for different types of land use, based on their experience in their home regions.

In some areas, there are ethnic groups who retain certain traditional types of land use. Although these groups usually have little formal education, their knowledge and understanding of the environment has built up as the result of their own system of informal education, consisting of the exchange of autochthonous knowledge. However, with access and exposure to modern equipment and technology, many of these groups no longer live in harmony with their environment. In the case of ethnic groups, given their broad understanding of their environment, restoration of the balance between human needs and natural resources usually means better opportunities. In areas where the lands of ethnic groups are under pressure from colonisers, emigration may lead to social tension and the balance between human needs and resources may deteriorate.



*Tawahka community. Photo: Alejandro Parellada*

Within the National System for Protected Areas (SINAPH), protected areas are considered to be composed of core areas and buffer zones. The core areas should ideally be uninhabited protected zones, and the buffer zones should be inhabited or uninhabited areas where activities compatible with the management category of each area may be developed.

Plant and animal populations need a basic land area in order to survive and many species have migratory needs during their life cycles. Sufficient areas of refuge cannot be provided for all species within the system of strictly protected areas. Therefore, additional mechanisms may be considered to improve the effectiveness of the protected core areas system, without necessarily being an essential part of the area.

In the buffer zones and biological corridors, efforts are made to preserve more natural habitats. The buffer zones are zones surrounding the protected core areas, with human occupation and moderate levels of use for consumption of resources, such as agroforestry, fishing and agriculture, while part of the original habitat is conserved intact. These remaining natural habitats provide additional living space for the benefit of species needing more territory. Biological corridors also provide additional natural habitat, usually

outside legally protected areas but in such a way as to connect protected areas together.

Special measures are necessary to encourage the inhabitants of buffer zones and biological corridors to leave part of the habitat intact. Such measures involve the promotion of schemes for sustainable development amongst the inhabitants, who are usually indigenous peoples. Through technical assistance programmes and extension services, new techniques and greater agricultural production are promoted to reduce or stabilise the need for forest clearance. In some cases, non-consumptive uses such as eco-tourism may be feasible. If successful, such programmes could maintain more areas under the protection of partially natural vegetation and this would allow more core areas to remain biologically connected.

### **The Tawahka**

The Tawahka live on the banks of the Patuca River in La Mosquitia, an area on the Caribbean Coast of Central America. Its coastline has a number of large, inter-connected lakes, as well as a wide, open savanna, crossed by numerous meandering rivers. Low mountains and a wide and impenetrable forest surround the savanna. In addition to the geographical characteristics of the zone, la Mosquitia is also outstanding because of its cultural roots, as it is still almost entirely populated by four indigenous groups - the Misquito, the Tawahka, the Pecha and the Garifuna.

Presently the Mosquitia is geographically divided by the international frontier between Honduras and Nicaragua. The Honduran Mosquitia, although smaller than the Nicaraguan Mosquitia, is mostly in a better state of conservation. The Misquito are the major indigenous group in this zone and constitute 90% of its population. The group lives along the coast and on the banks of the longest rivers in the area. Although the savanna is an important resource, it is mainly uninhabited. The rivers crossing the plains have their origin in the forested hinterland and flow into the Caribbean Sea. The Tawahka are located along one of these rivers, the Patuca, at the point where the plains and savanna become hilly and forested. This place has always been their home. It has also protected them from their Misquito neighbours to the north and from the Spanish-speaking Hondurans to the south.

The Tawahka have proposed that their traditional lands be declared as the Tawahka Asagni Biosphere Reserve. According to a study carried out by the geographer Peter Henley, these lands cover

an area of 233,140 hectares, including forests, rivers, cultivated land and *guami*, as well as the five Tawahka communities located on the territory, and their main areas of subsistence (including hunting and gathering areas). The limits were established by following the natural features of the zone and then joining the Río Plátano Biosphere Reserve in the north and the frontier with Nicaragua in the south.

Over 90% of the proposed area is comprised of primary forests and includes some of the best-conserved forests of la Mosquitia. However, it does not include all the land traditionally inhabited by the Tawahka, or some of the forage areas that remain outside the proposed limits. The Patuca River divides the zone in two: the northern side forms a valley of rolling igneous hills and the southern side has limestone cliffs. The river forms large areas of alluvial and clay soils, particularly in the north near the savanna area.

The Tawahka Reserve is considered critically important for the conservation of humid tropical forests in la Mosquitia, as well as for the survival of the Tawahka indigenous people as an ethnic group. Furthermore, it is a key point of access to the la Mosquitia forests. The designation of the Reserve would help to strengthen the traditions of the Tawahka group, in addition to ensuring that they continue their style of land management in the area, considered to be vitally important for their survival.

The location where they live is completely surrounded by forests, which are part of the widest humid tropical system in the area. Known as the Central American Tropical Forest Belt, it starts in the State of Chiapas in Mexico, crosses the Caribbean coast of the Central American Isthmus and ends on the Pacific coast of Ecuador.

The forests of the Honduran la Mosquitia are similar to those of Belize and Nicaragua and it is usually possible to find the same species of plants, characteristic of this type of vegetation. However the part around the main Tawahka community, Krausirpi, is particularly rich, and in addition to abundant lianas and epiphytes, over 100 species of trees can be found per hectare. The variety of undergrowth is very great, and even over short distances the vegetation may range from a scant or diverse flora of grasses, shrubs and palm trees, to an impenetrable lattice of bamboo.

The forest is the natural environment of the Tawahka. They know more about the plant species of the primary forest than about the undergrowth in their arable land. It is a very productive environment where the men of the community hunt or gather fruit and seeds. The

forest also provides them with building materials and medicinal plants, and is an important source of proteins. Furthermore, learning hunting skills is still seen to be an important part of the training of young Tawahka men.

### **Background**

In Honduras, the Tawahka people are the autochthonous group that has accumulated and maintained the greatest amount of knowledge about the flora and fauna over hundreds of years.

They are located in the region known as the Middle Patuca, which covers the area between the River Cuyamel, a tributary to the River Patuca in the Department of Olancho, and the Wampusirpi Community (now having municipal status) in the Department of Gracias a Dios. This area has exceptional features and is of special scientific, cultural, ecological, historical and ethnological interest, in addition to being one of the areas with the greatest biodiversity in the country.

The isolation of the Tawahka people, which is due to historical, political and social factors, has excluded them from social benefits such as education and health. However, their exclusion has allowed them to keep their cultural features intact, such as their language and customs, as well as their traditional practices for the use of natural resources in harmony with the environment. However, over the past twenty years, the Tawahka have noted with concern the advance of the agricultural, livestock and logging frontier, which is largely driven by peasants from the south and central part of the country who, finding no other way to meet their needs, have gone in search of new lands and natural resources, where they apply predatory practices.

The peasants are used by large landowners, cattle-ranchers and logging industrialists to facilitate the appropriation of the land and natural resources which have been the heritage of the Tawahka people since ancestral times.

It is basically for this reason that in 1987, under their own initiative and with the support of the German international human rights society, IGMF, the Tawahka became organised into the "Honduran Tawahka Indigenous Federation" (FITH) - the political body that is struggling for the defence of their common law rights.

Over the past six years, FITH has focussed its efforts towards a policy for gaining the possession and legalisation of Tawahka land, and the result of this great struggle is the initiative to set up the Tawahka Asagni Biosphere Reserve (TWBR).

## **Law for the Establishment of the Tawahka Asagni Biosphere Reserve**

### **General objectives**

The Tawahka Asagni Biosphere Reserve is to be created in the Middle Patuca River area, to the west of the natural region known as la Mosquitia, in the Departments of Olancho and Gracias a Dios, with the purpose of conserving the biodiversity and ecological balance of the region and ensuring sustainability and harmonious cohabitation of the autochthonous population with their environment, in the framework of their ancestral culture. It aims to guarantee the preservation of the biological and cultural heritage of the nation and to benefit humanity.

The specific objectives of the Tawahka Asagni Biosphere Reserve are:

- To protect the biodiversity and ecological integrity of the flora and fauna and the watersheds of the Middle Patuca River zone.
- To complete a continuous ecological corridor of protected broad-leaved forest, comprising the Río Plátano Biosphere Reserve, the Tawahka Asagni Biosphere Reserve and the Patuca National Park project.
- To promote the sustainable development of the Middle Patuca zone and halt the advance of the colonisation frontier, deforestation and other forms of non-sustainable exploitation of resources.
- To promote scientific research on natural and cultural resources as a basis for sustainable development activities in the zone.
- To establish a Biosphere Reserve that will ensure the survival of the Tawahka in the lands that they have occupied for centuries.
- To protect an enclave of autochthonous culture, historical and current, as part of the cultural heritage of Honduras.
- To guarantee the social development of the Tawahka people, respecting and promoting their knowledge, practices and cultural customs.
- To ensure the effective administration of the Tawahka Asagni Biosphere reserve, through the participation of the Tawahka people.

### **Present legal situation of the Tawahka Asagni Biosphere Reserve**

The first proposal for the TABR was prepared in 1992 and rejected by the Honourable National Congress. It was then submitted to an Inter-institutional Commission with the participation of interna-

tional organisations including the United Nations Development Programme (UNDP); governmental bodies such as the Honduran Corporation for Forestry Development (CORDEFOR) and the Environmental Secretariat (SEDA); non-governmental organisations such as MOPAVVI, and grass-roots organisations such as the Tawahka Indigenous Federation (FITH) and the Raices Foundation.

Following an examination of the contents of the TABR Decree, the Commission prepared a second proposal for a TABR, taking into account the country's internal legislation on the conservation of protected areas and ILO Convention 169. This second proposal is currently being discussed by the National Congress.

Therefore, the TABR is at a decisive point. Approval or rejection will indicate the real policy of the government, either by ratifying its purpose of supporting ecological protection of the zone, or by allowing its continued deterioration.

At the same time as proceeding with the formalities for Biosphere Reserve designation of the area, a process is under way for obtaining title deeds of community lands, which would give official recognition to the legitimate control of land use for agricultural and sustainable development activities by the Tawahka. So far, a Land Deeds Agreement has been signed between the National Agrarian Institute (INA), the History and Anthropology Institute (IHAI) and the Honduran Tawahka Indigenous Federation. The necessary technical studies have been carried out and a favourable response is expected.

One obstacle that has delayed this process has been the fact that the majority of the Tawahka do not possess identity cards, and this has been the excuse given by the State not to consider them as citizens of the country.

### **The TABR proposal**

The Tawahka Indigenous Federation (FITH) has proposed, as a basic principle for the TABR model, that the Tawahka people should be responsible for the administration and management of the Reserve under the supervision of the relevant state organisation.

The proposal also establishes that an Inter-Institutional Commission (including governmental and non-governmental national, international and grassroots organisations) be responsible for the administration, management and monitoring of the buffer zone. The

peasants who have advanced the agricultural frontier are in this zone and it is considered to be the State's responsibility to address their needs, with the collaboration of the other organisations mentioned above, in order to avoid possible conflicts with the Tawahka people in the conservation of the Reserve.

These elements of the proposal are the ones that have caused most discussion and the greatest disagreement. Although the State has given responsibility for the management of protected zones to non-governmental organisations and private foundations, to date it has not agreed to give this responsibility to an indigenous grassroots organisation such as FITH, the organisation representing the autochthonous people of the area.

### **Strategies**

To date, the strategies to be used by FITH to achieve approval of the Tawahka Asagni Reserve have included the following:

- In 1994, the Foundation for the Conservation of the Biodiversity of the Patuca River (Raices Foundation) was established, which made it possible to increase support from civil society for the TABR project - from non-indigenous people and national and international bodies.
- In 1995, an Inter-Institutional Agreement was signed with the National Autonomous University, the Public Education Secretariat, the Institute for Anthropology and History and other national bodies, with the purpose of developing a bilingual and inter-cultural educational programme that would make it possible, within a 4-year period, to train a group of 20 people to operate as teachers and technical support staff for the management of the Reserve.
- Presently a solidarity network is being established on a national and international level with environmental and people's organisations (based on that new invention, Internet), to support the TABR project and its aims of the recognition of the ancestral rights of the Tawahka people to their territory and the conservation of its resources.
- Finally, the main task of FITH and the Raices Foundation is to show the government and civil society their administrative and political capacity in the conservation of protected areas and the recognition of their full rights as citizens of the country, and as its most ancient population.

## Panel Discussion

Gonzalo Oviedo WWF drew attention to the way the Tawahka people are using several forms of negotiation and are trying to avoid confrontations. Furthermore, he commented that by expressing the connection between territorial rights and conservation in the concept of a "reserve", the indigenous peoples of the area are linking an internal value with something of national value. To do this the Tawahka are making dynamic connections between their traditional knowledge and practices, and innovations.

José Luis Gonzales from COICA said that the local, national and international aspects of conservation need to be understood with all their contradictions. He also commented that indigenous peoples are tired of hearing governments say that they are demanding too much land, and that it is essential that territorial demarcations reflect what belongs to the indigenous peoples. The only way this can be accomplished is to "negotiate with one hand and fight with the other". Only thus can governments be made to realise that indigenous peoples are important.

Edgardo Benitez commented on the different categories of reserve, and that the Tawahka are happy for UNESCO to act as an international guarantor through its international network; nonetheless, the area will also need to be recognised as an indigenous territory.

### Costa Rica: The Cases of Talamanca and Maleku

by Alí García Segura  
*Fundación Iriria Tsochök*

The indigenous peoples of Costa Rica comprise about 30,000 individuals of the Maleku, Bribri, Cabécar, Térraba, Boruca and Guaymí groups. Costa Rica has 22 legally demarcated indigenous reserves which cover a total of about 320,650 hectares, representing 6.3% of the national territory. In practice, however, only 60% of these lands are in the hands of the indigenous peoples.

#### 1. The Talamanca Case

Because they were never submitted to Spanish colonial domination, the Bribri and Cabécar indigenous peoples of Talamanca retained a

good deal of their cultural identity. It is still possible today to find older individuals who do not speak Spanish, a sure sign that they have retained a respect for their more ancient cultural values. Within their social organisation there were the Awá or doctors, the Tsököl or singers, and the Bikákala or masters of ceremonies. However, when alien religions entered Talamanca, opinions became divided and cultural relationships shifted. Foreign ideas have given the indigenous population a feeling of marginalisation from the dominant culture, which has led to a weakening of traditional organisations. For example, there are no Awá, no Bikákala, very few Oköm ("buriers"), the traditional classroom has disappeared, and patterns of clan marriage have become disrupted.

What do I mean by the disappearance of the traditional classroom? That the teachings of the Awá are disappearing with them, and there are no children being trained to perform vital functions within the traditional culture. Much knowledge of the care of the forest has already been lost, and the traditional agricultural system is being converted to a system of extensive monoculture.

What do I mean by the disruption of patterns of clan marriage? That new generations have lost all respect for the traditional mandates for marriage, and as a result there is a high proportion of young unmarried mothers in the region, while the young men emigrate, to look for the supposedly better conditions offered by the dominant culture.

Faced with this situation, what do the Bribri and Cabécar peoples do to protect their cultural traits and the remaining natural environment in the area?

In the specific case of Talamanca, organisations have been established to serve the indigenous peoples. One example is the Iriria Tsochök Foundation for the Defence of the Earth. This body serves as a filter between the activities carried out by the State and the indigenous peoples of the area, in that it keeps the communities informed of government actions which might affect them negatively, and collects opinions from community members so as to feed back criticisms to the state entities responsible. It also implements initiatives coming from the communities themselves to respond to their most urgent needs.

As a specific example, I will refer to the case of Project Namasöl - the Project for the Sustainable Development of the Indigenous Reserves and the Conservation of the National Parks of Talamanca.

The project was put together in 1992 within the context of Costa Rica's Forest Action Plan, and was to be carried out within the Bilateral Technical Cooperation Agreement between the governments of The Netherlands and Costa Rica over a period of five years.

By October 1994 the "Strategic Plan" and "Operational Plan" (PLANOPS) had been defined and the first payment was made. The first stage of the project was for two years. Negotiations are currently under way for the execution of the second stage, which is for three years.

### Implementation of the Project

One novel and vital aspect of the project which should be noted is the incorporation of local indigenous organisations as its executive agents. The Government of Costa Rica was the entity with which Dutch co-operation was formally established, but the administration of all funds was carried out by local indigenous organisations.

In general, state institutions have provided no technical assistance, materials or financial resources, but there is an exception in the case of the Ministry of Public Education, which has implemented an adaptation of primary education for the Talamanca Indigenous Reserve.

