

THE INDIGENOUS WORLD 1996-97



THE INDIGENOUS WORLD 1996-97

IWGIA



IWGIA

INTERNATIONAL
WORK GROUP FOR
INDIGENOUS AFFAIRS

**THE INDIGENOUS
WORLD
1996-97**

**IWGIA
Copenhagen 1997**

ISSN 1024-0217 ISBN 87-98017-9-3

© 1997 The Authors and IWGIA (The International Work Group for Indigenous Affairs).

All Rights Reserved

The reproduction and distribution of information contained in INDIGENOUS AFFAIRS and the IWGIA DOCUMENTS is welcome as long as the source is cited. However, the reproduction of whole DOCUMENTS should not occur without the consent of IWGIA. The opinions expressed in IWGIA publications do not necessarily reflect those of the Work Group.

Cover: Jørgen Abelsen

Typesetting: Tulugaq, Tisvildeleje, Denmark

Prepress: Christensen Fotosats, Frederiksberg, Denmark

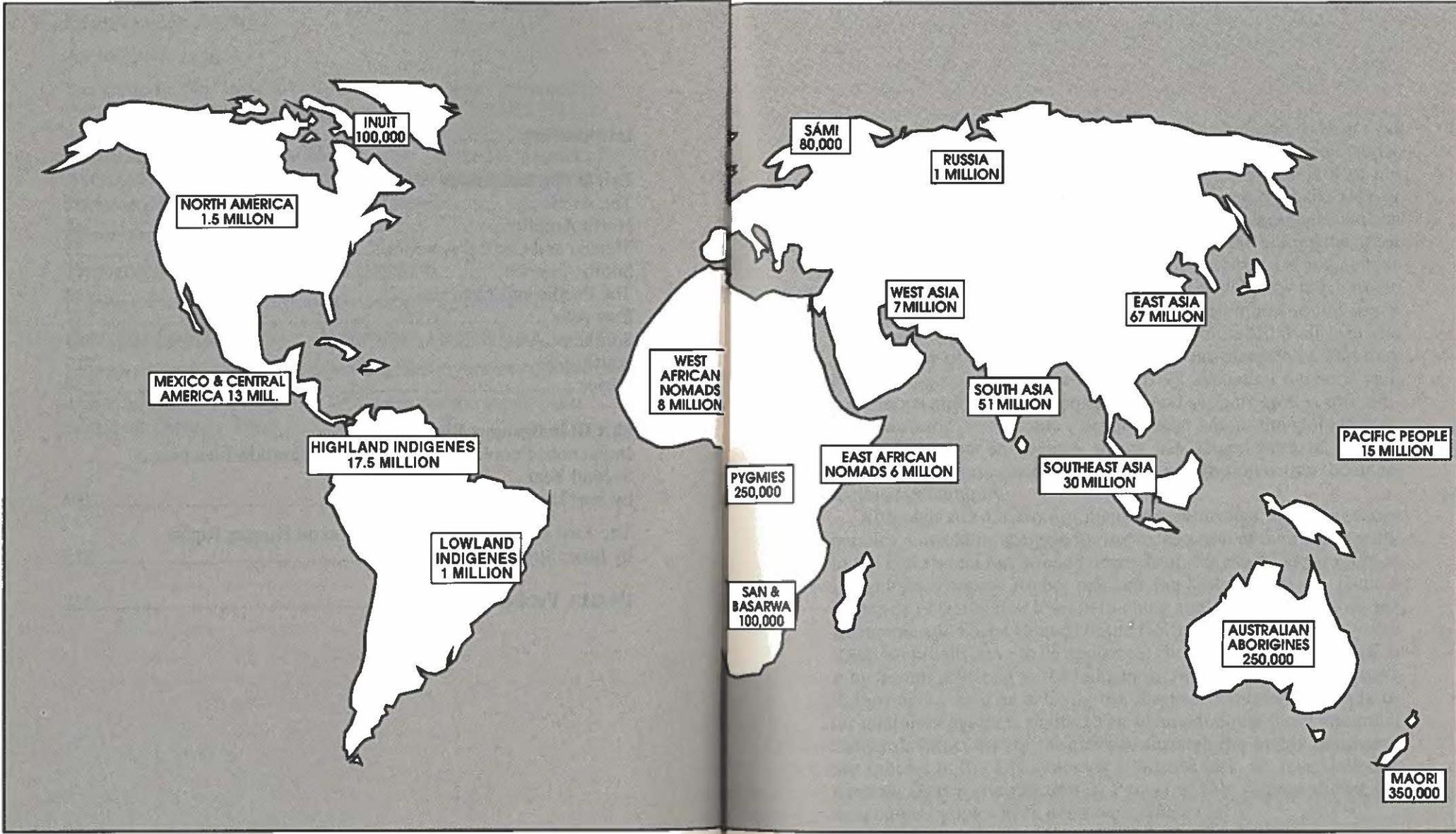
Print: Eks-Skolens Trykkeri, Copenhagen, Denmark

English edition translation and editing: Jeffrey Lazarus (Stokrose)

This edition of the Indigenous World has been compiled and edited by Christian Erni

CONTENTS

Introduction	7
Part I: The Indigenous World	
The Arctic	21
North America	43
Mexico and Central America	55
South America	71
The Pacific and Australia	117
East Asia	153
Southeast Asia	161
South Asia	217
Africa	249
Part II: Indigenous Rights	
Indigenous Peoples Keep the UN Declaration Intact for a Second Year by Jens Dahl and Andrew Gray	287
The 53rd session of the Commission on Human Rights by Inger Sjørsløv	315
IWGIA Publications	321



INTRODUCTION

It was ten years ago when the first issue of *The Indigenous World* - at that time titled 'IWGIA Yearbook' - was published. It came about mainly due to the initiative of Andrew Gray, then director of the IWGIA international secretariat, who also took over the task of reviewing the available sources on regional developments, writing the respective overview articles and compiling and editing the other authors' contribution to the subsequent chapters on indigenous rights, affairs and issues. A lot has changed since then - much to the advantage of the editor - as virtually all contributions to this year's edition have been written by a host of authors from all over the world. Many of them are indigenous persons themselves. This may not only be seen as reflecting IWGIA's expanded network with indigenous individuals, organisations and support groups, but indirectly also the past decade's development within the global indigenous movement in general, which has gained both in internal strength and, consequently, in external recognition within the international community.