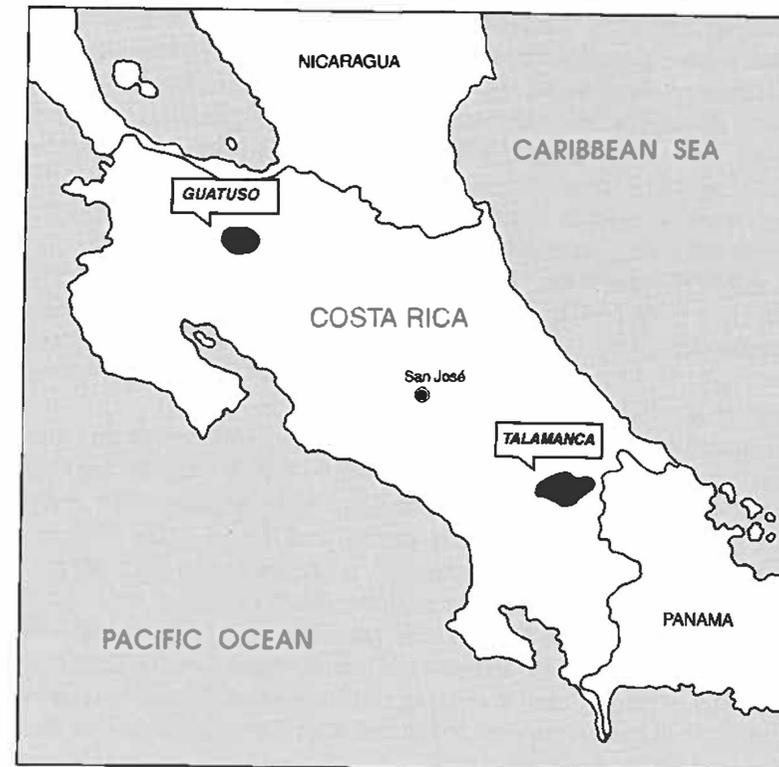
The Project has one component for protection and another for sustainable development. The executive agent for Protection is the Ministry of the Environment and Energy (MINAE), but its actions have been unpunctual and insufficient. The Sustainable Development component is the responsibility of four local indigenous organisations:

- the Association for the Integrated Development of the Bribri
- the Association for the Integrated Development of the Cabécar
- Codebriwak (the Committee for the Defence of the Rights of the Bribri Indigenous Peoples) and
- the Iriria Tsochök Foundation.

Apart from being one of the executors, the latter are also in charge of the administration of the project.

### Results up to September 1996

**Sustainable Development Component** The team responsible for implementation is made up of five technicians co-ordinating different Work Areas (two of whom are Bribris); twelve facilitators (eight Bribris and four Cabecares), and three administrative staff. Twelve



Talamancan indigenous communities have been regularly involved. The Talamanca Women's Committee is also supported, as are the Committee for the Commercialisation of Talamanca Organic Produce and the Savings and Loans Committee. From April to September 1996, 1,168 actions were carried out on the following components:

**Agricultural Component:** Production activities made up 29.5% of this component, including farming; training in production management and technical assistance; development of self-sufficient farms; biological pest control; organic agriculture using green manures; forestry techniques including pruning; green-houses and seed-beds for native plants; crafts, and bartering programmes among farmers who use traditional methods. Environmental training was also provided to a lesser extent, and involved activities connected with territorial control, use and management, including the protection of

natural resources. The opportunity was also used for awareness-raising about subjects which directly affect the indigenous communities.

**Economic components:** 16% of the activities were devoted to features of production and commercialisation of produce (bananas, fruit) of the Talamanca Valley. These included improving the accounting and administration skills of producers and members of the commercialisation committee, and focussed especially on the subject of investments and credit.

**Cultural Components:** 15 % of activities carried out were concerned with the revival of Bribri and Cabécar cultural values and cultural reinforcement through art, music, drama, puppets, drawing and painting, reading and writing. This was very successful. The prevention of alcoholism was also discussed.

**Communications Components:** 14% of the activities in this area were connected with the improvement of local communications through appointing community spokespeople; improvement of the use of the cultural broadcasting station, and the production of posters, folding panels, video-tapes and magazines providing adapted sections on culture, education and information.

**Social Components:** 11% of the activities were connected with training and the formulation and management of development projects; with regional bartering; traditional health care; contextualised education; aspects of infrastructure, organisation and gender and indigenous legislation. In this area 6% were strategic activities connected with the support of organisational self-management, such as the defence of natural resources and the indigenous territory.

I will now give one immediate objective in detail as an example, together with its results. The objective was "To improve the level of employment and economic welfare in the communities through an increase in productivity and the diversification of production, both for home use and for the market, through methods of sustainable use and management of natural resources."

This is the objective which has received the greatest emphasis at this stage of the project, with 645 activities carried out. The results are as follows:

1. A reduction in the rate of unemployment and underemployment, through a broadening of the production base and improved use of available resources. Sixty-nine actions concerned exchanges amongst

farmers in the Talamanca communities and the implementation of economic activities involving the sustainable use of natural resources.

2. A considerable number of producers were trained in farm production using traditional practices and organic agriculture. In this component, 345 actions aimed to strengthen traditional structures for agriculture such as meetings ("juntas"), "chichadas", "mano vuelta", and tropical gardens; traditional agriculture with crops such as cocoa, bananas, basic grains and fruits, and ranching and forestry. Training was also given on post-harvest treatment, the establishment of seed beds and basic practices in the field. We believe that the greatest potential for crop production is with bananas, cocoa and basic grains.

3. A group of farmers and producers was trained for the management and appropriate use of financial resources. The most important activities are the training of the committee for marketing and management of a warehouse, for the sale of bananas and other fruits in the capital, San José. The announcement of product prices by the local broadcasting station, The Voice of Talamanca, has been very useful. One excellent result was the maintenance of the price of bananas in the market, proof that it is set by intermediaries and not by the indigenous peoples of Talamanca. Part of the fruit is sold directly by the members of the Committee, but some aspects still need to be consolidated to achieve real self-sufficiency.

The other two immediate objectives in this component are:

- To build management and co-management capacity of the indigenous communities in order to facilitate participative sustainable development (426 activities)
- To support effective protection of La Amistad Biosphere Reserve (RBA) through the conservation of the natural resources of the indigenous reserve and protected areas. (68 activities).

**Protection Component:** Within this component training was given to the communities neighbouring the Cahuita National Park in skills related to the management of natural resources as relating to marine systems, which were the reason for the existence of a National Park. One practical activity was a course on marine ecology, which was attended by eighteen people from the community of Cahuita. Another course on coral reefs was attended by twenty-one people from the same community. With these two courses it was possible to

establish a route through the reef area and a system of buoys and anchors which would allow the appropriate management of the reef by the Park staff.

The project continued its strategy to involve community members in sustainable activities for the use of natural resources. A course was held on sea turtles, with the participation of sixteen people from the community.

In the protection component, one of the principle obstacles has been the lack of fluency in implementation by the Ministry for the Environment and Energy, which is the state body responsible for this component.

There is no doubt that the development of this project, with broad community participation, will serve as a framework for actions which we, as indigenous peoples, must carry out if we wish to preserve our cultures and our resources, as our ancestors and elders were wise enough to do. We must do this without forgetting that we are living in an environment dominated by other life styles and ways of thinking which, in general, are antagonistic to ours.

## 2. The Case of the Maleku Community of Costa Rica

In their struggles for territorial rights, this indigenous community has also received the support and advice of the Iriiria Tsotchök Foundation.

The Maleku or Guaruso people, who call themselves the "*Maleku Jaica*", are located in the Guaruso Indigenous Reserve, which dates from 1976. The Reserve was illegally reduced from its original size of 2,994 hectares, to 2,743 hectares when boundaries were re-defined by a decree in 1977.

Even more seriously, in spite of the fact that the territory officially exists and that there is an indigenous Law in Costa Rica which should protect the rights of these people, the Maleku have lost huge areas of their lands to non-indigenous usurpers, and at present they are only in possession of 411 hectares, or 15% of the land which legally belongs to them. As a result, the Maleku have moved from being independent, self-sufficient farmers to working for daily wages for the landowners who now own their lands. (Guevara Berger, Marcos, and Ruben Chacon Castro, 1992: *Territorios Indios en Costa Rica: Origenes, Situacion Actual y Perspectivas*. San Jose: Garcia Hnos.)

The territorial problem of the Maleku, and the specific legal consultation in which the Iriiria-Tsotchök Foundation has taken part,

has its origins in the situation described by Guevara and Chacon as follows:

"The pressure for land is such (in the Maleku area) that over the last few years the community has been the protagonist in forceful actions to recover some of their land, invading the property (the Mariley farm) belonging to a non-indigenous person within the Reserve itself. It must be noted too, however, that the president in office for 1986 -1990, Oscar Arias, personally offered the Maleku people his help for the recovery of their lands during his presidential campaign. Using the letter written by the then presidential candidate who had now won the presidency, the Maleku put pressure on the CONAI (the National Commission for Indigenous Affairs, a State agency) for the promise to be fulfilled; but because the reply was so slow in forthcoming, they resolved to occupy the above-mentioned farm. The farm was finally recovered in 1990, after a decisive fight put up by the Maleku together with non-indigenous campesinos from the area, who together demanded that the government expropriate several lands near the Reserve to be distributed amongst them". (p.99).

However, the recuperation of the Mariley farm did not resolve the problem. Among the Maleku population there are still many people with no land, whilst within the Reserve there are vast expanses of land in the hands of non-indigenous people. Faced with this situation, the community has been organising more action to recover some of these properties using legal channels, enforcing Law 7316, which accepts ILO Convention 169.

In our country, this is the first legal action taken against the State by the indigenous community to demand the rights established in the above Law. The action shows that, in spite of the fact that Costa Rica is internationally recognised as a country respectful of human rights, it does not apply the same standards when dealing with indigenous peoples.

With advice provided by the Iriiria-Tsotchök Foundation, workshops have been held with the Maleku on the interpretation of the laws and regulations which affect the indigenous population in any way, seen from the perspective of the community. This means that the legal advisor does not explain to the indigenous person what his or her rights are, but that the indigenous person him or herself explains what he or she understands as their rights. In this way, the specialists have to work from the interpretations of the indigenous peoples in order to find viable ways to apply the law. After the workshops, the community named four of their leaders to lodge an

appeal for protection against the executive power in the persons of the President of the Republic, The Government Minister, the Institute for Agricultural Development and the National Commission for Indigenous Affairs.

In Chapter 2, paragraph 9 of the document, those appealing explain the legitimacy of their claim as follows:

*"We present our appeal in our names and on behalf of all the Maleku community. The ownership of lands in the Guatuso Indigenous Reserve, as in all the existing indigenous reserves, and in accordance with current legislation, is collective, and therefore there are no title deeds in existence; or if there are, they correspond to a small number of plots of land with title deeds extended before the indigenous reserve was established in 1976. Our history is not very different from that of the greater part of the Maleku population in Guatuso, and so our claim is supported not only by our rights and that of our families to have the land we need to live on, but also by the conviction that the dramatic present situation constitutes a serious threat to the Maleku community as an indigenous people, and to their culture. In only one generation the Maleku culture, so rich in spiritual content, as shown in the work of Costenla on the oral tradition in the Malekujaica language<sup>1</sup>, may disappear if the community does not manage immediately to consolidate a territory to settle in, where their descendants can work".*

At present, the appeal is in the Constitutional Court, and so a tiny light of hope at the far end of the tunnel is becoming visible to the Maleku people, to vindicate their rights to their reduced land.

I have tried to transmit to my comrades and the organisations present at this highly significant conference, the message that our communities need concrete actions. These will be possible if we all make the effort to help carry them out together.

#### Note

<sup>1</sup> Documento «Proyecto Namasöl». Informe de la Misión de Evaluación», San José, junio-julio de 1996.

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**Guevara Berger, Marcos and Rubén Chacón Castro:** 1992 - *Territorios Indios en Costa Rica: Orígenes, Situación Actual y Perspectivas*. San José: García Hnos.

**Adolfo Costenla:** - 1993 - *Laca Mijifijica: La Transformación de la Tierra*. San José: Editorial de la Universidad de Costa Rica.

#### Panel Discussion

Marcial Arias (International Alliance) thought that the paper illustrated an important example of an indigenous organisation receiving support from a government - not dissimilar to the example from the Bolivian Chaco. However, he raised the concern whether projects controlled by governments fully accept an indigenous cosmovision as an alternative structure, or just as an aspect of conservation. "I consider that these projects operate from a technical and conservation-environmentalist perspective, not an indigenous one".

It is important, he continued, to understand the reaction of indigenous communities to the project. "During a trip to Costa Rica, I remember hearing cultural radio broadcasts to the communities, but I don't know whether they are still happening. Similarly, I am concerned whether there will be any follow-up to these projects. Will there still be indigenous self-management of these projects after five years?"

Janice Alcorn (Biodiversity Support Program, USA) considered that the project demonstrates a way in which NGOs can work constructively with indigenous organisations. She also drew attention to the importance of education and the vital role which children play in securing a sustainable future for a community.

#### Panama: The Research Project for the Management of Wilderness Areas in Kuna Yala (PEMASKY)

##### Introduction

by Marcial Arias

*International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest*

We, the Kuna, have been demanding protected areas since 1925 and have had a territory for 70 years since the independence of Panama from Colombia. We gained our territory by defeating the colonial police and winning the war against the army, even with interference from the USA.



## Defending Kuna Yala: PEMASKY

by Mac Chapin  
*Native Lands*

In 1983, a small group of Kuna leaders and technicians initiated a project to set up and run a protected area on the southern border of their territory, the Comarca of Kuna Yala. The Research Project for the Management of Wilderness Areas in Kuna Yala (*Proyecto de Estudio para el Manejo de las Areas Silvestres de Kuna Yala*, PEMASKY), as it was called, was launched to defend Kuna lands against encroachment by non-indigenous outsiders; yet at the same time it was seen by conservationists as a significant move to conserve the biodiversity of the region, and it received substantial financial and technical support from this quarter during its first years.

PEMASKY began amid considerable enthusiasm, both among the Kuna and throughout the international conservation community. This was first time an indigenous group in Latin America had demarcated a large chunk of virtually untouched rain forest - about 60,000 hectares - and set it aside as a nature reserve. The Kuna organised and managed the programme themselves, with assistance from foreign advisors brought in on contract. The park's administrative centre was located in Panama City and its field station was built at a site called Nusagandi, which was situated along the El Llano-Cartí road on the edge of the Continental Divide in the Serranía de San Blas. The indigenous staff at one point grew to 23 people, including six park guards and seven members of what was termed the Technical Team.

From the Kuna point of view, the primary objective of PEMASKY was territorial defence. Although the Panamanian government had granted the Kuna their tribal homeland, the Comarca de San Blas, in 1938, non-Kuna squatters were moving into the area along the road which was built in the early 1970s, and some had even taken up residence inside the Kuna Yala boundary. By the mid-1970s, the Kuna had established a small agricultural settlement at the spot where the road crossed their border, and when these efforts proved unproductive, they changed their orientation toward protection of the forest.

Conservationists were anxious to work with the Kuna to erect a barrier against the spreading colonisation along the road, and in this



*Kuna children. Photo: Mac Chapin*

way to halt deforestation and preserve the region's biodiversity. There was clearly a convergence of interests. The creation of a protected area surrounding Nusagandi was seen by both parties as an effective means for achieving the two overlapping objectives.

Shortly after it was up and running, PEMASKY became well known throughout the world. It was touted as an example of an effective alliance between indigenous peoples and conservationists, and it became an inspiration for indigenous peoples everywhere. Articles were written about it - several by PEMASKY staff - and films were made; international visitors streamed in to see the facilities and discuss plans for the park. The staff were invited to conferences in Costa Rica, Argentina, Brazil, the United States, China, and England. Awards were bestowed upon them and by the mid-1980s the project had begun to take on a semi-mythical glow ...

But then at the seeming apex of its fame, PEMASKY's image began to lose its focus. Less and less information about the project's activities came out of Panama, international attention flagged, and PEMASKY gradually, almost imperceptibly, disappeared from view. By 1990, people around the world were asking "Whatever happened to PEMASKY?"

This article attempts to answer that question, together with more specific questions about PEMASKY's meaning today and its implications, especially for the Kuna.<sup>1</sup> It discusses the background of the project, its evolution from a modest beginning through its strong early years, its ambitious projections, its somewhat tangled growth, its eventual demise, and its legacy.<sup>2</sup> Woven throughout this discussion is the theme that many groups, both Kuna and non-Kuna, were involved with PEMASKY during the 1980s, and each entered the fray with its own agenda and its own set of objectives. The degree to which the project managed to meet its objectives depends overwhelmingly on the expectations of each group from the outset.

### The Kuna

As many as 50,000 or even 60,000 Kuna presently live in Panama - the numbers are not precise. There are in addition three small settlements in Colombia, inland from the Gulf of Urabá. The Panamanian Kuna inhabit four regions: Madungandi, where approximately 3,000 Kuna live in 12 villages spread out over 1,800 km<sup>2</sup> around the Ascanio Villalaz hydroelectric dam, in the Bayano region (Guionneau 1995:108); Wargandi, a small enclave of three commu-

nities (Nurra, Wala, Mortí) nestled in the headwaters of the Chucunaque, with a population of slightly more than 1,000 (Congreso General Emberá-Wounaan 1995:62); the communities of Púcuru and Paya, located near the Colombian border in the region of Takargun Yala, totalling 467 people (Ibid.:63); and the largest contingent of Kuna with a population that may exceed 50,000 people, living along the coast of Kuna Yala (San Blas),<sup>3</sup> which extends a distance of approximately 200 kilometers from Mandinga to the west along to the village of Armila, just short of the Colombian border, with a land surface of 3,260 km<sup>2</sup>.

The Kuna have only recently taken up residence on the open coast of Kuna Yala, having moved from the protective cover of the jungle, village by village, during the course of the last 150 years or so. When the Spaniards made their appearance in the region in the early sixteenth century, all Kuna villages were situated inland and the bulk of the population was spread out across the isthmus as far as the Pacific coast (Torres de Araúz 1972, 1980; Howe 1974: 1213, 1978; Stier 1979). To this day, rivers and settlements throughout the Darién bear Kuna names, although most of them have long since been abandoned by the Kuna. In the 16th Century, Kuna communities were thriving in the mountainous Bayano region, and the Kuna most probably controlled much of the zone extending north to the Atlantic coast as far as Acla.

When the Spaniards established themselves at the spot that today is Panama City and began scouring the Pacific side of the isthmus for gold, many of the indigenous peoples were driven into the thick humid forests of the north, where they attempted to escape epidemics of recently introduced diseases, conscription into the mines, and outright extermination by the white intruders. The Kuna's initial arrival on the Atlantic coast was no doubt spurred by the trade goods offered by pirates and merchants who operated throughout the region's numerous coral reefs and labyrinthine mangrove estuaries during the seventeenth and eighteenth centuries (Joyce 1933:xilxvii; Stout 1947: 51-54). By the middle of the nineteenth century, when the era of piracy had passed, the Kuna started transferring their villages to the islands, which were largely free from the insects and diseases which abounded on the mainland.

In 1925, on the heels of an armed uprising by the Kuna against the Panamanian National Guardsmen stationed in the region, the government of Panama signed a treaty forbidding non-Kunas from

owning land in San Blas. In 1938, the government granted the Kuna legal title to their territory, creating the Comarca de San Blas; and the only outsiders now living in the region are small numbers of Colombian traders and religious missionaries. At present, no all-weather roads connect Kuna Yala to the rest of Panama, and the only means of entering the region is either by launch from the Atlantic coast city of Colon or by small plane from Panama City.

The Comarca of Kuna Yala today is a roughly 20 kilometre-wide band of forest from the ridge of the Continental Divide down to the Atlantic Coast, and out seaward a kilometre or so to encompass more than 300 tiny coral islands offshore. Although no precise data are available on climate, San Blas is broadly classed as tropical rain forest with high humidity, a mean annual temperature of between 24 and 27 degrees Celsius, and annual rainfall that reaches 5,000 mm in the highlands and approximately 2,000 mm along the coastal plain (PEMASKY 1985:6). There is a dry season from January to March, during which strong winds from the north prevail, and a shorter, less predictable dry stretch from September to November. These seasonal fluctuations in rainfall, however, have no marked effect on the vegetation, and the region is characterised by a full growth of tropical rain forest.

The population is spread out among more than 40 small islands and 12 mainland villages. Most Kuna communities are tightly packed labyrinths of thatched houses, and range in size from less than 100 inhabitants to more than 6,000. The island communities invariably lie within half a kilometre of the coast, thus facilitating access to the mainland, where agriculture is practised and where fresh water, firewood, and building materials are procured. In similar fashion, all the Kuna Yala mainland villages are strategically located so as to allow regular exploitation of both mainland and marine resources, with the exception of three communities situated more than an hour's walk inland at the western end of the reserve. Farms become more dispersed as one travels into the foothills, and the northern slope of the Continental Divide is covered with intact rain forest. This is a buffer zone inhabited solely by wild animals, and occasional adventurous indigenous hunters and healers following the region's few trails in search of rare plant materials. It is presently the only physical barrier which isolates the Kuna from the rest of Panama.

The coastal Kuna practice a mix of slash-and-burn and plantation agriculture on the mainland coastal strip, extending their activities

back into the jungle two or three kilometers. The greatest concentrations of farms are located along the rivers or near the coast, which facilitates transportation by canoe between the communities. The principal cultivated crops are bananas (as many as six varieties), plantains, sweet cassava, yams, taro, maize, white and red rice, coconuts, squash, sugar cane, breadfruit, chili peppers, and peach palm. Of these, the more important subsistence crops are bananas and cassava, both of which are farmed by slash-and-burn, and coconuts, which are grown in plantations and constitute the only substantial cash crop in the region.

The bulk of animal protein consumed by the Kuna comes from the sea, and it is rare not to find fish included in the daily menu. The few island Kuna who own guns occasionally bring in game found in the lowland areas, but hunting is not a major source of food. The mainland inhabitants hunt far more frequently, although they seldom venture into the mountains of the Serranía (Ventocilla 1992).

One of the most outstanding features of Kuna subsistence is the total absence of cattle anywhere in Kuna Yala - a characteristic the Kuna note with pride. Small numbers of pigs and chickens are raised around individual houses on the islands; yet there is a reluctance to follow this pattern in most villages on the mainland, because of the need for defence from predators.

Village political organisation is embodied in an institution called the "gathering" (*onmakket*), or, as it is generally termed in Spanish, the *congreso*. The gatherings, held nightly in most Kuna communities, are presided over by a governing body consisting of at least three chiefs, a handful of "interpreters" for the chiefs, and a varied collection of village elders, ritual specialists, and politically active younger men with a strong voice in community affairs.<sup>4</sup> These men, who are the guardians of tradition, village business, and the tenor of moral conduct, meet regularly in a centrally located "gathering house" to perform or listen to songs dealing with mythological themes or recent historical events, or to discuss village matters. In recent years, Kuna women have been taking a much stronger role in village politics and have formed several Comarca-wide organisations.

Overarching this village political organisation is the Kuna General Congress, which brings together all the local communities. Presided over by three *caciques*, it is made up of delegates from the communities, political figures, representatives of Kuna workers' organisations such as the Asociación de Empleados Kunas (AEK), and

professionals who serve as advisors. It is active in negotiations with the government and international organisations.

Perhaps the most striking feature of Kuna society is simply that it has survived. After centuries of contact with Europeans and their Latin American neighbours, whose character has frequently been violent, the Kuna entered the twentieth century with their cultural and political autonomy intact, making them a rarity in a region marked by the alarmingly rapid disappearance of indigenous groups. Their native language continues in strong force, although many of the men speak Spanish in government schools. Traditional political and ritual organisation, although they have been modified considerably in recent years, remain powerful and cohesive elements in Kuna society (Chapin 1983; Howe 1986). Co-operative labour is still pervasive in Kuna society. Beyond this, the Kuna consider themselves members of a unique ethnic group, and value their cultural identity highly.

Nevertheless, by the late 1970s and early 1980s internal and external pressures on Kuna society had begun to escalate rapidly and were making inroads into the insular existence which the Kuna had preserved for centuries. The pattern of change varied widely from community to community, but it was present everywhere and was making an indelible imprint on the Kuna Yala population as a whole. Emigration to Panama City and beyond was becoming common and widespread; it had by now gone beyond the population of young men and encompassed entire families, and there was a permanence to the urban migration that had formerly been absent. Western education had reached the most remote corners of Kuna Yala, and the Kuna living in urban centres were surrounded on all sides by Panamanian culture. With improved communications and the resulting penetration of alien ideas on virtually all fronts, the younger generations were living in a world vastly different from the world in which their parents were raised.

Thus far, Kuna society has held together because it has been able to adapt to the changing political situations around it. The Kuna General Congress has transformed into a permanent body with a centre of operations in Panama City. It has adapted to incorporate Kuna professionals and political leaders into its structure. It is developing mechanisms to solicit and administer international financial and technical assistance for Kuna Yala. It is connected to the internet.

Since the early 1980s, when PEMASKY came into being, the Kuna have focused their attention increasingly on their lands and their

natural resources. These concerns have been introduced into the internal legislation governing the Comarca, and they have been at the forefront of the Kunas' most recent battles over mining concessions, tourism, and the creation of a military base on the coast. The Kuna have come a long way in the last two decades.

#### **The threat to Kuna autonomy**

Travelling by small plane from Panama City to the western corner of Kuna Yala in the 1960s, many Kuna began noticing scattered patches of cattle pasture spreading north across the Continental Divide and approaching the thick forest that marked the downslope of their territory. The Llano-Cartí road was built as far as a scattering of colonist homes just short of the Kuna border in 1970, and migration into the area picked up steadily from that point on. The pace of encroachment accelerated progressively through the 1970s as the forests were cut down and burnt, and farms and pasturelands grew in size and number and began to merge. The intruders included small farmers but were mostly people of economic means; located just a short distance from Panama City, the region was perceived as being ideal for livestock or simply for investing in land. By the early 1980s, the Panamanian government, with USAID financing, had set in motion plans to link the coastal villages of Kuna Yala overland through completion of the road as far as the Caribbean coast.

The Kuna of the Cartí region, who would be most directly affected by the road, were ambivalent about the project. On the one hand, they saw the advantages of cheaper and more reliable transport to and from Panama City. During the early 1970s, more and more Kuna youths were travelling to Panama to study and work, and the people on the islands were becoming increasingly dependent on commercial goods. By 1975, such products as meat, eggs, and canned goods had become a necessity in many communities, but their transport by sea was too slow and the Kuna launches were too small to carry much in the way of cargo, and air freight was too expensive. With population growth in Kuna Yala, and increasing pressure on marine resources, fish were also occasionally being imported by plane from Panama City by this time. Transportation costs were on the rise and existing means of journeying in and out of the region - small planes and infrequent launches from Colón - were unable to carry the volume of goods demanded by the Kuna population. The road was seen as a way to solve this problem.

On the other side of the equation, the Kuna were fearful that the road would make them vulnerable in two major ways: it would open up the region to tourism controlled by outsiders, and also to colonisation of their lands by small farmers and cattle ranchers.

**Tourism:** Cultural and economic invasion of the Comarca is nowhere more apparent than in the area of tourism. Tourism had been a growing feature of Kuna life since the 1960s, when much of it was controlled by non-indigenous entrepreneurs, virtually all North Americans. Since the 1960s and with considerable escalation during the 1970s, tourists have come into the Cartí region in small planes and, later, on large cruise ships carrying over 500 passengers. The visitors were carefully managed by tour guides who found it in their best interests not to offend the Kuna. Foreigners were herded about the islands in orderly fashion, spending little time and often large amounts of money buying Kuna crafts, especially the brightly coloured *mola* blouses, and taking photographs. Those who spent the night on the islands were housed in small hotels, all owned and run by Kuna, and their activities were easily supervised. The Kuna feared that with the road, their control of the tourist trade would be threatened as powerful hotel companies and travel agencies could muscle their way into San Blas.

These concerns were given substance by an incident that occurred at the very time the road to the coast was under discussion. In the mid-1970s, the Panamanian Tourism Institute (IPAT), with backing from the Inter-American Development Bank (IDB), attempted to force a reported \$50 million hotel project on the people of Cartí. The hotel itself, which was to be built on an artificial reef and, in at least one projection, would have had space for as many as 1,166 tourists, was to be complemented with an airport capable of receiving international flights (Falla 1979:81-115). For months, Panama's newspapers announced the numerous benefits to be reaped by the Kuna, who, however, rose up in unison and threatened violence when the project's feasibility team attempted to land in Kuna Yala, and in the end the project had to be abandoned.

Fear of a repetition of this situation, as well as the thought of the unsupervised flow of tourists and sports hunters (who had already come into the region on several occasions), were powerful incentives for the Kuna to build a control station along the road.

**Land invasion:** Eastern Panama has been inhabited for centuries by the Kuna, Emberá, and Wounaan peoples, together with Darienites or Afrohispanics descended from slaves. The arrival of outsiders in the region began as a trickle in the 1950s, picked up in the 1960s when pieces of the Pan-American highway were put through, and really got under way in the 1970s with construction of the Bayano Hydroelectric Dam and the Pan-American Highway as far as Yaviza. Campesino colonists from the interior provinces of Los Santos, Veraguas, Coclé, Herrera, and Chiriquí spear-headed the movement, often preparing the way for wealthy farmers and land speculators (Heckadon & McKay 1982; Wali 1989:34-37). Frequently referred to as *santeños* (residents of the region of Los Santos), the colonists left their native land due to a combination of population pressures and the ecological destruction that had already been caused by extensive cattle ranching in the interior. Panamanians often liken their arrival in virgin forest areas to a plague of leaf-cutter ants (*arrieras*), which characteristically strip patches of vegetation clean with lightning speed. In the words of anthropologist Stanley Heckadon, "santeño colonisation is characterised by the speed with which they destroy the tropical forests, which are substituted first with slash-and-burn plantings and later with cattle pasture that is burned annually" (1982:17-18).

In the mid-1970s, the general population of Cartí had only a vague sense of the threat the road posed to their territory. They had taken the mountain barrier for granted for so long that few even thought that land-hungry peasants and wealthy farmers might slip across the divide into their territory. Yet this was indeed what was happening and the situation was changing rapidly along their southern border. A number of intruders had already broken through the legal limits of the reserve along the lower valleys to the northwest of Chepo. And with each passing year more and more colonists were arriving along the new road systems.

Kuna defence of the area was difficult because they had no physical presence along the mountain border. Virtually all farming is concentrated within a short distance of the coastal villages, and the Kuna seldom venture into the solitary expanses of virgin forest stretching south from the outermost farms to the limits of the Comarca. They prefer the coast, where they have access to the resources of both the sea and the flat plains; and on the islands, where the majority of the Kuna villages are located, they live a relatively insect-free life where epidemics are rare. Up until that time, no one

had made any attempt to settle the territory near the southern border because of the adverse living conditions, and because a solitary village in that area would be isolated from regular contact with the coastal communities. As a result, the border area was unsettled and rarely visited.

While on paper the Kuna had legal title to all land within the Comarca, in the late 1970s and early 1980s they had no way of protecting what was rightfully theirs. The dividing line - along the Continental Divide of the Serranía de San Blas - had never been surveyed, and no one knew precisely where it was on the ground. Non-indigenous colonists were moving into the region on both sides of the divide; they cleared a plot of land, began to farm it, and were given a crude form of "ownership" on the basis of having used it for some productive purpose. Their land claims were supported, at least tacitly, by the traditional concept of the "social use of land", which holds that land not being occupied and put to some productive use may be taken by those with the determination to occupy and exploit it. As no Kuna were utilising the vast stretches of forest extending deep into the Comarca, it was wide open to outside colonists.

The Kuna could expect no favours from Panamanian political leaders, who had strong cultural roots in the interior provinces and identified closely with the farmers settling the region along the access roads. Most certainly, in the early 1980s, the government had come down on the side of the indigenous peoples in several minor disputes with colonists over land within the Comarca, including a confrontation of symbolic significance with an official in the National Guard. But the Kuna knew that as the flow of colonists increased and the cries for land became more strident, government authorities would have to change their position unless the Kuna could establish a strong physical presence in the region. The massive exodus of campesinos from the interior provinces to the open jungles of eastern Panama was sooner or later bound to tip things in favour of the colonists. Life was already changing for the Bayano Kuna on the southern slope of the Divide by the mid-1970s:

"... the 1,500 Kuna of the mainland who administer an 87,000 hectare reserve are blocking the penetration of their domains, which are already surrounded by cattle pasture, by colonists. For their part, the colonists, who have the advantage of an abundance of young men, exert pressure to extend their power over these regions. At the present time, the mayor of the district of Chepo is from Los Santos

and the governor of Darién Province is from Chiriquí ..." (McKay 1982:58).