Although still far from a major breakthrough, the indigenous peoples' unyielding struggle for the recognition of their rights within the UN system has already borne fruit: the draft Declaration on Indigenous Peoples Rights reached the Commission on Human Rights in 1995, the first level in the long and arduous ascent via the Economic and Social Council to the UN's General Assembly where it will eventually have to be approved. Though the draft Declaration is by far not as strong as the indigenous peoples would like to have it, they agree on it as defining the acceptable minimum standards for guaranteeing their rights. Even so, maintaining these minimum standards intact during the passage through the highly politicised top spheres of the UN system is a difficult task. As Jens Dahl and Andrew Gray's contribution in Part II of this volume shows, the indigenous peoples have been successful so far.

Though the human and legal rights situation of indigenous peoples has improved in some countries, in most others only little or no

progress at all has occurred; it may have even become worse. A browse through the 1986 Yearbook reveals many issues which are again covered in this year's edition. As reported in 1986, for example, the Lubicon Cree of Alberta, Canada, still have no rights to their territory and have to fight an uphill battle against government-backed logging and oil companies. And the plight of the longhouse communities to be relocated in Sarawak, Malaysia, due to the scheduled Bakun dam was already reported in 1986. Now, ten years later and despite nationally and internationally supported opposition by the indigenous peoples affected, construction of the dam has begun.

Several more long-standing cases could be mentioned, others may not have been covered either in the 1986 or this year's yearbook. In some cases indigenous peoples have been successful in asserting their rights and in fending off encroachments on their territories. But new threats - both in old and new disguises - arise with the continued and accelerated expansion of natural resource exploitation and infrastructure construction by private and state enterprises, or with the unabated invasion of indigenous peoples' territories by settlers. How much remains unchanged, what new issues arose and where a shift in emphasis has occurred during the decade that IWGIA has monitored developments in the indigenous world can be gleaned from comparing the thematic summary presented in the 1986 report with the issues covered in this volume. A short overview is presented below:

1. Militarisation and violations of human rights

Many indigenous territories, including the Chittagong Hill Tracts or East Timor and much of West Papua and Burma, are still virtually under siege or outright military occupation, where serious human rights abuses are reported. In Colombia the indigenous peoples suffer from the continuing presence of paramilitary groups in their territories, and in Chiapas (Mexico), the peace negotiations with the EZLN are stalled.

2. Harassment of indigenous leaders and members of communities

Cases are reported in this volume from Sarawak (Malaysia), where indigenous leaders were and still are imprisoned due to their opposition to logging on their territories.

3. Colonisation

As some of this year's contributions show, government initiated colonisation schemes still go on in Indonesia, and the encroachment by non-indigenous settlers on indigenous land is still a major problem in the Chittagong Hill Tracts and the Philippines. East Timor still suffers from Indonesian occupation. But more cases of internal colonisation are reported in this issue from Ghana, Niger and Bougainville. And in West Kalimantan, the decades long immigration of settlers and the continuing encroachment on their territories has led to a massive uprising with heavy casualties (see chapter on Indonesia).

4. Encroachment on indigenous territories by national and multinational companies

Exploitation of indigenous territories by - usually government backed - national and multinational companies engaged in mining, logging, oil exploration and drilling is constantly increasing. Cases covered in this volume are from the Equatorial Africa, Ghana, Indonesia, Malaysia, the Pacific, Peru and the Philippines.

5. Lack of land rights

Some indigenous peoples or communities have managed to have their land rights, at least to a certain extent, recognised. Improvements are reported in this volume from South America, South Africa, the Philippines and Alaska. But they still represent relatively isolated cases and too few to justify optimism. In most countries lack of land rights remains the major problem facing indigenous peoples. In the case of Kerala (see chapter on India) and Peru, promising developments initiated in the past have even experienced a set-back.

6. Forced relocation and settlement

Closely linked to the lack of land rights are forced relocation and settlement. Large-scale infrastructure projects are the major causes. Cases are reported in this volume from Malaysia (Bakun dam), the Philippines (San Roque and Casecan dam) and West Papua (Memberamo dam). Of increasing concern for indigenous peoples are the severe restrictions on land use or even forced relocation imposed by environmental conservation projects as the cases from Thailand (the new forestry law), Indonesia (Lore Lindu National Park in

Central Sulawesi), India (Nagarhole National Park) and Botswana (Central Kalahari Game Reserve) show.

Although IWGIA tries to present as comprehensive an overview of the developments within the indigenous world as possible, the mere scope of the aim calls for modesty in expectations. With the increasing number and magnitude of threats the indigenous peoples are facing, the wide array of responses they develop in defending their rights, and with the increasing awareness of and information on these issues, any such endeavour must remain partial. That *The Indigenous World* has nevertheless been able to maintain a certain level of coverage and continuity over the years is the merit of all those people who, some of them for years, have provided us with articles.

Contributors

IWGIA would like to extend warm thanks to the following people and organisations for having contributed to The Indigenous World:

The Arctic

Jens Dahl, anthropologist, former director and now board member of IWGIA. He teaches at the University of Copenhagen, Department of Eskimology (*Alaska, United Nations*).

Marianne Lykke-Thomsen has been associated with IWGIA for many years. She has worked for the Inuit Circumpolar Conference and is now working for the Greenland Home Rule Government, Office of International Relations (*Greenland*).

Olga Murashko, anthropologist, active member of the IWGIA Russian National Group (*Russia*).

Claus Oreskov, anthropologist, has been active in the IWGIA Danish National Group for many years. He organised the IWGIA conference held in connection with the UN Social Summit in Copenhagen (*Sápmi*).

North America

Andreas Knudsen, Bachelor of Business Languages in Russian and English. Freelance journalist. He has been interested in North American Indians since he could look into a grasshopper's eye. Active in the IWGIA Danish National Group for five years (*North*

America: Blackfeet, Western Shoshone, Timbisha Shoshone, Leonard Peltier, Lubicon).

Mexico, Central and South America

This section has been compiled by Alejandro Parellada, IWGIA project coordinator and editor of *Indigenous Affairs*.

Heidi Moksnes, anthropologist, is a member of the IWGIA national group in Gothenburg (Mexico).

Héctor Leiva is a linguist and consultant with *Fundación Raíces* (Honduras).

Hans Aalborg, historian, currently works with a European Union programme in Guatemala (Guatemala).

Atencio López, lawyer, is a Kuna indigene. He is director of the *Asesoría Legal de los Pueblos Indígenas* in Panama and Secretary of International Relation for the Napguana Organisation (Panamá).

René Koupe, lawyer, teaches at the Department of Anthropology, University of Viena (Venezuela).

Martin von Hildebrandt, anthropologist, is the director of COAMA (Colombia).

Márcio Santilli is coordinator of the *Programa Brasil Socioambiental* of ISA (Brazil).

Rodolfo Asar is the director of the COICA press in Quito (Ecuador).

Pedro García Hierro, lawyer, has been a consultant for indigenous organisations in Peru for twenty-five years. He is currently a member of the NGO *Racimos de Ungurahui* (Peru).

Wilder M. Molina is a sociologist. He is a member of the NGO CIDDEBENI (Bolivia).

María Liz Viveros works with the organisations Tierraviva (Paraguay).

Morita Carrasco is an anthropologist and teaches at the University of Buenos Aires (Argentina).

Edisson Anguita is a Mapuche indigene and general coordinator of the Inter-regional Mapuche Council (Chile).

Gonzalo Abella, historian, has taught at the University of the Republic - Montevideo, San Simon in Bolivia and The Catholic University in Paraguay (Uruguay).

The Pacific and Australia

Peter Jull, a Canadian, has been a consultant to Aboriginal, Torres Strait Islander and Arctic people's organisations; he is an Associate of the Australian National University's North Australia Research Unit (Australia).

East Asia

Harald Bøtkman, Sinologist, Research Fellow at the International Institute of Peace Research in Oslo, Norway. His main fields of research are the historical emergence of Chineseness and the relation between China and her neighbours in a historical perspective (China).

Lhavakau Rakerake, is ex-president and at present Liaison Officer of the Alliance of Taiwan Aborigines (Taiwan).

Southeast Asia

Hilario Holsapple, Jr. is a lecturer in anthropology at the University of La Valetta, Malta. He has conducted fieldwork among the Bondelswarts of Namibia and different Dayak groups in Kalimantan. His interests include contemporary indigenous movements, ethnicity and nationalism, tribal and contemporary warfare and the anthropology of violence (Indonesia: Kalimantan).

Jannie Lasimbang, a Kadazan-Dusun from Sabah. She works as a trainer in PACOS (Partners of Community Organisations), a Trust set up for indigenous communities in Sabah. Since 1984 she has been active in building indigenous networks both locally and internationally and is currently the President of the Asia Indigenous Peoples Pact (AIPP) (Malaysia: Sabah).

Colin Nicolas is the coordinator for the Center for Orang Asli Concerns (COAC), Kuala Lumpur, Malaysia (Malaysia: Orang Asli).

Prawit Nikornauychai, a Karen from Chiang Mai Province in northern Thailand, has worked as an NGO development worker with indigenous communities for 12 years. For six years he has been a staff

member of Inter Mountain Peoples Education and Culture in Thailand Inc. (IMPECT), a Chiang Mai based indigenous NGO. (Thailand).

S. G. Padilla, Jr., Ph.D. is the Chairperson of Anthropology Watch (AnthroWatch) a research and advocacy group of the Philippine indigenous population established in 1994. He is Associate Professor in anthropology at the Department of Social Sciences, College of Arts and Sciences, University of the Philippines-Manila. (The Philippines).

Ralph Rantor is an occasional lecturer in Politics, Philosophy, Anthropology and Law throughout Australia and South-East Asia. He has worked extensively with Aboriginal communities in Australia, and the Dayak people of Borneo. He is the author of *A Nation of Morons; Nationalism and the Politics of Intolerance in Australia*, and *An Uncompassionate Society; The Hegemony of Liberalism (Indonesia: Kalimantan)*.

Torben Retbøll teaches History and Latin at Aarhus Katedralskole, Denmark. He has written and edited several books on mass media and international affairs, including two IWGIA documents. He produces a weekly radio program, The World Around Us, and writes regularly for the Danish paper *Dagbladet Arbejderen*. He is currently preparing a new IWGIA document on East Timor (East Timor).

Telapak Indonesia, based in Bogor, Indonesia, formally established in 1996. Telapak's objective is to conduct high quality research on key natural resource management issues, translate the results into persuasive policy advocacy at national and local levels, and to work closely with local NGOs and communities to build their own capacities as resource managers and advocates (Indonesia: West Papua, Moluccas, Sulawesi).

The information on Sarawak consists of re-edited material provided by the Switzerland based *Berne Declaration*, an independent association for development politics working on sustainable development, equitable relations in trade, finance, and cultural exchange; and the also Switzerland based *Bruno-Manser-Fonds*, a support organisations for indigenous peoples in tropical forest areas, with a focus on Malaysia.

South Asia

C. R. Bijoy, a human rights activist. During the last sixteen years he has been involved or associated with indigenous issues and organisation in India and written about these and associated matters (*India: Panchayat Raj, Kerala, Tamilnadu, Karnataka*).

Avdhash Kaushal, former faculty member of the Lal Bahadur Shastri National Academy of Administration (LBSNAA), and recipient of the Padma Shree Award from the President of India for environmental protection and working with the indigenous peoples in the hill areas of North India. He is currently the chairperson of the Rural Litigation & Entitlement Kendra (RLEK), Dehra Dun, working for the empowerment of the Van Gujjar and Jaunsari indigenous peoples (*India: Uttar Pradesh*).

Jumma Peoples Network (JUPNET), an organisation established and administered by indigenous Jummas based in various countries of Europe and elsewhere. JUPNET seeks to promote the rights of the indigenous Jummas by dialogue, negotiation and other peaceful means (*Chittagong Hill Tracts*).

Pradip Prabhu is an advocate and has worked for the Kshatakari Sanghatna, a peoples organisation of tribals in Maharashtra for the past 20 years. He is also the National Convenor of the National Front for Tribal Self-Rule which unites more than 300 tribal organisations nationwide in their struggle for self-rule. His main activity consists of organisation building, cadre formation, leadership training, research in oral history and movement praxis (*India: Maharashtra*).

Africa

Kirsten Andersen is an anthropologist from the University of Copenhagen. From 1993 to 1995 she spent 18 months in northern Ghana conducting fieldwork among the savanna people. At the Department of the Study of Religion, University of Aarhus she completed her Ph.D. dissertation on Religion, Power and Identity among the Konkombas of northern Ghana (*Ghana*).

Gunnvor Berge, anthropologist. Her main interests are West Africa, Mali and pastoral nomads. Her Ph.D. research was on environmental adaptation and nomadic strategies to buffer against uncertainty among Tuaregs in northern Mali, and she participated in the interdisciplinary research programme 'Environment and Development

in Mali'. She is currently a research fellow at the Centre for Development and the Environment, University of Oslo (*Mali*).

Mette Bovin, anthropologist. She has done extensive field-work among Fulani and Touareg peoples of the Sahel in West Africa. She has also produced a number of films from that region. She is presently part of the Nordic Research Group at the Nordic Institute of Africa, Uppsala, Sweden, where her research project concentrates on the various responses to crises in years of drought by various Fulani sub-groups like the Wodaabe and the Fulbe peoples (*Niger*).