### **The camp at Nusagandi**

Faced with this situation, the Kuna began taking steps to establish a colony at the very spot where the road enters the reserve. The first efforts were led virtually single-handedly by a Kuna youth, Guillermo Archibold. Archibold had experience in agronomy, was an extension worker for the Ministry of Agriculture and in the mid-1970s became the President of the Kuna Youth Movement (MJK), an organisation with close ties to the People's Party (Partido del Pueblo).

Archibold travelled into the mountains, trying to establish a Kuna presence through farming. In January 1975 he took a group of MJK volunteers and several key Kuna political figures into the area and they initiated some small-scale farming at a place called Udirbi, later known as Nusagandi. The following year, Archibold and his fellow workers were given minimal financial support by the Kuna Workers' Union (UTK). The General Congress also came forth with its support, and by the early 1980s the Nusagandi project had wide backing in Comarca. It was seen by the Kuna as having two purposes: first and foremost, territorial defence; and second, agricultural production.

But after the first flush of pioneer excitement had passed, agricultural activities met numerous obstacles and by 1981 there was little to show. Working during summer months with Kuna volunteers from Panama City and a small team of paid employees, slightly more than 30 hectares had been cleared for crops and pasture, half of which had reverted to fallow. Limited attempts to establish coffee and other bush and tree crops failed, while a cattle and chicken raising project was eventually abandoned.

### **A change in direction**

At this point, a chance event changed the course of the project. Construction of the El Llano-Cartí road across the Continental Divide to the Caribbean coast was being financed under a loan from the U.S. Agency for International Development (USAID). In 1981, it had come under the scrutiny of the Inspector General of the State Department, and a study was ordered on the social and environmental consequences of the road.<sup>5</sup>

The subsequent study informed USAID of Kuna attitudes toward the road and their activities at the Nusagandi camp; and it raised the issue of land use in an ecologically fragile area of as yet untouched rain forest (Chapin 1980). A meeting was arranged between the Kuna and AID officials, and the Kuna put forward their position and asked for assistance. Early in 1981, on an invitation from USAID, forestry technicians from the Research and Training Centre for Tropical Agriculture (CATIE) surveyed the areas surrounding the colony. Their assessment supported the lesson the Kuna had already learned the hard way: the climate and soils of the region were unsuitable for agriculture and, particularly, livestock.

The CATIE technicians, who could suggest no alternative farming technologies, were convinced that the region should be left as primary forest. In this context, the idea was to set up a "protected area" of natural botanical richness which was virtually unstudied, and could be set aside as a wildlife area with facilities for ecotourism and scientific research.

In mid-1982, USAID approved a \$45,000 grant to CATIE to assist the Kuna with preliminary studies of the Nusagandi region, and several of the Kuna staff were trained at the CATIE headquarters in Costa Rica. This aid was also used by the staff of CATIE's Department of Renewable Natural Resources, headed by Gerardo Budowski, to work with the Kuna on a proposal for the creation of a protected area around the Nusagandi site. It must be said that design of the project was overwhelmingly a product of the CATIE technicians, because the Kuna at the time knew absolutely nothing of western scientific models of natural resource management.

At the same time, the Kuna had no trouble understanding the idea of a protected area because their culture contains the concept of a "botanical park". Areas of virgin forest are found on the mainland adjacent to nearly all Kuna communities, often on land which is well-suited for agriculture. These untouched zones are the domains of potentially malevolent spirits called *ponigana* which are prone to rise up in anger and attack entire communities if their homes are disturbed. No farming is allowed within the spirit domains, and certain of the larger trees may not be chopped down. The Kuna believe that the spirits string their clothes lines in the branches of these trees, and become justifiably furious when they are felled. To do so risks a spirit attack of epidemic proportions. At the same time, these "spirit sanctuaries" are in essence true botanical parks, be-

cause they can be used by traditional healers to gather herbs (Chapin 1983:88-103).

While the proposal was being put together, the project plans were discussed at length in a 1983 General Congress held in Cartí. The key argument was that it would serve to block the incursion of non-Kuna campesinos who were then advancing north along the El Llano-Cartí road. One of the participants emphasised the danger the invasion posed to San Blas as a whole by comparing it to snakebite, "which sends poison throughout the whole body from the affected hand or foot" (Howe 1986:68). The matter of hiring foreign technicians to help guide the project was also raised; here, he drew a parallel with the Kuna cultural hero, Dad Ibe (the Sun), who made friends with the dangerous spirits that inhabited the Earth in the distant past. This tactic allowed him to learn their secrets, gain control over them, and thus defend the Kuna.

#### **The Research Project for the Management of Wilderness Areas in Kuna Yala (PEMASKY)**

In early 1983, the Kuna, working through the Kuna Workers' Union (UTK), formally presented their proposal to the Inter-American Foundation (IAF) for development of the Research Project for the Management of Wilderness Areas in Kuna Yala (PEMASKY). They sought additional funding from World Wildlife Fund - USA and the Smithsonian Tropical Research Institute (STRI), which both formed close collaborative relationships with Kuna staff. CATIE and the Tropical Science Center in Costa Rica were contracted for technical services such as forest inventories, land use studies, and training. The UTK, which had already put almost \$70,000 in cash into support of the project, agreed to contribute an additional \$150,000 in cash and in kind.

PEMASKY's proposal was approved and the project was formally launched during the last months of 1983. Archibold became the Director and under him there was a Planning Team of seven university-trained Kuna. Everyone was starting from scratch.

During the first year, Archibold and the members of the Planning Team took a variety of courses at CATIE in natural resource management, agroforestry and environmental education, and they began working with CATIE technicians on a Management Plan for the park. They had to consider the construction of a basic infrastructure at the Nusagandi site, and create an administrative structure to keep

track of the finances which had begun to flow in from all quarters. Furthermore, they had to demarcate the southern border of the Comarca and deal with Panamanian colonists who had settled in Kuna territory.

There was a need to explain the project to both the people of Kuna Yala and outsiders, principally conservationists. The staff soon realised that the explanations had to be tailored to each audience, since each had its own set of expectations. Spreading their message in Kuna Yala was logistically daunting, because the team was expected to visit widely separated communities for group sessions; and they also had to prepare special sessions for the General Congress, a twice-yearly convocation of all of the Kuna Yala communities. Much of the communication with conservationists could be written, but in Kuna Yala everything had to be done through oral presentations.

During the first stage of the project, scientists from STRI, CATIE, and the Tropical Science Center made inventories of the flora and fauna and a map of land use capability. These all fed into the Management Plan to justify setting up the protected area. Initial projections called for the Planning Team to work on the Management Plan for the park area during the first year and a half of the grant.

The first two years were arduous times for the Kuna involved in the project. This was the first time that an indigenous people in Latin America had set out to design and manage a protected area, and as such it attracted considerable attention from environmentalists, indigenous peoples and indigenous rights activists throughout the world. At that time, there was talk of the potential for a working alliance between indigenous peoples and conservationists, and PEMASKY seemed to fit the bill perfectly; there was even discussion of an indigenous-run Biosphere Reserve: the Biosphere Comarca of Kuna Yala ("Comarca de la Biósfera de Kuna Yala"). In this manner, the project began with ample resources and high expectations.

The temporary Planning Team ("Equipo de Planificación") was transformed into a permanent Technical Team ("Equipo Técnico"); the project's topographers, with teams of community volunteers, demarcated about 150 kilometres of the Comarca's border along the Continental Divide, and the buildings at Nusagandi were completed. Meanwhile the staff travelled throughout Kuna Yala, giving individual presentations on the project to enthusiastic audiences, and PEMASKY signed collaborative agreements with official institu-

tions, and struck up relationships with conservation organisations in Panama and abroad.

A seemingly endless stream of visitors made their way to Nusagandi to interview PEMASKY staff. Several film crews descended on the area to make documentaries of the process.<sup>6</sup> PEMASKY staff travelled widely, gave talks and wrote articles about their assorted activities within the project. In 1986, they were awarded an unsolicited grant for \$260,000 from the MacArthur Foundation; the following year they were given the Global 500 Award and travelled to Brussels to receive it.

### **Trouble brewing**

Yet only three years into the project the optimism had largely faded. The Management Plan was paralysed, communication between project staff and the Kuna Yala communities dried up, the staff was divided, and PEMASKY's contacts with international organisations diminished drastically. There were accusations of misuse of project funds. By 1987, PEMASKY was running out of money. Most of the staff were dismissed in 1988 and little was accomplished from that point on. Virtually none of this was picked up by outsiders. PEMASKY closed its doors, turned inward, sealed itself off from the outside world, and hoisted up a facade of well-being.

However, the members of the Technical Team were bitter and resentful. Many people in the communities felt that PEMASKY had not lived up to its promises, and most outsiders concluded that PEMASKY had become, for reasons that weren't entirely clear, a "failure". One product of this situation was the absence of agreement on where things were headed and how to get there. Major confusions in this regard occurred in the following key areas:

### **PEMASKY as an institution**

From the beginning, PEMASKY had virtually no definition as an organisation. None of the outside advisors concerned themselves with building an appropriate organisational structure for the task at hand. Many outsiders assumed it was a non-governmental organisation (NGO), but it was not an NGO or even a proto-NGO, but rather it was something *sui generis*. Not even the Kuna were clear on what it was.

On the surface, and within the Kuna hierarchy, PEMASKY was a project managed by the Association of Kuna Employees (AEK) - previously known as the Kuna Workers' Union - which in turn was

responsible to the Kuna General Congress (KGC). PEMASKY was a "project" with no legal status. Its funds were managed by its administrator, but the AEK was ultimately responsible to donors for use of the funds, and was also supposed to oversee all the project's activities, even though it was not involved in the daily operations.

What happened during the first two years was that PEMASKY evolved from being a "project" with a temporary lifespan into an NGO-like organisation, yet it never developed the skills necessary to function as an NGO. At the time, there were no models the Kuna might have turned to for guidance, even if they had understood what they needed. Neither could they get any guidance from the outside advisors. Most of them were specialists in park management or forestry or some form of biology, and institution strengthening was simply not in their bag of tricks; even the anthropologist working with them - myself - wasn't much help in this regard. None of the many courses the staff received dealt with organisational themes.

It was felt that the Kuna were well organised as a group and most of those involved, myself included, assumed rather vaguely that they could manage the various project activities without serious difficulty. But while it was true that the Kuna were very astute in the political sense, they had virtually no experience in running the sort of program that PEMASKY was rapidly becoming. As a result, PEMASKY's decision-making mechanisms and lines of responsibility were unclear, and internal staff supervision was correspondingly confused and inadequate. Many initiatives were begun and then dropped because there were no follow-up mechanisms and no one was responsible for seeing things through. Co-operative agreements with national and international institutions were left languishing; while attempts to put strategies into effect died at midstream. The administrative system was isolated from the rest of the organisation, with the result that funds were mismanaged and diverted from one line item to another, or for personal use. Beyond this, it lacked any coherent fundraising capability and after some of the initial grants had run their course, PEMASKY was unable to stay alive.

#### **The CATIE Management Plan**

When the Kuna began to put their programme together, one of the main tasks given them by the CATIE advisors was development of a management plan. Aside from being a framework for the protected area, it was a requirement they had to fulfil to qualify for the

category of Biosphere Reserve. Lacking experience, the Kuna could do little but follow their advisors from CATIE, who imposed the model they were using throughout Central America. According to the CATIE advisors, the model was a variation on the methodology described in Kenton Miller's book *Planning National Parks for Ecocodevelopment* (1978); but there were several problems with this "template".

First, as wielded by the CATIE technicians, its scope and range grew to the point where it became unmanageable. What began as a blueprint for activities within the projected 60,000 hectare park area gradually expanded until it came to encompass the entire Comarca of Kuna Yala, including the marine ecosystem. Components and sub-components were added as if there were no limits to what could be embraced, and since the Management Plan was not pegged to a budget, it took on a floating, unreal aspect covering twelve sub-programmes. The CATIE advisors assured the Kuna that once the Management Plan was completed and circulated among donors, funds would be forthcoming; but nothing of the kind ever happened. Second, most of the Management Plan proved to be inappropriate for indigenous communities and could not be implemented. The model had no provisions for indigenous communities, and was not even sensitive to local populations of any sort. Many of the components and sub-components had been designed for a completely different audience, and were unrealistic. For example, the environmental education component was based on teacher modules designed in urban areas of Costa Rica. Valerio Núñez, the member of the Technical Team in charge of this component, was at a loss when he learned at CATIE of the Kuna situation, where the elders knew far more about the forest than he;<sup>7</sup> at that moment he realised that "the chiefs didn't need lectures about the forest".

The ecotourism component, built up from capital-intensive examples in Costa Rica, was unrealistic for a variety of reasons and never worked. The programme of scientific research, in which outside scientists came to the region to do fieldwork, went relatively well from the scientists' point of view; but the inability of the Kuna staff to orient research agendas toward practical results that might benefit the communities made the entire enterprise seem academic and, ultimately, irrelevant<sup>8</sup>.

The agroforestry component, which involved demonstration plots which in some undefined manner combined the best of Western

science with the best of traditional practice, produced little more than an article (Castillo Díaz 1985) and a couple of clearings with several untended crops which soon shrivelled up and were absorbed by the surrounding forest. An attempt to create a kind of arboretum ended up with a collection of unmarked trees surrounded by felled brush, and was soon abandoned.

The only part of the Management Plan that was successfully put into practice was the demarcation of the southern border of the Comarca. Over a period of about two years from 1985 to 1987, the two Kuna topographers led over 400 volunteers from nearby communities to survey more than 150 kilometres along the Continental Divide; often in torrential rains, they spent weeks at a time clearing trails and marking the border with signs announcing the boundary of Comarca de Kuna Yala. What was interesting about this activity is that it was the top priority of the Kuna. By contrast, in the Management Plan it was relegated to one of the activities in the sub-programme for Protection ("demarcation, sign-posting and border patrol"), which in turn was part of the Environmental Management Programme.

Third, although the Management Plan came to dominate the workdays of the Technical Team for several years, the general population was not interested in it, even if it had been functional. They were concerned with two primary tasks: demarcation and protection of the Comarca border, and sustainable agricultural production. The talk about nature trails, ecotourism, scientific research, or wildlife management didn't catch their attention. At the beginning, the Management Plan was seen as the centre piece in their defense of Kuna territory; it was a justification for leaving the region along the Continental Divide as protected forest, and the Biosphere Reserve designation was perceived as an important, if largely symbolic, step towards the protection of Kuna Yala from colonists.

Yet as time passed, the Kuna General Congress became more effective along the political front, and the colonists who had been clearing farms on Kuna lands were being urged out. The Kuna as a whole saw less importance in the Management Plan as a defence of their territory. The Biosphere Reserve designation was also paralysed. It had to be conferred by UNESCO through INRENARE; yet INRENARE was in the hands of the increasingly corrupt military regime, and communication between the Kuna and INRENARE officials was strained, to say the least. As the Kuna consolidated their



*Kuna-Yala district boundary. Photo: Mac Chapin*

control over their border they saw less utility in the Management Plan. It was never completed, and even after INRENARE was cleaned up the Kuna showed little interest in seeking Biosphere Reserve status for the Comarca.<sup>9</sup>

After the first year the Management Plan was nearing completion; yet the Technical Team continued massaging, revising and delaying

it.<sup>10</sup> They knew that even if they finished it, it would be unworkable. Furthermore, there was talk about dismissing the Technical Team when the Management Plan was done and hiring a new crew to implement it. Development of the Management Plan had become such a major part of their routine that they didn't know what else to do if it no longer existed. In the end, work on the Management Plan became a "diversion", as a CATIE advisor put it, that kept their minds off the increasingly confused state of the project.

Unfortunately the Management Plan did not serve to resolve this confusion. But even if it was, as one former advisor to the project has described it, "a leaky lifeboat", it was "the only lifeboat around". CATIE's technical assistance at the time was essentially state-of-the-art, and as such it was the best available, and the Kuna needed orientation. Perhaps the lifeboat would have been seaworthy if the CATIE technicians had made more of an effort to understand the Kuna - how they were organised, what their priorities were, how the communities could become more involved in the project - and modify their methodology accordingly, but this did not happen. PEMASKY was something new for everyone, and in the thick of the action no one was clear on what was happening or how to adapt a model that was not set up to work with indigenous peoples.