Dorothy Jackson holds a Ph.D. in Tropical Forest Ecology and has conducted field research in tropical forest and entomology in northern Thailand, Columbia and Cameroon. She is presently working as Project Officer in the Forest Peoples Programme (FPP) of the World Rainforest Movement on international campaigns, providing management support and policy advice to the International Alliance of Indigenous Tribal Peoples of the Tropical Forests, and fundraising and support for local projects (*Equatorial Africa, Ruanda*).

Charles Lane is trained as a lawyer, agriculturalist and social scientist in Australia and the UK. He has worked in Africa as a VSO volunteer and later as OXFAM Field Director for Tanzania. He has done extensive research and field work among pastoralists in East Africa, especially the Barabaig. As an independent consultant, he is currently advising Survival International on a three year programme of support for pastoral land rights in East Africa (*Tanzania, Kenya*).

Sidsel Saugestad holds an MA in anthropology and has done extensive field research in northern Norway, Zimbabwe and Botswana. Her main areas of interest are ethnic groups and boundaries, indigenous peoples, human rights and cultural change. At present she is an Associate Professor in the Department of Planning and Community Studies, Institute of Social Science, University of Tromsø (*Botswana*).

Louis P. Vorster, anthropologist, is professor at the University of South Africa teaching African customary law. Chairperson of the !XU and Khwe Trust (*South Africa*).

Adebayo Olukoshi is a Nigerian researcher based at the Nigerian Institute of International Affairs, Lagos and the Nordic Africa

Institute, Uppsala. He holds a doctorate from the University of Leeds, England (*Nigeria*).

Part II

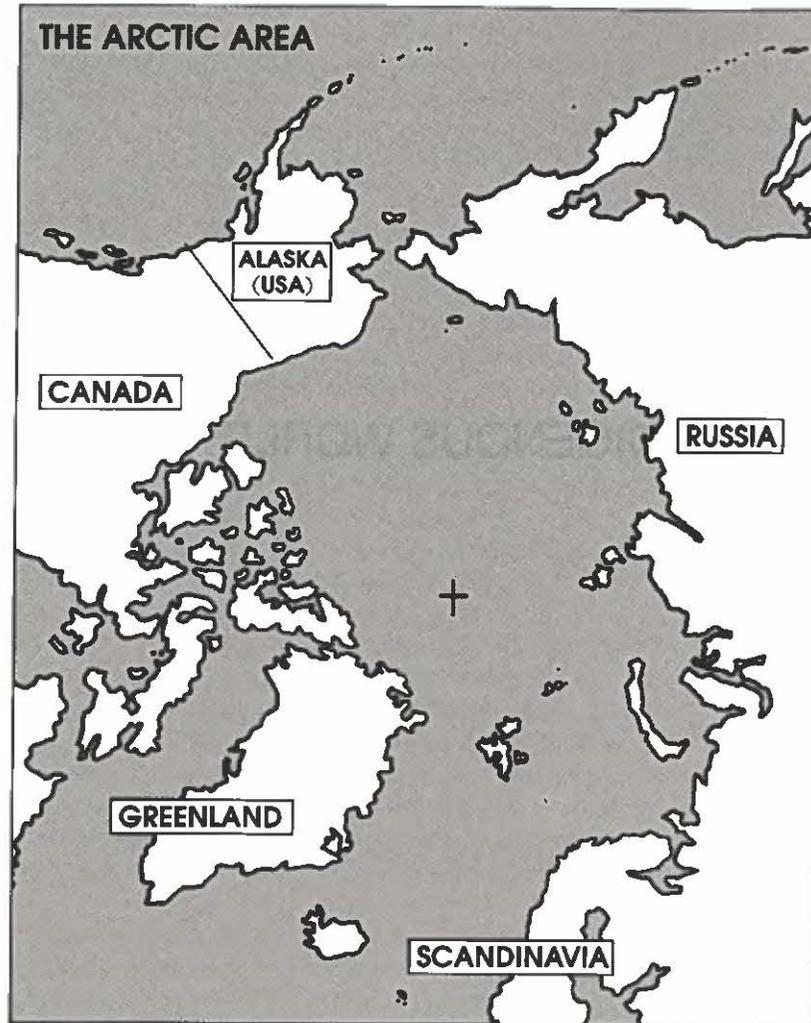
Andrew Gray, anthropologist, is former director and at present board member of IWGIA.

Jens Dahl (see above, Arctic)

Inger Sjørsvlev, anthropologist, is director of the international secretariat of IWGIA.

PART I

THE INDIGENOUS WORLD



THE ARCTIC

Arctic Environmental Protection Strategy to Become Part of the Arctic Council

In September, 1996, the eight arctic states: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the USA finally agreed to sign the Arctic Council Declaration which provides for the establishment of the Arctic Council. The Council is an umbrella organisation encompassing the existing Arctic Environmental Protection Strategy (AEPS) and future programme areas such as sustainable development.

The Arctic Council preparations leading to a first meeting of the Arctic Foreign Affairs Ministers in 1998 is chaired by Canada, which first presented the idea of an Arctic Council in 1991, inspired by the Finnish Initiative leading to the establishment of the AEPS in Rovaniemi, Finland, in 1991.

The AEPS, currently chaired by Norway, is preparing for its last meeting of the Arctic Ministers for the Environment to be held in Alta, Norway, in June 1997. Meanwhile, the eight arctic states along with the permanent participants represented by the ICC, the Sámi Council and AIPON are preparing the Councils' Rules of Procedures and Terms of Reference for the Sustainable Development Programme.

The Inuit Circumpolar Conference (ICC)

In 1996 the Inuit Circumpolar Conference (ICC) received the Nordic Council Environment Award for its outstanding project report on the implementation of Agenda 21 of the Rio Declaration entitled 'Agenda 21 from an Inuit Perspective'. The report contains an analysis of Agenda 21 as it applies to Inuit in the Arctic. The Award of DKK 375,000 was granted to ICC Greenland to be used for a transcription and adaptation of the report into Greenlandic.

Aqqaluk Lynge, Vice-President of ICC Greenland replaced Rosemary Kuptana, former president of the Inuit Tapirisat of Canada (ITC) as the President of the ICC in late fall of 1996. Rosemary Kuptana was elected president of the ICC during the ICC General

Assembly in Nome, Alaska, in 1995. Aqqaluk Lynge, who has been a member of the ICC Executive Council for many years, will act as the interim president until the next ICC General Assembly to be held in Greenland in 1998.

GREENLAND

Since the 1950s and until today, development in Greenland has been characterised by the fact that a number of key issues continue to surface in the political debate and societal planning.

The introduction of self-government in Greenland, in 1979, symbolically, as well as in real terms, represented a major historical turning point. This meant the transfer of political decision-making powers in a wide range of areas from the Danish Government to the Greenland Home Rule Government. However, it also included the transfer of the responsibility to handle the many unsolved problems linked with development of Greenland's society toward greater economic independence.