### Outside funding

It is not easy to reconstruct PEMASKY's financial history in the years between 1983 and 1992. Kuna accounting, especially in the later years, was opaque, and no thorough audit has been undertaken. None of the donors has held on to systematic records of their grant-making to the Kuna during that period. What is known is that PEMASKY received at least \$765,500 from the Inter-American Foundation between 1983 and 1991; \$159,000 from WWF between 1983 and 1989; approximately \$300,000 from the MacArthur Foundation between 1986 and 1991; and various other smaller sums from STRI, Cultural Survival, and a variety of other organisations. The total amount of cash PEMASKY received from outside funding agencies during this period reached \$1,225,000.<sup>11</sup>

STRI provided support to PEMASKY in the form of office space, equipment and vehicles, use of the phone for international calls, the herbarium, the library, and use of the photocopiers. It also functioned as a screen through which visiting scientists had to pass to carry out research in the Comarca; in this way it made sure the Kuna

were involved in research projects, and mediated when frictions or misunderstandings made their appearance.<sup>12</sup>

Seen in retrospect, the project received too much money, too fast, and beyond the initial programming. There was little coherent planning for the expenditure of project funds. At the start, it was easy money, and the project seemed financially healthy (Houseal 1985:4). This lured the Kuna into thinking that down the line there would be more easy money and that all the overheads they were piling up would be funded in the future. However, when the Planning Team became permanent, the Kuna staff increased to 23 in mid-1986; they were spending about \$100,000 annually on salaries alone (PEMASKY 1986a 3; PEMASKY/AEK 1986:5). Add to this other expenses to support this huge staff, and the Kuna were spending more than \$200,000 per year just in overheads. Apart from this, PEMASKY was spending money on outside consultants, training courses at CATIE, construction at Nusagandi and Cartí, and other miscellaneous activities. In 1984 the project budget was approximately \$340,000; it dipped to close to \$200,000 in 1985 before rising back to \$300,000 in 1986.

Given these expenditures, and the lack of any systematic fundraising mechanism, it should have been clear that the project would run out of cash within a few years. I was the IAF representative for Panama at the time, and I worked closely with the Kuna in putting together the initial budget; yet no particular thought was given to the financial sustainability of the project, other than some vague notions that the Management Plan, when it was completed, could be used to locate funds. But the Management Plan was never finished.

In early 1986 CATIE did an evaluation of PEMASKY which discussed the need to look for funding (Green & Morales 1986). Various options were mentioned - an endowment, taxes for people using the road, income-generating activities such as agroforestry and ecotourism, as well as donations from international agencies and the Kuna communities - but there was no follow-up. As the project's budget neared depletion in early 1987, increasingly desperate efforts were made to raise funds. Proposals for various activities were written and sent out, but none of this was systematic and there was virtually no success. One critical factor was that many of the contacts with international funders had disappeared with the exit of most of the CATIE advisors around this time.

Some funds continued to come in over the period from 1988 through 1992, but by this time the project was moribund.

### **Coordination in three worlds**

PEMASKY simultaneously inhabited three distinct geographical and cultural regions: Panama City, where the main project office was located; Nusagandi, isolated on the ridge of the Continental Divide; and Kuna Yala.

The office in Panama City was the primary work site. It housed virtually all the project documents, had equipment for working on the Management Plan, proposals, letters (although it never had a computer); it was the base from which project staff dealt with government agencies, organisations such as STRI, and international donors and technicians; and all of the families of the staff lived in the city. This was, in a sense, their home, where they felt most comfortable.

The Kuna Yala communities, of course, held PEMASKY's most important constituency - the people whose lands and natural resources the project was fighting to defend. They wanted to be informed about the project's activities on a regular basis, community by community. This was a huge order. There are more than 50 island and mainland communities spread out along some 200 kilometres of coastline, and they are reachable only by canoe and on foot. Some of the communities are acculturated and open to outside ideas; others are extremely traditional, to the point where they screen Kuna from other communities and block out foreign ideas vigorously.

During the first year, the technical staff spent time in some of the major communities, explaining the basic outlines of what was planned, discussing the threats to Comarca lands, discussing objectives. When it became apparent that, apart from demarcation, they could contribute virtually nothing to the Management Plan (villagers were particularly interested in agricultural production), incentives for the staff to visit the communities dropped off. Cutting this out of their itinerary was justified, to some extent, because the island communities are separated by great distances; logistics are expensive and difficult.

Nusagandi, located in the forest on the Continental Divide, was envisioned by CATIE as the primary centre of the project. Yet it was difficult to reach (a three to four hour drive from Panama City over a road which was treacherous in the rainy season); there was no

nearby community and it was extremely isolated, without electricity or a telephone.

Each of these three sites had a different dynamic and atmosphere, and linking them in any coherent fashion proved to be a challenge. Logistics were cumbersome and expensive. As confusion mounted inside PEMASKY and financial resources diminished, the difficulties of communication and transportation between these three worlds proved too much, and all attempts to link them were abandoned.

### **PEMASKY'S image**

"The Kuna Park", as it came to be known throughout the world, was a very special initiative and the Kuna are a very special people. This was the first time, at least in Latin America, that an indigenous group had taken it upon itself to create its own protected area, set up a management system, and run a wide-ranging programme that simultaneously protected the Kuna territory and conserved the region's biodiversity. It was praised by both indigenous peoples and conservationists as something to be emulated.

In 1984, just as things were getting underway, an article entitled "Conservation Kuna-style" appeared in *Grassroots Development*, the journal of the Inter-American Foundation. Written by Patrick Breslin and myself it presented what amounted to a programmatic view of how things were supposed to work. It captured the enthusiasm of a pioneering young staff, and carried the optimism that is generated during the first stage of a journey which promises to be full of adventure and excitement. It was reprinted in numerous places over the next few years (*Extracta* 1988:57-68; *Abya Yala* 1985:20-26; *Audubon* 1984:40-43; *Annis & Hakim* 1988:73-82), and came to set the tone for popular perceptions of PEMASKY. More articles and other assorted write-ups appeared (*Houseal et al* 1985; *Wright et al* 1985; *Chapin* 1985; *Tangherlini & Young* 1987; *Gradwohl & Greenberg* 1988:81-83; *Archibold* 1990, 1993); the project reached the cover of WWF's 1985 Annual Report, was the lead story in the January 1984 issue of USAID's internal newspaper, *Front Lines*, and was written up by CATIE.

All of us were anxious to publicise the project as a way of attracting support; but things rapidly got of hand and before PEMASKY had managed to take more than a few steps it found itself enshrined in the pantheon of quasi-mythological Success Stories. People everywhere were desperately searching for successes as a counter-balance

to the deforestation and general plundering of the environment throughout the tropics. PEMASKY contained all the right elements - an alliance between indigenous peoples and conservationists, indigenous defence of its ancestral homeland, a Biosphere Reserve run by Noble Savages, a botanical park and wildlife refuge, scientific tourism - and the word spread wide and fast.

The PEMASKY staff became famous, and with fame came the responsibility of maintaining its image of success. Looking back on that period, the staff complain that they had been made out to be the Great Conservationists, which was not only a caricature but a tremendous burden to carry around. When serious trouble began to appear in late 1986 and early 1987, they fought hard to keep up the appearance of Successful Project. They felt that this was expected of them. As the decay spread internally, it was shielded from view by a parade of static images that were trotted out to the point where the project seemed frozen in time. Articles and reports became set pieces that sounded more like programmatic statements of what should happen than realistic discussions of what was actually going on; and indeed, the image they were projecting was to a large extent a recycled composite of the early praise the project had received. There was no visible evolution onto higher ground, and outside observers, unable to perceive anything novel or particularly eye-catching, soon tired of the show and moved on to other pursuits.

What they were supposedly doing was an inspiration to all other indigenous peoples (Gradwohl & Greenberg 1988:83). Much was expected of them, and they didn't want to show their weakness. At the same time, they sensed that if they discussed their problems openly and sought help, they might be rejected by donors. Quite simply, they were victims of their own success.

The image PEMASKY held up for the world to see - as distinct from the reality on the ground - never collapsed entirely, but during the late 1980s the facade gradually faded from public view, and by 1992, when the money dried up altogether and the last of the original staff had to be let go, its final vestiges disappeared altogether. The impression it left behind was confused and even contradictory. "The Kuna Park Project", as it was frequently referred to, was simultaneously one of the best known and one of the least known indigenous conservation projects in the world.

Today, after PEMASKY itself has expired, the myth of the Kuna Park lives on. The editor of a recent book on indigenous peoples and

conservation calls it "the most renowned example to date of indigenous initiative in the establishment of a formally designated protected area" (Stevens 1997a:52). And in June 1997 I received a call from a reporter with National Public Radio who was anxious to do a story about this exciting project.

### **Evaluating PEMASKY**

From the beginning, most outsiders perceived PEMASKY as an NGO, an institution that would be strengthened over time and would manage the park. However, PEMASKY was not designed to be a permanent institution. In the eyes of the Kuna, it was a "study project" which was put together to perform a series of tasks and develop a plan for the conservation and sustainable development of a portion of the Comarca. When these activities were completed, PEMASKY would be dissolved and organisations, groups, commissions - whatever was deemed appropriate - would be created to implement the different items in the plan.

Although this vision became clouded in the late 1980s with PEMASKY's abortive attempt to become a permanent NGO, the Kuna were largely successful in reaching the objectives they considered important. PEMASKY effectively laid the groundwork for a string of projects, processes, and programmes which have been critical in their struggle to protect their lands and their culture. In fact, if PEMASKY had never existed, the Kuna would presently lack many of the tools they now use to defend themselves. The project caused them to take stock of the rapidly advancing threats to their territory, and to respond accordingly with a variety of defence strategies; it gave them an appreciation of the fragile state of their own micro-environment in the Comarca of Kuna Yala and started them on the path to find strategies to restore the ecological balance; and even if PEMASKY itself never became an NGO, it planted the seed for the creation of Kuna NGOs down the road.

### **Protection of the Comarca of Kuna Yala**

The Kuna managed to achieve their primary objective, which was protection of the Comarca. They erected buildings at the Nusagandi site and took control of the road where it enters Kuna territory. They were able to demarcate about 150 kilometres along their southern border by clearing a trail along it and placing signs on the trees to mark the limits of the Comarca. It was during this work that they

became aware of non-indigenous colonists who had established themselves inside Kuna territory. With CATIE's assistance, they trained park guards and have kept a small cadre to patrol the border region on a more or less regular basis. By means of negotiation and what is best termed diplomatic threat, they have expelled all the non-Kuna - some sixty in number - who had established farms inside Kuna territory. And they continued their demarcation efforts after PEMASKY's Technical Team broke up. Enrique Arias, the more experienced of the two PEMASKY topographers, has been working with the Asociación Napguana, a Kuna NGO, to finish the demarcation along the western extremities of the Comarca.

PEMASKY served to alert the Kuna communities to the threats from external colonists, and land invasion became a Comarca-wide concern for the first time. As well as confronting the colonists directly, the Kuna also began moving up into some of the contested areas and staking their claim by planting crops. One example is in the Mandi Yala area of western Kuna Yala, where several years ago a small band of colonists cleared a piece of the forest in preparation for planting crops. A group of Kuna representing communities throughout the Cartí region - the Asociación Dad Ibe - waited for the vegetation to dry out, then burned it off and planted their own crops before the colonists knew what was happening. In this way, they took formal possession of their land and the colonists were forced to back off. The Kuna guarded the fields carefully, and when the time for harvest came they had a store of food to establish a more permanent outpost, from whence they began to move progressively to recover their lands along the border region.

PEMASKY also helped them to prepare for new and steadily mounting threats to their territorial integrity. In recent years, these have come in the form of a tourist complex, mining concessions, and a military base.<sup>13</sup>

### **Environmental education**

The environmental education component of the Management Plan had begun as a strategy for selling the project to the communities of Kuna Yala, and to the Kuna people as a whole in the General Congresses. It was a propaganda machine. This was fine at first, but it was not exactly environmental education as generally understood. Then there was the idea of using Nusagandi as an educational centre, after the model found at many national parks. The emphasis at the

centre was to be on "interpretation" (note that the title of the sub-component was "Environmental Education and Interpretation"), which involved nature trails, labels on trees, and written explanations along the way; but this never took off because there was no Kuna audience living in the mountains, and no one thought that it made very much sense. The head of the environmental education sub-component, Valerio Núñez, finally took the initiative and began working with teachers and students in the communities.

In 1988 he helped form a group of educators on the theme of environmental education in the community of San Ignacio de Tupile. This was the first attempt to do this and it was successful, but it came just as PEMASKY was disintegrating and it wasn't strong enough. At least this planted some seeds and started a process.

Between June 1989 and February 1990, Jorge Ventocilla and Rutilio Paredes, both members of PEMASKY's Technical Team, did fieldwork on subsistence hunting in the mainland village of Cangandi, at the western end of the Comarca. They published papers from their work (Paredes 1990; Ventocilla 1992); and subsequently, as a way of returning some thing from their research to the community, Ventocilla, Paredes, and Núñez worked with the Kuna artist Ologuagdi on a colouring book depicting the relationship between the Kuna and their natural environment. This project evolved beyond the confines of Cangandi, expanding to embrace the entire Comarca. A preface was added by the First Cacique of the Kuna Congress, and *Anmar Napguana Mimmigana* ("We, the sons of Mother Earth") was published by the Ministry of Education in an edition of 3,000 copies (Ventocilla & Ologuagdi 1991).

About that time, Ventocilla became involved with the Provincial Education office in an art contest that was to show children's perceptions of the environment. It was tremendously popular; more than 250 drawings were submitted by children from eight communities. After several false starts, Ventocilla joined with the Duien Youth Union (UJD), a cultural group, and they brought into being the first Workshop of Kuna Children's Art. Since then they have held three workshops, all of which have dealt with environmental themes. The UJD has taken full control of the project, which is gaining momentum as it goes along.

Núñez, Ventocilla, and Heraclio Herrera, a Kuna botanist who had been closely associated with PEMASKY, began putting together a book entitled *El espíritu de la Tierra: Plantas y animales en*

*la vida del pueblo kuna* ("The Spirit of the Earth: Plants and Animals in the Life of the Kuna People") (1997). It is a superb introduction to the Kuna and the natural environment upon which they subsist; but it is a good deal more than a descriptive account. It is a fascinating mix of traditional knowledge and western science, with chapters on terrestrial fauna, medicinal plants, the *uerik* palm (used for thatch), lobsters, submarine "deforestation", and Kuna hunting practices. Using a collection of testimonials from Kuna Yala, they enter into an honest analysis of their difficulties in maintaining the natural equilibrium of their region. It represents a positive step in the search for solutions to problems that are facing indigenous peoples everywhere; to maintain a balance between the natural and spiritual worlds, and between material well-being and environmental health. This book is a direct outgrowth of and reaction to the work begun with PEMASKY.

#### Kuna NGOs

Although PEMASKY was not an NGO, it gave birth to a cluster of projects and NGOs which have carried on the work initiated by the earlier project. Kuna NGOs created in the last few years are the Asociación Kunas Unidos por Napguana, the Fundación Dobbo Yala, the Instituto Kalu Koskun, the Centro de Apoyo a las Tierras Nativas, and the Fundación Osiskun. Overarching these NGOs is the Institute for the Integral Development of the Kuna Yala (Instituto para el Desarrollo Integral de Kuna Yala, IDIKY), which is part of the Kuna General Congress and is seen as its "technical wing". It was created to oversee the activities of the different Kuna NGOs, coordinate their efforts, and help them with the administration of outside assistance.

The Asociación Kunas Unidos por Napguana has been working on the demarcation of the western border of the Comarca with Enrique Arias, one of the original PEMASKY topographers. Nicanor González, another former member of the Technical Team, is the Director of Tierras Nativas; Guillermo Archibold, PEMASKY's original Director, heads the Fundación Osiskun, which addresses marine issues; Valerio Núñez is the Director of IDIKY; Geodisio Castillo and Rutilio Paredes manage the reformulated PEMASKY; and Heraclio Herrera is the Director of a European Union project on sustainable development (DESOSKY). Still another former member of the Technical Team, Arnoldo de León, currently works with a Costa Rican NGO, ANAI, in the Bribri region of Talamanca.