In terms of gaining control of economic development in Greenland, one of the major challenges has been the take-over of the industrial sector between 1979 and 1985. In this process, the most important means of political steering was public ownership and control over the major companies in the areas of trade and commerce, fisheries and infrastructure.

Restructuring of the Home Rule Owned Companies

The political agenda in Greenland continues to reflect the on-going process initiated in the beginning of the 1990s, aiming to improve development conditions for Greenland's industrial sector.

One of the target areas in this process has been to reduce surplus capacity of publicly owned companies in order to reduce prices and to enforce competitiveness. In many respects it is a painful process which, however, has been accomplished amidst an overall political consensus.

To achieve these goals the Home Rule owned fishing company Royal Greenland has been forced to close down a number of commercially non-sustainable fishing plants. In order to avoid unemployment, however, the Greenland Home Rule Government and Royal Greenland have agreed to promote alternative fisheries production in these plants by means of government subsidies and make-work projects. Selection of alternative projects aims at creat-

ing future commercially sustainable production facilities and products. The critical prospects of Greenland's fisheries also prompted the Home Rule Government to introduce programmes granting financial support to take fishing vessels out of commission in order to make the remaining fleet more economically efficient.

Another target area has been the transformation of the strongly centralised public regulation of a planned economy towards a market economy. The most important instrument in this process has been the restructuring of the former Home Rule governed enterprises in order to transform them into independent liability companies. This transformation has resulted in a distinct separation of responsibility and competence between the political system, regulating authorities and the board and management of the companies.

In 1991 Royal Greenland was the first company to become restructured, followed in 1993 by the Home Rule owned Greenlandic trade company, Kalaallit Niuerfiat (KNI). KNI was divided into three independent companies: a service, a retail and a shipping company, each with separate tasks. Following a difficult adjustment process over the past three years, these companies are now showing positive operational results. However, there continues to be widespread discontent in society with the supply of goods in rural areas. Therefore, the Home Rule Government has proposed that all other services except the supply of goods be transferred from KNI Service to other companies.

The first step in this process will be the transfer of mail services to Greenland Telecom, Inc. Other plans involve the possible transfer of shipping activities from KNI Service to Royal Arctic Line. This new restructuring of the companies aims at establishing a corporate structure for KNI.

An integral part of the political motivation to commence this major process was initially to provide a basis for privatisation - in parts or in full - of the Home Rule owned companies. The political focus on privatisation has now been reinforced following completion of the transformation, mainly due to pressure from private enterprises.

Contrary to the political consensus which has characterised development until now, the privatisation issue is expected to result in a stronger political polarisation between the government coalition of the social democratic party, Siumut, and the right wing party, Atassut, on the one hand and the left wing party, Inuit Ataqatigiit, on the other. Despite the initial intention, Inuit Ataqatigiit is now proposing stronger public regulation of the corporate companies.

Strategic Elements of the industrial Policy

To strengthen the economy in trade and industry, the political goal has been to lower or stabilise the prices on public services such as electricity, water, central heating and telecommunication. This strategy has been a success for both the public and private sectors and has also benefited private citizens. To prevent pressure for higher wages, which would harm the competitiveness of the enterprises, the rent in public housing is fixed at a certain level. This has a great effect because public housing represents more than 90% of the housing market. With the same purpose, national taxes have remained virtually unaltered since 1991.

The industrial strategy primarily focuses on three main sectors: fisheries, oil and mineral resources exploration and tourism. Fisheries continue to be the dominating trade occupying some 20% of the workforce and representing 95% of Greenland's total exports, of which shrimp make up 80%. Greenland is clearly extremely dependent on its fisheries for employment and maintenance of its economy and is consequently very sensitive to fluctuating prices at the international market. As an example, Greenland is currently experiencing a weakened fisheries export income following a period with increasing market prices on shrimp. In addition, parameters such as climate, biology and availability of resources makes the fisheries extremely vulnerable.

In an international comparison, Greenland's fisheries are characterised by a common political understanding between the interested parties to ensure a sustainable utilisation of fishing resources by using, for example, quota systems.

Fishing in Greenland's waters is still above the recommended level according to biological advice. However, there is a strong political will to gradually lower the allowable catches by way of quotas and to reduce the fishing fleet. The overall result of these various initiatives is a much better balance between the fishing capacity and available resources.

Development of tourism is one of the new trades being developed in order to balance the strong dependency on the fisheries. Statistical data on the effect on development initiatives in this area are, however, still insufficient to document a significant impact. The Greenland Home Rule Government's analysis of future potential of the tourism sector points in the direction of a growing demand for hotel and transportation capacity, education and marketing. A broad political consensus backs the decision to develop Greenland's industrial foundation with the objective of making Greenland more economically self-sufficient. In this context, the most important

decisions in 1995 and '96 were to initiate the construction of four new airstrips and the establishment of a favourable financing system with respect to hotel construction aimed at enhancing the potential for tourism development and other industries such as oil and mineral resources development.

In 1994 the Danish Government and the Greenland Home Rule Government signed a new agreement on oil and mineral resources development. As part of the agreement, both parties invested considerably in a range of preliminary studies to determine the prospects of finding oil, gas and mineral deposits. Politically, the agreement aimed at increasing Greenland's influence upon and responsibility for oil and mineral exploration and exploitation.

Exploration of exploitation of mineral resources are under a special agreement which gives the Greenlandic and the Danish governments mutual veto. Up to a certain level, all income from exploitation of minerals, oil and gas accrues to the Home Rule government. Income exceeding this level will be divided between the two governments following renewed negotiations.

In 1996 there were 62 current mineral exploration licenses and 25 prospecting licenses in force, mainly aimed at finding nickel or diamond deposits. The Greenland based Canadian company Platinova is actively involved in geophysical investigations and drilling for zinc.

In the last few years, there has also been a marked increase in international interest in oil and gas exploration in Greenland, both offshore and onshore. In 1996 the first drilling of an onshore oil exploration well was carried out as a test-drilling. In terms of resuming the commercial oil and gas exploration off the shore of West Greenland, after 20 years of inactivity, an exploration and production license off the Greenland west coast for a group composed of three oil companies: the Statoil, Phillips Petroleum and DOPAS (Danish Oil and Gas Production) was signed in December, 1996. As a result, three exploration licences and nine prospecting licenses for oil and gas were in force in 1996.

To promote the development of this sector the Greenland Home Rule Government established a Minerals Office in 1994 with the prime task of contributing to making oil and mineral resources development into one of Greenland's principal industries and to facilitate the intention of the Greenlandic Parliament and Government to assume increased control and influence on decisions in this area. During 1997 the governments of Greenland and Denmark will negotiate the future organisation of mineral resources administra-

tion. The aim of the Greenland Home Rule Government continues to be the transfer of the responsibility for the administration to Greenland as soon as possible.