#### Awareness raising throughout Comarca

Before 1983, few Kuna - even those with a university education - had heard the term "biodiversity", or even knew what "conservationists" were. The young professionals who were to form the Technical Team of PEMASKY hardly knew more about these things. But when the project got under way, the situation changed rapidly. The technical staff received training at CATIE in a variety of aspects of conservation and natural resource management; the park guards were given both training and assistance in their work, the project's topographers took courses at the Inter-American Geodesic Institute, and gained invaluable knowledge of the land features of the Comarca during their demarcation work; and numerous young Kuna, inspired by the example of PEMASKY, studied biology, geography, economics, agronomy, anthropology and a variety of related courses at the National University. The staff made trips overseas and were exposed to new ideas and experiences; foreigners journeyed to Panama to visit the project and talk with the Kuna. PEMASKY put together an impressive library of articles, reports and books dealing with biology, conservation, and indigenous affairs.

The saturation of the Kuna with biological issues has resulted in several interesting developments. Firstly, it has given them an awareness of ecological processes from both the Western and the traditional scientific perspectives. They have incorporated this into conservation provisions in the internal legislation for the Comarca, which was recently revised by the Kuna General Congress and in 1995 was submitted to the National Assembly for approval.<sup>14</sup> The new version contains a section (Chapter VII, Articles 52-55) dealing with natural resources, which are defined as the "heritage of the Comarca" (Art. 52). It seeks to give the Kuna rights to sub-surface minerals, reversing the Panamanian government's traditional control of mining concessions.<sup>15</sup> It also provides for supervision of the conservation and rational utilisation of natural resources, including flora and fauna, soils, and marine and lacustrine species, in coordination with the national authorities (Art. 53). Article 54 pays special attention to the protection of marine lobsters, regulating their exploitation by the imposition of closed seasons. These seasons will be determined by regional authorities; they will prohibit "methods and techniques that permit large-scale exploitation" and lay the groundwork for establishing, through the General Congress, marine and terrestrial protected areas "for species conservation and breeding" (Art. 55) (see Ventocilla *et al* 1995:117).

Another important benefit of their exposure to western science is their ability to understand the western scientific mentality. They can deal with outside scientists on a more equal footing, and negotiate better co-operative agreements to their advantage. In this context, the Kuna and STRI have been discussing the creation of a marine protected area in the Cartí area of the Comarca. In theory, this would combine the goals of both parties, and would be some sort of joint, or "co-managed", project. According to Ventocilla *et al* (1995:117), "Given the worrying degradation of marine resources in the Comarca, this would appear to be an advantageous situation for all parties involved. But the situation is more complex than it first appears. On the one hand, the scientists are ignorant of the internal dynamics of the Kuna and they feel uncomfortable in their negotiations with them. On their side, Kuna leaders fear that the delimitation of a protected area inside Kuna Yala territory might bring about unwanted restrictions on resource use and even reduce the status of their Comarca. This is a good example of the need for comprehension and understanding between the two groups".

### Conclusion

There has been considerable talk in recent years of "alliances", "partnerships", "co-management", and the like between indigenous peoples and conservationists (for a comprehensive discussion of this viewpoint, see Stevens 1997b). A number of position papers, statements of principles, resolutions, declarations, charters, and communications by international bodies appear to support the need to incorporate indigenous concerns into conservation projects (Indigenous Peoples and the Global Environmental Agenda n.d.). And in recent years, COICA presented two programmes for Amazonian development, as a challenge to conservationists and multinational donors (COICA 1989).

It must be said, however, that there seem to be few successful "alliances" in which indigenous peoples and conservationists have sat down in harmony to design and manage protected areas, at least in Latin America. PEMASKY is one example. While it was relatively free of open conflict, relationships between the Kuna and conservationists failed to gel, and several years into the project they cooled substantially. At the heart of things was the fact that the different groups involved entered the arena with their own agendas, which had varying degrees of correspondence, overlap, disagree-

ment, and outright incompatibility. Each group had its own set of objectives and its own ideas about how to reach them; and there was little energy expended to clarify these differences and come to working understandings.

In the end, the Kuna steered PEMASKY along the path of their own agenda, and were successful in achieving their primary objective: defence of their territorial boundaries and consequently of their way of life and their natural resources. While PEMASKY did not survive as a permanent institution - one of the main expectations of outsiders - it spawned a number of Kuna NGOs which have been carrying on its work. Through the project, directly or as a result of the enthusiasm it generated, Kuna professionals received training and formal university education in a variety of disciplines, enabling them to confront their own environmental problems and initiate a process to develop models of sustainable agricultural production in the Comarca.

The relationships, as noted in this paper, were marked by misunderstandings and a general resistance by all, including the Kuna, to differing points of view. True alliances would have been nice, of course, but this simply didn't occur.

Joint projects must be carefully negotiated. If they are to be among equal partners, negotiations must be transparent and based on a mutual understanding and a respect for the different objectives and perspectives in operation. This is always difficult, especially when the conservationists are invariably in control of the financial resources. But with the experience they gained from PEMASKY, the Kuna are in a much better position to forge alliances with conservationists that serve their interests.

### Notes

<sup>1</sup> The present analysis is based on my own experience of the project, starting in the mid-1970s, when I sensed its first rustlings in the mountains, through to the present. I was a Peace Corps volunteer among the Kuna from 1967 through 1970, and did anthropological fieldwork in Kuna Yala between 1971 and 1976. Later, I had dealings with the project while working with USAID, the Inter-American Foundation, World Wildlife Fund, Cultural Survival, and Native Lands. For this article, I have relied on a 1995 internal evaluation of PEMASKY carried out in three two-day workshops by the Asociación de Empleados Kunas (AEK).

- <sup>2</sup> PEMASKY still exists, although not in its original form and, some would say, not as a functioning entity. The project site, Nusagandi, is still being used, and park guards patrol the region, but the Management Plan developed during the 1980s has never been implemented. It is no longer referred to as the "Study Project"; that phase has passed and it is no longer a "project" but a "programme"; but to keep the original acronym its name has been transformed into Programa de Ecología y Manejo de Areas Silvestres de Kuna Yala.
- <sup>3</sup> This region was traditionally called San Blas. Recently, however, many Kuna have begun to call it Kuna Yala ("Kuna Territory"). In this article I will use the latter term.
- <sup>4</sup> The "interpreters" (*argargana*) accompany the chiefs and customarily comment on their traditional chants in the gathering hall. They "interpret" the metaphors and parables in the chants, and relate them to the immediate community context to reveal moral lessons and messages.
- <sup>5</sup> During his trip to Panama to inspect the USAID loan portfolio, the Inspector General had, quite by chance, run into a Kuna Indian, who, when asked about the road, said that no one in Kuna Yala wanted it and that it was being forced upon them. The Inspector General's concerns led to the study.
- <sup>6</sup> As many as five or six films were made of the Kuna during this period, most of which displayed PEMASKY as the centre piece. The best is the excellent hour-long documentary, *The Spirit of Kuna Yala*, the bulk of which was filmed in 1985 by Andrew Young and Susan Todd.
- <sup>7</sup> When PEMASKY was initiated, there was an idea that in some undefined way it would create a "fusion" of Western scientific thought and traditional Kuna knowledge of nature. This never came about. To begin with, the project staff, who had been educated in Panama City, had an extremely tenuous grasp of their own traditional knowledge (see Chapin 1991, 1994).
- <sup>8</sup> The fact that most of these studies were in English didn't help matters. The study that brought the most chuckles was the one that dealt with fish that changed sexes as they moved through their life cycle. The most useful study was done by Susan Charnley and Cebaldo de León (a Kuna), on hunting patterns at the western end of the Comarca (Charnley 1985; Charnley & de León nd).

- <sup>9</sup> In fact, the concept of "Biosphere Reserve" came to be seen by most of the Technical Team as a "word game" (juego de palabras) in which the advisors were putting their own labels on everything (another, less generous assessment called it "brain-washing" - lavado de cerebro).
- <sup>10</sup> In 1990, PEMASKY published an "Executive Summary" of the Management Plan (PEMASKY 1990), which is little more than an outline with no practical value as a guide for implementing any of the activities described. The draft document in its last form was 194 pages long, with an additional 13 pages of maps (PEMASKY/AEK nd).
- <sup>11</sup> Sources: IAF files, PEMASKY financial records, STRI, and Barahona & Wolf records. The exact figure could not be confirmed with the MacArthur Foundation. The AEK contributed around \$70,000 before international donations began arriving, and also gave considerable in-kind support. When funding from the outside began, however, the AEK stopped providing cash to the project, even though this was stipulated as counterpart funding in a number of donor budgets.
- <sup>12</sup> In this context, the Kuna drafted a booklet for researchers called "Programme of Research, Monitoring and Scientific Co-operation: Information for Researchers". This 26-page document was meant as a guide for visiting scientists, with general information about the region; and it laid out a series of guidelines the scientists were expected to follow. It was an interesting start, but like many other initiatives, it was soon dropped (PEMASKY/AEK).
- <sup>13</sup> In 1995, a company named Desarrollo Turístico Mandinga S.A., put in motion plans to build a tourist complex along the western edge of the Comarca, on land being used by the Kuna yet officially (according to the government) outside of the Comarca (Arrocah 1996). The area had never been demarcated; now the Kuna and the government both began surveying, each with the idea of expanding its portion at the expense of the other. During the same period, the government of Panama granted five copper and gold mining concessions to Western Keltic Mines Inc., a Canadian company, covering 1,250 km<sup>2</sup> of Kuna territory (Western Keltic Mines Inc. 1995; Cajar Páez & Reyes 1996). Plans were also being laid by the government to establish a military base along the coast to "put a stop to the drug

trafficking, piracy, transport of arms, theft of historical heritage, and illegal fishing" (Huertas G. 1996).

During the first months of 1996, relations between the Kuna General Congress and the Panamanian government grew increasingly strained. The Kuna balked at the government's attempts to penetrate their territory. In June of that year Pérez Balladares declared: "I cannot under any circumstances permit that there be two legal systems, two Constitutions, or two States in Panama; there is only one Panamanian State, and the indigenous peoples cannot place themselves above it" (Barroso Watson 1996). The Kuna responded by saying that they were ready to declare Pérez Balladares *persona non grata* in the Comarca (Anel Cordero 1996). The Kuna held a General Congress in the community of Ogobsukun from the 14th through the 16th of June, inviting Pérez Balladares to attend. He finally accepted, and spent a day with Kuna leaders discussing three points of contention (Quintero De León 1996b). Tempers cooled, talks got underway, and the three projects for the Comarca were shelved; as of mid-1997, the two sides were at a standoff.

- <sup>14</sup> This is Law 16 of February 19, 1953. It contains the internal legislation that defines the manner in which "the Comarca of San Blas is organised". It recognises the traditional system of indigenous government and lays out the general lines on which the Comarca is to be governed.
- <sup>15</sup> This has long been a major concern of the Kuna. Howe reports that in the General Congress in 1981, delegates discussed their proposed modifications of Law 16. They argued that they must gain control of the sub-surface, saying that "... the earth is [an incarnation of] the Great Mother, and thus mining is the same as cutting open one's mother's belly or even incest" (belly-slicing sums up a large part of what the Kuna dislike about Western medicine) (Howe 1986:68).

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### Panel Discussion

Gonzalo Oviedo drew attention to the importance of mapping in management projects for both protected areas and indigenous territories. It is a good example of a technique which brings together local inhabitants and technical personnel. The discussion consequently looked in detail at this aspect of indigenous and protected areas, and the general discussion was focused entirely on the theme of mapping.

### General Discussion

#### Mapping

Mac Chapin considered that the mapping carried out in Izozog, Bolivia and in Honduras and Panama provided a means to facilitate indigenous participation, because the process can be controlled by indigenous peoples. Maps belong to indigenous peoples and are their intellectual property. In the case study from Brazil, Dominique Gallois showed that the map was the point of departure for securing land ownership, consolidating the area and strengthening political processes. In Mosquitia, the process of mapping made the local communities see that deforestation, invasions by colonists and the

presence of oil companies should be understood not as matters for each individual community but as regional problems which implied a global vision. Indigenous federations were established according to geographical factors. Another important area where mapping has had an affect is the reinforcement of cultural identity and history; in Izozog, the results of mapping were used in schools. Mapping also focuses on biodiversity, sustainable development, land planning and zonification.

Marcus Colchester (FPP) commented on an experience in the Upper Mazaruni area of Guyana, where FPP is working to train indigenous peoples to make their own maps as a part of a territorial claim. When they sought legal help, the lawyers suggested that the documentation of their historical occupation would be useful to support the claim. The process also had many other consequences, because the indigenous teams made the maps and did the fieldwork themselves. After a short training period, literate youngsters worked with elders in the communities, walking together throughout their territory to see what it consisted of, to learn the names of natural features and to learn about old settlements, legends and myths as well as learning the paths. The young people returned from these trips with increased knowledge of their own traditions and gave new value to their culture in a way not foreseen by the project. They also became aware at this time of the importance of planning the management of their territory.

Martin von Hildebrand (COAMA) from Colombia agreed and described a Colombian case where communities had spent periods of eight days in the field looking at the past and present and projecting into the future. They noted sacred sites and other areas which they wanted to protect, and looked at the history of white contact - missionaries, rubber barons and changes in community settlement. This led to an indigenous discussion of how best to protect the territory and how it was being used at present. The discussions then moved on to reflections on what would happen to the local indigenous peoples in the future and how they could support or avoid different scenarios. The process involved the whole community - men, women, children and elders. However maps can also have a negative effect, by reducing indigenous thought into western structures - just as the introduction of writing can destroy an oral tradition.

Dominique Gallois (CTI, Brazil) found that in Brazil mapping had a similar set of consequences. The process was very useful in working with dispersed and isolated communities living in a large territory,

although in the case she was involved in, the time needed for this work was much longer than the three months originally estimated. Mapping helps to change the concept of recognition of land use to the broader concept of territorial control. Marcial Arias pointed out that mapping was extremely useful for indigenous territorial demarcation and not just for protected areas.

Mac Chapin noted that among the Emberá in the Darien area of Panama, the Comarca is outside the Darien National Park. Nonetheless, during the process of mapping it became clear that the National Park lies within indigenous territory, and therefore the map became very significant for indigenous negotiations with the government to seek to resolve this matter.

### Concluding Comments

Angel Zamarenda (CONFENIAE) was concerned about the limited time-scale of these projects. The problem is that projects are dependent on financial resources and when the funding stops after two or five years, not only does the project end, but this can lead to a weakening and loss of organisation among indigenous communities.

Gil Inoach (AIDSESEP) made some general comments on other points raised in the papers. He considered that projects relating to indigenous peoples concentrate too much on production and commercial activities, and felt that it is important to make sure they are based on a sustainable development plan drawn up by indigenous peoples themselves, rather than by environmentalists on their behalf.

He emphasised that the territorial rights of indigenous peoples must be guaranteed if their genuine participation is to be ensured. Once this is done, they can choose when and how they want development, and when they have decided, anthropologists and ecologists can give support to allow them to improve their understanding and education, thus enabling them to defend themselves from the encroaching society.



## REFLECTIONS

*Rather than providing resolutions or conclusions, the final part of the conference focused on gathering together some of the ideas and experiences shared by the participants during the previous four days. The structure of the conference was based on a juxtaposition of indigenous and environmentalist perspectives, and during the final session, Gil Inoach from AIDSESEP and Marcial Arias from the International Alliance presented indigenous perspectives, whilst Gonzalo Oviedo and Janis Alcorn presented environmentalist perspectives. In addition, Andrew Gray and Marcus Colchester outlined a series of points arising from the observations of IWGIA and the Forest Peoples' Programme.*

### The Indigenous Perspective

In his presentation, **Gil Inoach**, President of AIDSESEP, explained that in order to be part of the biological life-cycle, indigenous peoples, as intelligent human beings, have studied the form of natural systems. This study is achieved through spiritual help from plants, from elders and from ancestors. For example his own people, the Aguaruna of Peru, use the help of plants such as ayahuasca (*Banasteriopsis sp.*) or toe (*Datura sp.*) to gain spiritual power. In this way his people learn to predict the future, to heal and to be brave. The Aguaruna add to the knowledge learnt from their elders and hand it down over the generations. Once Amazonian peoples understand the silent language of the biosphere, they can establish and develop their indigenous culture. The Aguaruna illustrate this language with the tree called 'huimba', which bears a fruit resembling cotton each June. This tree marks the passing of the year. The capacity of indigenous peoples to subsist depends upon their respect for nature - an inter-relation or inter-dependence whereby human beings become part of the biological life cycle. For this reason, to talk of the biosphere or of ecosystem conservation is to talk of indigenous peoples.