Opportunities and Barriers to Development

The political objective to create industrial development and economic growth today faces two fundamental barriers: a very high level of cost and, in spite of the tremendous efforts to promote and facilitate education and training, the level of education continues to be low and does not meet the need for a qualified Greenlandic workforce.

Today, approximately 20% of the wage earners are born outside Greenland, primarily in Denmark. The non-Greenlandic workforce typically occupy jobs which demand academic skills or advanced vocational training. By contrast two-thirds of the Greenlandic workforce has no professional training.

The most recent available data on education - from 1995 - reveals that only some 48% of a year group obtain education beyond primary school, of which only 9% graduate from continuing education at universities or the like. Owing to this critical lack of an educated Greenlandic workforce, the field of education and training receives a considerable amount of political attention and new initiatives are currently taken to increase the level of education.

Within the Greenlandic traffic system, the containerisation of the cargo transportation and investments in new modern ships have already decreased freight costs. Investments in the air traffic system are aimed at transferring the costly passenger transport between coastal towns by ship to the air fleet, thereby reducing surplus capacity.

Telecommunication is a rapidly growing industry and new technology widens the opportunities for new developments in Greenland within areas such as video conferencing, tele-medicine, distant education and data communication in general. In 1997 Greenland Telecom is expected to complete the digitalisation of the communications system hence providing an infrastructure capable of dealing with an expected increase in telecommunication.

Reaching Pragmatic Solutions to Sensitive Issues

The recent development in one aspect of the Thule Case relates well to the discussion on infrastructural development.

While disclosures concerning the major discrepancies in Danish nuclear policy - particularly with respect to the US military air base in Greenland and the recent US proposal for an international

nuclear weapons prison in Thule - continue to make headlines in the media, the Danish and Greenlandic governments have now agreed upon a more pragmatic solution to one of the most pending issues.

The idea is to provide a collective compensation for the overall impact from the US Air Force's presence in North Greenland since World War II, which has in recent years primarily been related to US restrictions on civil air traffic to and from North Greenland involving transit at Thule Air Base.

The agreement, which has been approved by the Municipal Council of Avanersuaq and the Foreign Affairs and Security Committee of the Greenlandic Parliament, replaces an earlier agreement to re-establish facilities at the Uummannaq/Dundas community from where 27 Inughuit families were relocated in 1953 to make room for additional US military installations.

The new agreement includes a cash contribution of US\$ 7.2 million towards the construction of airport facilities in Qaanaaq - the largest community in North Greenland - or about half of the estimated cost. The agreement also commits the Danish Government to seek technical assistance and provision of equipment and expertise from the USA. It is expected that the airstrip which will link North Greenland to the rest of Greenland can be in place by fall 1999. The easier access to Qaanaaq and North Greenland is expected to enhance the potential for economic development, for example, in the tourism sector.

In spite of this agreement, a citizens organisation in Avanersuaq, *Hingitaq 53*, has taken the Danish Government to court and demanded proper compensation for relocation and loss of hunting areas. The descendants of the relocatees have also demanded an apology from the Danish Government, but so far in vain.

International Affairs

Greenland is taking a great interest in international affairs. While the Greenland Home Rule Act sets out certain limitations with respect to Greenland's ability to engage independently in foreign affairs, the Act also guarantees Greenland a say in matters of concern to Greenland and provides for a close cooperation between the Ministry of Foreign Affairs in Denmark and the Greenland Home Rule Government.

In practical terms, Greenland participates in all negotiations of relevance to Greenland. In matters concerning the European Union (EU) and Greenland's associated status and fisheries agree-

ment with the EU, a practice has been established whereby Greenland takes the lead and Denmark acts as bystander.

The cooperation between Greenland and Denmark in international affairs has increased considerably over the past few years - to the benefit of both countries. For example, close cooperation exists with respect to the United Nations' dealing with the rights of indigenous peoples: where Denmark together with Greenland, have taken the lead in the promotion of a permanent forum for indigenous peoples in the United Nations system. In the Nordic context, Greenland plays an important and integral role in both the Nordic Council and the Nordic Council of Ministers. Finally, Denmark has strongly promoted Greenland in work of the Arctic Environmental Protection Strategy (AEPS) where Greenland has taken the lead in human health and conservation of flora and fauna components of the programmes under the AEPS.

Katuaq - The Greenland Centre for Performing Arts

The cultural centre, *Katuaq*, was officially opened by a ceremony in mid-February 1997 with the participation of around 500 prominent guests from the Nordic and Arctic countries. *Katuaq*, with its magnificent architecture, houses the Greenlandic Art School, the Nordic Institute in Greenland and the Greenlandic Theatre, *Silamiut*.

The grand opening featured artists from the Nordic and Arctic countries performing, among other things, drum-dancing, song and theatre. The Icelandic Symphony Orchestra gave several concerts during the week of ceremonies and took time to teach school classes in between.

As a conference centre, *Katuaq* is currently working towards establishment of an International Training Centre for Indigenous Peoples (ITCIP). The idea behind ITCIP is the often spoken need for training facilities of this nature. In addition, the United Nations Decade for Human Rights Education and the United Nations Decade for the World's Indigenous Peoples have been a source of inspiration and it is hoped that the United Nations will provide a blueprint for the initiative.

ALASKA

In Alaska the most important event in 1996 was the court decision in the *Venetie* case. On 20 November, 1996, the Ninth Circuit Court of Appeals reversed a decision by a lower court that the village of *Venetie* in fact *does* occupy Indian (indigenous) country. The es-

sence of this is that *Venetie*, and other indigenous villages in Alaska, have the legitimate authority to exercise some measure of self-government.

The case started in 1986 when the Native Village of *Venetie* Tribal Government attempted to impose a business tax on a contractor hired by the State of Alaska to build a new school in the village. The State of Alaska took the decision to court claiming that the village was without territory, i.e. Indian country, and thus had no power to levy the tax.

The Natives of *Venetie*, the *Neets'aiti Gwich'in*, reside on 1.8 million acres of land in northeast Alaska. The Secretary of Interior of the Federal Government in Washington, D. C. set aside this land as a reserve in 1943. The Alaska Native Claims Settlement Act (ANCSA) revoked the reserve, but allowed the Native Corporations (in 1971, ANCSA established 13 regional and more than 200 village corporations) formed for *Venetie* and Arctic Village to opt out of ANCSA and receive simple title to their former reserve lands. The shareholders elected to do so, and in 1979 the ANCSA corporations transferred title to the tribal government, and the ANCSA corporations were dissolved in 1981.