However, the balance between indigenous peoples and the environment is not inevitable. As the years go by, indigenous popula-

tions will increase, causing pressure on resources. People must think not only of extractivism; they must also develop new forms of conservation. This is even more urgent when we consider the great intensity with which foreign companies are entering indigenous territories. Conservation has to be carried out under the control of indigenous peoples, because even though environmentalists receive external funding and say that they are protectors, the forest does not belong to them. Too often the interest of conservationists is to study the environment and exploit indigenous knowledge to make money.

In contrast, indigenous peoples conserve the forest because they know that if they do not look after it, they will have nothing to eat. When indigenous peoples recover their lands, it is possible to see deforested areas being brought back into sustainable production for the future.

Furthermore, indigenous perspectives should be incorporated into any legislation on the conservation of the environment.

### Proposal for AIDSESEP's conclusions

From the indigenous point of view, indigenous rights and the conservation of nature comprise two fundamental issues which both focus on the following elements:

#### I. A people and a culture:

A human ensemble with its own special features: a philosophy and world view; a unique knowledge developed during millennia of coexistence with Amazonian nature, and dependent on the survival of the latter for the potential to guarantee cultural survival.

#### II. Amazonian biodiversity:

Composed of thousands of species equitably distributed in small groups of flora and fauna, whose survival depends on the maintenance of a biological cycle. The extinction of a single species alters the equilibrium of the ecosystem and biodiversity.

It is clear that through the ages only Amazonian man, with spiritual aid from plants and from nature itself, has been able to interpret the silent language of the Amazon biosphere. Only in this way has he been able to regulate its use and harvest, thus entering into the cycle of interdependence himself.

In view of this, the conference should consider the following guidelines as a necessary step towards a definition of environmental protection:

1. That positive experiences of organisations in different states be used during preparation for future actions, especially with respect to consolidation of indigenous territories;
2. That the creation and legal recognition of protected areas and/or communal reserves be placed in the context of the defence and conservation of nature and the survival of Amazonian indigenous peoples. Nature conservation also implies the fully integrated sustainable use of natural resources;
3. That there should be no hindrance from environmentalist policies which propose the creation of "protected areas" as an alternative for survival; instead, there should be a legislative situation favourable to the recovery of indigenous rights to take responsibility for the protection and defence of biodiversity, and the defence of territorial rights.
4. That as a point of departure, a concrete plan be established for the protection of biodiversity through the consolidation of indigenous territories. It should be taken into account that environmentalists who only consider the protection of insects and animals, for example, depend on legislative variation between States and therefore run the risk of losing sight of the overall objectives of protection of the environment and biodiversity.
5. That it be recognised that in the long run, the growth of indigenous populations poses a danger of resource depletion. It is therefore necessary to enter a new stage of reflection on the protection of biodiversity in relation to external economic aggression. It is considered essential that natural resources be replenished immediately, through a new phase of domestication (palms, wild fruits, timber trees, etc).
6. That we must continue to reflect on the concept of protection, although such a concept will take a long time to mature. It is essential that the concept of protection be given a leading role, because nature and our own existence are interdependent, forming part of a biological cycle which will continue to function only if we plan for our subsistence needs.
7. That alliances be formed with environmentalists who agree that priority must be given to legal guarantees for indigenous territories.

This may even involve the purchase of lands or payment by third parties of compensation for improvements made ("pago de mejoras"), in order to secure the areas occupied by colonists.

Marcial Arias made several observations in the following discussion. He pointed out that as this was the first conference where NGOs and the environmental movement were exchanging views with indigenous peoples, it would not be possible to reach any concrete conclusion. Although there are some points of agreement, there are still clear differences of opinion.

A good starting point is to consider what the relationship should be between indigenous peoples and conservation organisations. This would provide the means to find an alternative vision of conservation and to change the attitudes of environmentalists. It is clear that indigenous peoples must control those aspects of conservation which affect their territories - only indigenous peoples can decide how they will conserve their own environment. Any form of mixed administration over indigenous territories is unacceptable. The key is whether conservation is for, with, or by indigenous peoples.

Indigenous peoples must be recognised by national and international legislation as peoples with their own territories. Indigenous peoples have their own ethical systems which relate to the environment and these should also be recognised. As a start, NGOs should respect indigenous peoples as peoples with the right to self-determination.

This is related to another area, the imposed definition of the notion of "sustainability". Whereas some conservationists recognise that indigenous peoples manage their environment sustainably, others say that indigenous peoples are destroying nature. But in both cases they are imposing their meaning of sustainability on indigenous peoples. Sustainability is a word defined by industrialised societies to justify their indiscriminate cutting of trees to make paper, whilst ignoring the indigenous vision of sustainable lifestyles. Conservationists who work with the indigenous movement must understand the discussion taking place about what constitutes indigenous sustainability. Indigenous sustainability is not sustainable development, but a harmonic development between life and being - between nature and man.

But how can life be sustained when organisations such as the International Tropical Timber Organization (ITTO) are reforesting

indigenous territories with inappropriate species, with the idea of cutting them all down again in forty years' time for profit? This is one of the main underlying causes of deforestation - the environmental movement and governments don't understand the value of the clear holistic cosmovision of indigenous peoples. This was expressed well in simple words read out in the indigenous presentation from Colombia. If the indigenous elders were to come here, they would say that they want to guarantee the existence of indigenous peoples and their quality of life. Unfortunately indigenous products and intellectual property are all being stolen.

He concluded by advocating political change at a national level, based not only on the contents of ILO Convention 169, but, more relevantly, the UN draft Declaration of the Rights of Indigenous Peoples, with particular emphasis on the right to self-determination. This should mark the beginning of local community discussions which could be reflected at national, regional and international levels to secure political change on environmental matters.

### The Conservationist Perspective

Gonzalo Oviedo from WWF International argued that the problem of indigenous rights with respect to protected areas lies with governments and not conservation organisations. Furthermore, conservation bodies can take many forms - states, national NGOs and international bodies all create agencies with distinct interests. Unless these are clarified, discussion of alliances with indigenous peoples is difficult. The problem is to define policies concerning the relations between indigenous peoples and the State, and to determine the role of conservation organisations in this process.

Protected areas are a matter for state policies, not NGO policies. NGOs should promote, support and inspire these policies through an alliance with indigenous peoples. However this alliance will only appeal to conservation NGOs if they can see clearly that it will benefit conservation. Similarly, indigenous territorial rights will only be supported by States if the benefits accrue to the country as a whole. The local, national and regional contexts therefore become critical in the formation of an alliance. If this is not understood, false expectations will arise about what can be achieved by an alliance between conservation NGOs and indigenous peoples. In addition,

when indigenous rights are discussed by conservation NGOs, the concerns of indigenous peoples are not the only factor under consideration. Other sectors of society are frequently involved and cannot be ignored.

Another element in the relationship between indigenous peoples and protected areas is the care needed in defining the self-determined nature of sustainability. Does this apply exclusively to indigenous peoples or to everyone? In the context of this conference, it refers to the fact that indigenous peoples in their territories should define sustainability under their exclusive responsibility and that conservation organisations should simply accept this. However there is a relation between the definition of sustainability which indigenous peoples make in their territories and the national context, where conservation NGOs are seeking to define criteria, methods, processes and indicators of sustainability for everyone. If indigenous peoples really want to be totally autonomous in this matter, the risk is that conservation NGOs will find this approach unacceptable and that an alliance based on the self-determination of sustainability will not be possible. What is possible is that the definition of sustainability must be based on the cultural values of the peoples concerned, incorporating all the factors they consider important. However, if this is to provide the basis for an alliance, it is implied that there should be extensive discussion and an exchange of opinions from both perspectives.

Gonzalo Oviedo then put forward a suggestion for the future activities of international conservation agencies:

"I would like to offer some ideas which could constitute the basis for a change in laws and policies relating to protected areas and indigenous peoples. WWF International and IUCN South America are two organisations with defined policies on indigenous peoples and conservation. We consider that protected areas established on indigenous territories ought to be based on a number of principles: indigenous peoples' own priorities for their development; the outcome of a local indigenous initiative with their prior, free and informed consent; the incorporation of traditional standards of conservation and resource utilisation; and the sharing of benefits primarily with the people concerned. These principles should be prerequisites for the establishment of protected areas in indigenous territories. They should also be reflected in national laws and policies - which is not currently the case.

We consider that a reform of laws and policies in Latin America is indispensable. Possibly some indigenous peoples will consider that the recognition of their territorial rights and the determination of protected areas would be sufficient. This would mean a process of territorial recovery without legal change and would apply only to those countries where indigenous peoples clearly demand political reform. However I consider that in those Latin American countries where protected areas are superimposed on indigenous territories, it is highly unlikely that the state will simply accept an indigenous territorial claim and nullify a protected area. A far better procedure would be to promote reform, while at the same time working on the theme of territorial rights from other directions.

WWF and IUCN have agreed to continue working together on the theme of indigenous peoples and protected areas. Last October the General Assembly of IUCN gave a mandate to its Commission on Protected Areas to take the matter further. WWF, for its part, has made the same decision and as a result we have produced a policy document. At a regional level, IUCN South America has an agreement with COICA to work on the theme of protected areas. WWF also has a formal understanding with COICA to provide institutional strengthening for the conservation and sustainable management of resources, including protected areas.

We intend to follow up these actions by organising workshops to analyse and formulate concrete proposals for the reform of national conservation policies and laws in areas such as the Amazon, and are defining priorities and agendas together with indigenous and other interested organisations. As an input to this discussion we intend to prepare some technical proposals for a possible reform of protected areas, which have arisen from our discussions with indigenous organisations. As an example, we would like to carry out a joint workshop with COICA on protected areas in the Amazon basin.

We can also offer support for the promotion of legal and policy reforms in certain friendly countries to produce some practical results. WWF and IUCN can also disseminate the results and contents of discussions held here with the national NGOs in Latin America with which we work, who are affiliates or member organisations. We can serve as a bridge to facilitate further discussion and exchange of ideas.

Finally, WWF and IUCN can actively revive some management strategies for protected areas in indigenous territories where the

national context will not allow legal reform for the recognition of indigenous rights. By encouraging practical cases of protected areas management by indigenous peoples, a gradual process for the recognition of their rights can take place.

However, any process of legal reform in Latin America will be a long process. We know that indigenous peoples have a greater knowledge and experience than conservation organisations in this area. But the fact that it is a long term process is all the more reason to start soon, and we believe that this is an historically appropriate moment to carry out this type of process."

Janus Alcorn from the Biodiversity Support Program continues as follows:

"Conservationists and indigenous peoples share concerns about environmental issues. Yet the case studies give us clear examples of conflict between indigenous peoples' rights and conservation in the form of protected areas declared by the States. It appears that conservationists have given the State an excuse to ignore indigenous rights by supporting the declaration of protected areas claimed by indigenous peoples. The declaration of protected areas has had negative consequences for indigenous peoples' rights to self-determination, while at the same time this action has not necessarily improved conservation in the affected areas. To the contrary, although the State may appropriate lands from indigenous peoples with a fanfare about protection of biodiversity, it often converts indigenous territories into "paper parks" which are, in effect, open access lands where colonists, concessionaires, ranchers, miners and oil companies are allowed to move in to extract resources with little regard for the impact on biodiversity or concern for the impact on the indigenous societies living there. "Decentralisation" is being promoted as an alternative to failing central state control, yet the opportunity to support indigenous peoples' management of their own territories is not being recognized in this context.

As noted in this conference, conservationists have focused on improving relations with indigenous peoples through "participation" and "consultation" processes in which indigenous peoples play a role as weak stakeholders or "users". However, most conservationists have not reflected on ways to recognise indigenous peoples' rights and to change their planning processes so that indigenous peoples' participation shifts from that of "implementors / users" to

that of "decision makers". Nor have they evaluated how this shift could have more positive conservation impacts than current protected-area based strategies.

From an ethical and pragmatic perspective, it would serve local, national and international conservationists well to carry out self-evaluations of where their work overlaps directly or indirectly with geographical areas claimed by indigenous peoples, and the negative or positive effects of their respective organisations on indigenous peoples. This would provide a basis for correcting current conservation strategies. It would also be useful to undertake a related exercise to evaluate two options: (a) the standard option of supporting state-based protected areas that do not recognise indigenous rights versus (b) the potential option of supporting protected areas and other conservation strategies developed by indigenous peoples on their own territories with support from conservation organisations and / or the State. The results of these two evaluations could form a basis for new types of collaboration between conservationists and indigenous peoples.

It is my understanding that WWF plan to follow up on last year's presentation of the new WWF policy on indigenous peoples with an internal evaluation of WWF's experiences with, and impacts upon, indigenous peoples. This is an important step towards better relationships between conservationists and indigenous peoples. It is also an important step towards the creation of an alternative mechanism for conservation - support for conservation strategies developed by peoples with a long-term cultural and physical dependence upon the health of their local ecosystems.

### Reflections by IWGIA and Forest Peoples Programme

Marcus Colchester and Andrew Gray drew together the main themes which had been discussed during the conference. They identified nineteen points, as highlighted below.

The first few points were addressed by Andrew Gray. He pointed out that the conference underlined the centrality of the concept of "indigenous territory" as a starting point for a discussion of the relationship between indigenous peoples and protected areas. At several points in the meeting the notion of "a new model of conser-

vation" was raised. This "new model" recognises the rights of indigenous peoples - territorial rights, recognition of indigenous institutions, free and informed consent on all matters which affect them and self-determination. The UN draft Declaration on the Rights of Indigenous Peoples reflects these rights clearly and its recognition by conservation organisations would provide a basis for an alliance between indigenous peoples and environmentalists.

The areas of agreement between indigenous peoples and conservationists are most apparent at an abstract level, when talking of general goals. For example, in the new model of conservation, environmentalists have understood that they cannot conserve the environment without respecting the rights of indigenous peoples, whilst indigenous peoples know that they cannot survive unless they conserve their resources for the future. This opens up the possibility of a mutual interdependence.

However, even though the "new model" argues for a shared set of goals, the conference also raised factors which can affect their implementation: the indigenous peoples concerned, the respective governments and the variety of national policies, legal systems and categories of protected area. Whilst general concepts such as "indigenous territory" are universal, the contexts for achieving recognition of rights and conservation vary enormously. Furthermore, in spite of the general principles linking them together, the visions and priorities of conservationists and indigenous peoples are distinct. Indigenous peoples start from a holistic perspective of territory based on cultural principles, whilst conservationists give priority to a narrower view of environmental protection. Thus although there is the possibility of an alliance, it has not as yet been clearly defined. The "new model" exists in principle, but its practice is still at an early stage.

Marcus Colchester (FPP) continued, saying that for indigenous peoples, the criterion for evaluating the legal framework of protected areas is self-determination. This refers to the extent to which the legal framework for a protected area has been chosen by the indigenous peoples concerned. Nevertheless, even protected areas which have been imposed vary in the extent to which indigenous peoples are taken into account. Some protected areas have been imposed ignoring the wishes of indigenous peoples, others have been established with the intention of helping indigenous peoples but without their consent, whilst others have been created through a process of indigenous self-management.

Another difference is the extent to which the areas under consideration are considered protected areas or not. For example, Kuna Yala is an indigenous territory, not a protected area, while the Manu National Park is a protected area which was imposed, ignoring indigenous rights. The Upper Orinoco-Casiquiare Biosphere Reserve was created without indigenous consent yet with the intention of protecting their rights, while in contrast, the Tawahka Asagni Biosphere Reserve in Honduras and El Sira in Peru, although not yet formally created, are examples where indigenous peoples have chosen the strategy of using "protected areas" to defend their rights.

Another example discussed in the conference was that of the Colombian "resguardos", which were also imposed, but took the rights of local indigenous peoples into account. This led to an active process by which the indigenous peoples of the Colombian resguardos are creating their own organisations to take control of these new recognised territories.

These examples - protected areas imposed without consent, protected areas imposed but with respect for rights, protected areas chosen by indigenous peoples, and recognised indigenous territories where protected areas arise as a part of indigenous self-determined zonification - constitute a matrix by which to measure the extent of self-determination and the nature of a protected area.

The conference also underlined the conflicts of interest between States, indigenous peoples and conservationists and how these relationships affect the form in which conservation is carried out. If the starting point for a discussion of conservation is an indigenous territory under the ancestral control of the particular indigenous people of the area over which the State has imposed its control, conflicts of interests will inevitably arise. The private sector, civil society or international financial agencies (present in the Paraguayan case) can all become involved in conservation. Yet what is the role of the conservationists in all this?

The old conservation model consists of supporting the State in defining an area and imposing control for its protection. This might involve the private sector, support from international financial agencies or even the exclusion of civil society and of local indigenous peoples. However, the old model of conservation has been a failure. The conference has heard of indigenous peoples being expelled from their territories and of governments allowing outside interests onto their land to exploit minerals, oil and timber. The meeting has also

indicated areas where a new relationship is emerging, where conservationists say that they are allies of indigenous peoples. If this is really the case, the political landscape will need to change, which means substantial reform. However the power struggle which this will involve needs to be conceptualised more clearly.

If in the future conservationists work with indigenous peoples to support their territorial claims, what will be the role of the State in this new relationship? The outcome is a triangular relationship: indigenous peoples, conservationists and the State. The State is heavily involved in the legal context of conservation, but a new conservation model will have to address other concerns of indigenous peoples raised by the conference, such as internal colonialism and the double face of development - uncontrolled extraction and exclusive protection.

This two-sided approach can result in a division within the State itself - the environmental ministries and the parks departments versus the development ministries. The result is that the State is not monolithic and both indigenous peoples and conservationists can make use of the contradictions between official bodies as they seek to reach their goals.

Andrew Gray then continued, drawing together several more themes. Of particular importance was the challenge facing indigenous peoples who live in protected areas and are trying to regain control over their territories. The conference provided several examples of indigenous peoples rising to this challenge. In Ecuador, the short term resource management agreement is limited to ten years. In the communal reserves of Peru, indigenous peoples hold the protected area in trust, because the State has perpetual rights of control and use. The other option is a goal for all indigenous peoples - the complete restitution of their lands - but unfortunately it rarely if ever happens in the context of protected areas.

In order to gain control of a territory, the word most frequently used nowadays is "participation". However this word is two-edged. Initially indigenous peoples rejected its use because they considered participation to refer to an initiative from outside where the recipient has no control over the process. However, now that participation is used so widely and is referred to in international law, indigenous peoples are making use of the flexibility of the term to include concepts which have even more importance for them - in particular, consent and control. Consent and control have to be incorporated

into the concept of participation for indigenous peoples to exercise genuine self-determination.

When looking at participation it is possible to distinguish at least three different levels. Basic participation in the context of a protected area means activities such as employing indigenous peoples as park guards or for specific jobs such as watchmen or cooks. This work does not imply very much control. In complete contrast to this is free and full participation in effective control and consent over decisions affecting an area. In between there is another form of participation - co-management - which is also two-sided. The extent of co-management depends on the level of decision-making. Open co-management involves a consensus in decision-making, which is essentially free and fully participative. However, too often, co-management consists of a more powerful non-indigenous inner group which takes the decisions.

Another theme arising in the conference was the development of new indigenous decision-making mechanisms apart from their customary systems. New mechanisms are necessary to build effective relationships with States, NGOs, conservationists and the market. Throughout their history, indigenous peoples have used visions of conservation based on their traditions, customs and cultural life. Yet, as several papers have clearly established, indigenous peoples are not fossilised remnants of a life-style hundreds of years old. They have frequently incorporated change into their lives and have sought different methods of decision-making. The most obvious example has been the establishment of indigenous organisations which have been used by communities as institutions to defend their interests against outsiders. Indigenous peoples reflect processes of change and are not just survivors from pre-historic times.

Connected to the theme of organisation is the sensitive question of representation. Indigenous organisations which have been established to deal with external relations are often more centralised than customary indigenous political structures, which makes them fragile and susceptible to fragmentation. The result is a tendency to division, which weakens some aspects of indigenous political strength.

Marcus Colchester continued by raising the question of the role of NGOs and whether they can provide effective support to indigenous peoples. The examples provided in the conference showed that relations between indigenous peoples and NGOs can be very complex. Whereas sometimes NGOs are fully integrated into the indig-

enous cause, in other cases they are seen as another aspect of territorial invasion.

The problems which arise with NGO projects are related to this subject. The difficulties mentioned in the conference range from dependency to short-sighted planning in projects where excessive amounts of money are put in too quickly. An interesting discussion arose around mapping, which can serve as a useful tool for indigenous peoples to control their development.

One point which arose frequently in the conference was that the rights of indigenous peoples must never be conditional on whether or not they behave in a "sustainable" manner. It would be impossible to have a free and frank dialogue with indigenous peoples if outsiders say "we will only recognise your rights if you obey our standards for territorial management". However, if indigenous rights are recognised, alliances can be developed between indigenous and non-indigenous groups.

Andrew Gray continued by discussing sustainability. "Sustainability" should be self-determined. For indigenous peoples this concept implies a holistic vision of the world, which is not just economic or ecological. It has no absolute definition beyond the way in which each person or people use it and therefore, as with "participation", should be defined by the peoples themselves so that it embraces not only economy and ecology, but also social, cultural, religious and many other aspects of life. If sustainability reflects the needs and perspectives of each indigenous people, it becomes a process whereby indigenous peoples control their environment.

The conference also addressed several general matters, including the strengthening of the indigenous movement through meetings, training and protected areas management. Another issue concerned solidarity with other social sectors. Conservationists within the "new model" are not the only people with whom indigenous peoples can form alliances, and with appropriate alliances, the indigenous movement can gain the strength to confront the forces which oppose them. Another area is the need for legal reforms relating to land. A particularly clear example of how this should not be done comes from Peru where the conference heard how the new Land Law was imposed on indigenous peoples without any consultation. Furthermore, the Peruvian Constitution was unilaterally changed, removing some of the basic rights of indigenous peoples. Without obtaining free and informed consent, political reforms can work against indigenous peoples.

Another theme raised by the conference was whether international assistance relating to indigenous peoples and their territories should be made conditional on the recognition of their rights. Furthermore, there should be a reform of national conservation policies, which at present are extremely complicated. These reforms should include all necessary means to ensure that indigenous peoples can determine what takes place on their territories.

Marcus Colchester raised the final point concerning reform of IUCN's protected areas categories. The IUCN categories, for example, do not reflect the needs of indigenous peoples and the question is whether or not indigenous territories should be seen as protected areas. He rounded the presentation off with four questions which framed the following general discussion.

### **1. What should the relationship be between indigenous peoples and conservation agencies?**

Alfredo Ugarte (Pro-Naturaleza) felt that when formulating such questions, the conference should stress the totality of actors involved rather than giving priority exclusively to the relationship between indigenous peoples and conservation agencies. He agreed with Gonzalo Oviedo that policy-formulation and the State should be incorporated into an analysis of the relationship between indigenous peoples and conservationists.

Tomás Arique (FENAMAD) considered that the relationship between indigenous peoples and conservation organisations had to be built on a basis of solidarity with indigenous organisations and respect for indigenous culture. Antonio Iviche (FENAMAD) added that solidarity was extremely important for indigenous peoples, particularly in the struggle against multinational organisations, as is taking place in the Madre de Dios.

Guillermo Ñaco (AIDSESEP) felt that different types of NGO should be distinguished. Some serve as camouflage for the status quo and are not supportive of indigenous peoples, while others genuinely want to help. Nonetheless, an essential factor in gaining the respect of conservation agencies is the establishment of alliances between indigenous organisations themselves, and the unification of different indigenous peoples.

Alfredo Garcia (Centro Eori) argued that conservation organisations are important because in some cases the state is not powerful and environmentalists can take control of whole areas where indigenous

peoples live. Indigenous organisations need strengthening and consolidation but they also lack access to information to ensure that they can form their plans clearly.

Zulema Lehm (CIDDEBENI) pointed out that conservationists say that they are democratic but in fact they do not treat indigenous peoples as equals. The concept of participation should be used in its broadest possible sense to counteract the undemocratic aspects of this relationship. Even though the conservationists at the conference were not extremists, the meeting should be aware that many conservationists are indifferent to the needs and rights of indigenous peoples.

### **2. What is the role of the State in this relationship?**

Ramón Laborde (Colombia) pointed out that governments vary in terms of their relationships with indigenous peoples. The Colombian government is advanced in comparison with Paraguay, where indigenous rights are not recognised. Conservationists must place the recognition of indigenous rights by States firmly on their agendas as part of a "territorial strategy". He added that solidarity, open communication, free access to information, transparency and respect are all key elements to ensure that indigenous peoples break away from a dependency on NGOs and the State. José Adalberto Silva from Brazil agreed about the discrepancies in the situation between countries, and pointed out that in Brazil the government does not respect indigenous peoples. In Brazil, alliances are needed with conservationists to put pressure on the State.

Lily La Torre (Racimos de Ungurahui) considered that indigenous organisations, strong, united and trained, can determine this relationship by proposing alternatives for legislation, gaining political space and recovering their territories. Clearly this is a difficult task, but indigenous organisations do have the capacity to make progress towards these goals, and from the information presented to the conference it is clear that some are succeeding. The relationship between indigenous peoples and the State has to be based on territorial recognition and respect for indigenous peoples as capable of self-management and self-government within the national state. Within the context of indigenous sovereignty over their territories, indigenous peoples define their own protected areas and manage them in solidarity with conservationists and with legal support from the State.

Edgardo Benitez (Fundación Raíces) said that when indigenous peoples clash with governments or conservation organisations, they

need to combine the political principle of self-determination with scientific principles. He felt that there was a need for increased training and education.

Zulema Lehm (CIDDEBENI) pointed out that the State does not always have clearly defined roles and functions relating to conservation. She noted that the Ministry of the Environment in Bolivia has limited experience with indigenous peoples and too often does not take indigenous peoples' rights into account. Although indigenous territories should be recognised, she did not agree that all indigenous territories should be seen as protected areas. The decision to establish a protected area should be an open option for indigenous peoples.

Casiano Aguirre Escalante (AIDSESEP) said that governments should not create their own policies and impose them on indigenous peoples. Outsiders should be more active in putting pressure on governments and supporting local peoples.

### **3. What does the word 'sustainable' mean from an indigenous perspective?**

Ángel Zamarenda, (CONFENIAE) agreed strongly with the point that sustainable development had to be seen as self-determination. If NGOs do not understand this basic point there will be no room for understanding indigenous peoples. For governments, sustainable development means extraction of resources, whereas for indigenous peoples it is something completely different. Gil Inoach (AIDSESEP) added that self-determination as sustainable development cannot be defined globally but only in local practice.

Tarcisio Granizo (IUCN) said that the environmental movement is broad and those present at this meeting are not necessarily representative of all points of view. What is understood by conservation should not be some protectionist notion of particular species of animals or plants, but a more integral concept which covers human well-being and development. The most fundamental element of conservation is the appropriate use of biodiversity. Old views of conservation must evolve into this broader view. Furthermore the notion of sustainability is not at all clear. One thing which is clear is that the capitalist neo-liberal management of the environment has proved to be unsustainable. The world is also changing, putting pressure on indigenous peoples and threatening their capacity to live according to what for them was once sustainable. Sustainability is

not a fixed thing, but something which can be discussed in meetings such as this. The dialogue must continue.

Maria Teresa Amaya (TCA) was totally opposed to the concept of sustainable development because people are not homogeneous and because the model of development is inequitable, predatory and unjust. The concept is not Latin American but foreign and imposed. Indeed in Spanish it has two translations - 'sostenible' and 'sustentable'. These concepts engender confusion and in the end it is not the multinational corporations and the capitalists which promote sustainable development; the only true examples of sustainable development come from the campesinos, the poor and indigenous peoples. We need harmony with nature, not sustainable development.

### **4. How can a reform of conservation policy and the classification of protected areas be achieved?**

Morita Carrasco (Buenos Aires University) said that territorial defence and recognition are not on the agendas of conservation organisations in Argentina. In the Chaco, indigenous peoples live in poverty while companies arrive to extract their resources. However when discussing policy changes to deal with this by establishing new categories of protected areas, it is essential that they emerge through dialogue and discussion with indigenous peoples and are based on indigenous peoples' own proposals. Titling of indigenous territories has to be the starting point for policies on the establishment of protected areas.

Alfredo García thought that indigenous organisations had an important role in policy change. He added that conservation organisations also needed reform, and mentioned three areas in particular: the democratisation of management, financial control and respect for indigenous intellectual property rights.

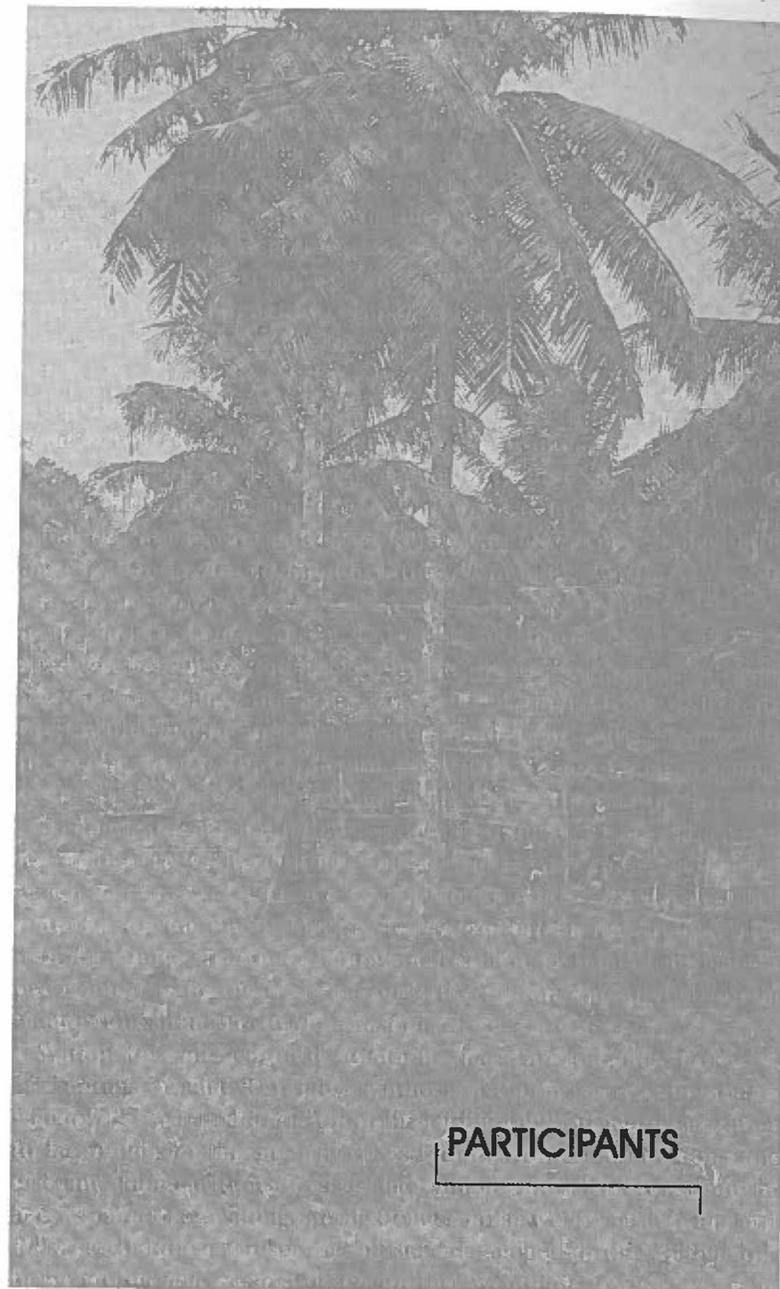
Edgardo Benitez thought that if areas were to be reclassified, the State should cease to impose protected areas on indigenous territories. Indigenous territorial claims and demands should constitute the starting point for any practical revision of the classification of protected areas.

Zulema Lehm commented that the proposals of WWF and IUCN in the meeting were interesting but should be analysed in more detail as reflections rather than as conclusions. Marcial Arias and Angel

Zamarenda also agreed. They felt that time was still needed before one could really talk about a "new model of conservation" in practice.

### Final Comments

The indigenous participants then came up one by one and unanimously recommended that the conference be considered the first step in a general dialogue between indigenous peoples and conservation organisations. The fact that no conclusion was reached should be seen to reflect that this was the beginning of a process of dialogue, rather than a completed discussion which had found fixed answers.



## LIST OF PARTICIPANTS

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