The ruling by the Ninth Circuit Court of Appeals recognised for the first time that the 1971 Alaska Native Claims Settlement Act did *not* abolish native self-government powers over their people and lands.

What the Court of Appeals said in its decision is that this historical right of self-government repeatedly recognised in treaties and federal statutes has, for Alaskan natives, never been abrogated by the Federal Congress - the only entity with the power to do so.

Specifically, the court said that Congress did not, in the ANCSA, extinguish these powers. The court's conclusion was based in part on a long-standing principle that ambiguities in treaties and statutes affecting Native Americans will be construed in favour of the weaker sovereign and in part on other evidence of congressional intent.

Before the court decision, the Federal Government had recognised that 226 Alaskan native villages were tribes with unextinguished powers of self-government. It is also the case that lands given to the ANCSA corporations might constitute Indian country and thus be subject to tribal jurisdiction.

The implication of the decision of the Court of Appeals will be that other Alaskan native villages can claim their lands to be Indian country. There are, however, conditions which imply that this does not hold for all native villages. One of these conditions is that only

lands which form part of the community will be Indian country. Accordingly, village corporation lands that are not continuous and far removed from a village would not likely be part of the community and therefore would not be considered Indian country.

The rulings of the Court of Appeals will imply that those tribes (villages) that have Indian country status can engage in a number of activities regulated by themselves. First of all, there will be a number of government programmes and facilities like acquirement and disposal of real property; raising and spending of government funds; land-use regulation; child welfare and day care services; the running of community utilities and sewer and solid waste facilities; maintenance of roads and other infrastructure; alcohol control; and regulation of marriage, inheritance and adoption.

Besides these activities, a recognised tribe can set and enforce its own laws. Within limits as stipulated by federal and state laws, the tribes can adjudicate crimes and civil disputes, limit access to tribal lands and impose fines and criminal penalties of no more than one year in jail.

While the decision by the Court of Appeals has been hailed by indigenous peoples all over the State of Alaska, the reaction by the holders of power has been less enthusiastic. Alaska's two members of the US Senate have criticised the Venetie decision and threatened to introduce measures to nullify the ruling. This can be a reality if either the State of Alaska does not appeal the court decision to the US Supreme Court in Washington, D.C. or if the Supreme Court refuses to take the case.

The state of Alaska did appeal the decision, and in June, 1997, the Supreme Court decided to hear the case.

Sources:

Anchorage Daily News; David S. Case; State of Alaska; *Tundra Times*

RUSSIA

In 1996 the social and demographic situation of the indigenous peoples of the North, Siberia and the Russian Far East continued to deteriorate. This was also reflected in official documents. In 1996 the results of the federal 'Programme for Economic and Cultural Development of the Small Indigenous Peoples of the North for the years 1991-1995' (which was prolonged to also include 1996) were

summarised. In September, 1996, a similar programme for the period until the year 2000 was launched. On 1 October, 1996, the Russian daily newspaper *Rossiiskaya Gazeta* published the text of this new programme together with figures about the implementation of the 1991-96 programme.

In the paragraph entitled 'The present social and economic stage of development of the small indigenous peoples of Russia' it was stated that '...one of five unemployed in Russia is resident in the North. Half of the total sum of unpaid salaries are owed to northerners' [this figure also covers non-indigenous residents of the northern regions]. 'The average life expectancy in the North is three to four years below the national average for all of Russia, and among the indigenous population it is ten to eleven years below that'. In total, only five to twenty-one per cent of the total programme tasks were solved due to lack of funding.

A 1996 annual report of the Ministry of Labour and social development of the Russian Federation entitled 'Labour and employment of the small peoples of the North' states that in 1993-95 the number of employees from among the small indigenous peoples of the North in their traditional areas decreased by thirty-six per cent. 'Research shows that although over sixty per cent of the indigenous peoples of the North still orientate themselves towards traditional activities, the number of people employed in these fields of work is decreasing. While at the beginning of 1993 fifty-three per cent were employed here, in early 1996 this figure had fallen to only thirty-nine per cent ... at present up to twenty-five to thirty per cent, and in some settlements even up to one hundred per cent of the able-bodied indigenous population are in fact without employment. At present, forty-eight per cent of the aboriginal population over the age of fifteen have an elementary and incomplete secondary education [meaning that they do not finish secondary school], seventeen per cent have not even completed elementary school and half of those are totally illiterate. In 1995 a decline in the rural indigenous population in the North was noted. Thirty per cent of all deaths among the peoples of the North are caused by various kinds of violence, whereas the national figure is eleven per cent. The suicide rate in northern indigenous communities is three to four times as high as the corresponding all-over average.'

This was how the responsible state bodies in charge of this field summarised the results of the state nationalities policy towards the indigenous peoples of the North, Siberia and the Far East. The

political aim was the complete integration of the communities of the northerners into Soviet and post-Soviet modernised society, including bringing up children outside their families, in kindergartens and boarding schools, teaching the standard general curriculum and securing one hundred per cent employment in fields far from conditions of the traditional way of life of indigenous peoples. Now that centralised government control of the remote areas has collapsed and state programmes lack budget support, indigenous peoples have been left to the mercy of fate. They find themselves outside of the new market economy and are left on the verge of extinction.

Indigenous Rights

Indigenous peoples of Russia and indigenous peoples of the North are still not vested with legal rights. The federal bill titled 'The Fundamentals of the Legal Status of the Small Indigenous Peoples of Russia' should, according to the original schedule, have been passed in 1992, but it has instead once again been deferred indefinitely.

After a lengthy and complicated tour through the legislative bodies the bill ended up in a conciliatory committee. Here, A. I. Nikulin, member of the Committee on Federal Affairs of the Federal Council, opposed it arguing that passing the law would bestow a doubtful benefit on the peoples in question since the Russian Parliament had not yet ratified International Labour Organisation (ILO) Convention No. 169. What Mr. Nikulin forgot was that this bill came into being in order to implement the provisions of this same ILO Convention. Eventually, due to technicalities, the title of the bill was changed and it has to pass through all stages of the legislative process.

Settlement Areas and Access to Natural Resources

As a result of the aforementioned, indigenous peoples have no guaranteed rights to natural resources. At the same time, privatisation of resources and exploitation of natural wealth is continuing in the areas where they traditionally live and carry out their activities.

A decree issued by the President in December, 1993, 'On the State Programme for Privatisation of State and Municipal Enterprises in the Russian Federation' turned out to have dramatic consequences for the North. In one year the property of most of the former *kolkhozy* (collective farms) and *sovkhozy* (state farms) was privatised together with housing and land. Former state enterprises

for extracting and processing natural resources, including traditional ones, were turned into shareholder companies. Plots of forest were leased to individuals for the purpose of developing hunting and fishing for tourists. Outsiders, as a rule, have become the real owners of natural resources and they often do not even live in the North. A rapid and barbarian exploitation of these resources going far beyond the presidential decree poses a new threat to the bases of livelihood and ethnic survival of the small indigenous peoples of the North.

At present (April 1997) the State Duma (Parliament) is reading a new law 'On Land' which suggests the introduction of private land ownership. This law will probably benefit most citizens of Russia, but in the areas of settlement of the indigenous peoples it will cement the ownership of today's proprietors and leaseholders of land and surface resources and deprive the indigenous peoples of the last hope of regaining access to their natural resources.

Large enterprises like Gazprom operate in northern regions and the Far East in the traditional Soviet manner. As before, a narrow circle of persons (people from Gazprom and the local administration) make decisions about the prospecting and development of new gas and oil fields in western Siberia without the consent of the indigenous peoples, without publishing their plans and without asking for expert opinions. Indigenous inhabitants of the Khanty-Mansi and the Yamal-Nenets National Okrugs (administrative regions) will wake up one pretty morning to see new drilling rigs towering over their traditional pastures. The indigenous peoples have no legal documents substantiating their right to the land used by them, and their protests have no legal weight and are simply ignored. The administration and the companies will suggest to the people that they move to some larger village and will promise them housing. This is what most people will do, thus ending us as lumpen-proletariat in the large village; most will probably start drinking. The plans for extraction of oil and gas in the sea shelves of the Sea of Karsk, the Bering Sea and the Sea of Okhotsk constitute a serious threat to the environmental safety of all of the North, Siberia and the Far East.

In early 1997 drilling activities started in the Taza Bay on the Yamal peninsula. According to the indigenous organisation on Yamal the drilling was started without the consent of the indigenous population. The rash start of work will pollute the Ob, Taza and Pura rivers and constitutes, according to the indigenous inhabitants, a

threat to several endemic species of fish that enter these rivers and may reduce the stock of these valuable fish. Representatives of the Yamal-Nenets Association complained to Gazprom but never got an answer.

In 1996 prospecting works began in the Sea of Okhotsk near the Island of Sakhalin. These works have also alarmed the indigenous population. They are a part of a comprehensive plan for oil and gas development on the sea shelf adjoining the North-East and Far East of Russia. The federal government has jointly with the local governments designed a programme for licensing of oil and gas extraction until the year 2000. Seismologists and biologists warn that this project has not been ecologically substantiated and fear that prospecting in the area may cause a global catastrophe in the Pacific rim. The Association of Indigenous Peoples of Sakhalin have voiced their protests against the plans in the local press fearing that their fishing may suffer from the oil activities. In spite of this work is going ahead.

The existing pattern of settlement of the peoples of the North and their access to traditional resources may also suffer as a consequence of a new law on closing settlements in the Far North which has been proposed by the Committee on Northern Affairs of the Federal Council. On the one hand the law aims at closing industrial settlements which have become unprofitable. But on the other hand the criterion of profitability may also be extended to apply to settlements of the indigenous population, and the law has no guarantees against this.

Eventually, the local administrations - in agreement with federal bodies - will be vested with the right to close any village or settlement which they should consider unprofitable. As a result, the right of citizens to choose freely where they want to live is violated, and indigenous peoples may become excluded from using their traditional lands.

In 1995 Russia signed and ratified the Convention on Biodiversity. Nevertheless, some provisions of the Convention are being violated.

According to Article 8j states are obliged to take environmental protection measures in areas inhabited by indigenous peoples only with their consent and participation. Unfortunately, in the State Duma only few delegates take an interest in indigenous peoples and the legislation meant to implement the convention find little support.

The IWGIA national group in Moscow and the Russian organisation of WWF (Worldwide Fund for Nature) have joined forces and defined principles for ethno-ecological territories as a special category of protected territory. The aim is to influence federal legislation on protected areas and get this new category into law.

The Third Congress of the Association of the Small Indigenous Peoples of the North, Siberia and the Far East and the Indigenous Movement

The movement of the indigenous peoples of Russia came into being in 1990 when the Association of the Small Indigenous Peoples of the North, Siberia and the Far East was founded. But so far this organisation has no precise programme of action.

This was evident at the third congress which convened on 27-28 March, 1997, in Moscow. The delegates primarily focused on matters of organisation and procedures at the congress itself, whereas less energy was put into drafting a programme of action for the next three years.

In their reports the delegates described the precarious situation of the indigenous peoples of their particular regions and came forward with their views on the achievements of the retiring president of the Association. Few came forward with concrete suggestions for future activities of the president elect, the Co-ordination Council (supreme body of the Association between congresses) and the relevant bodies of state power.

It was obvious that the Association still needs to accomplish a lot before it gains the necessary strength to become a strong effective organisation both locally and centrally. The Association has so far been reluctant to extend membership to all ethnic groups who may wish to join. The founding congress accepted only twenty-six peoples of the North according to a list made up in 1927 by the All Russian Central Executive Committee. Representatives of the *Shor*, *Komi*, *Veps* and *Karelian* peoples were present at the founding congress were also but they were not accepted as members since they did not officially enjoy the status of 'small peoples of the North'. In 1993 four peoples gained the right to join on equal terms with the peoples of the North: *Shors*, *Teleuts*, *Kumandins* and *Chulyms*, but only after the government had issued a decree on this.

While the law on 'The Fundamental Legal Status of the Small Indigenous Peoples of the North' was being drafted the Institute of

Ethnology and Anthropology of the Russian Academy of Science prepared a new list of indigenous peoples including all indigenous peoples and ethnic groups of the North, Siberia and the Far East whose members had preserved a traditional way of life, use of nature and culture. This list had forty-nine entries and was published in the journal *Etnograficheskoe obozrenie* No. 1, 1995 together with the draft bill.

The Association, however, is still reluctant to accept new members and was even prepared to exclude again one of the newly accepted members on the basis of a doubt expressed by the State Committee of the North (Goskomsever). This happened in 1997 to the Chulym.

There seems to be a fear that accepting new member groups may turn out to be detrimental to the interests of the old ones. The state budget has limited means for indigenous peoples. If the number of ethnic groups increases there will be less for the twenty-six 'legitimate' small peoples of the North.

On the other hand, it is a fact that relations between the 'illegitimate' groups and the old recognised groups are far more flexible at the regional and local levels. Locally, the legitimate groups support and help their illegitimate fellow indigenous. This spirit does not, however, find the desirable support among the Moscow indigenous leadership.

The Association is still to a wide extent dependant on state funding and this is mirrored in the political programmes and actions of the organisation. Ideas like uniting all indigenous peoples of the North, Siberia and the Far East in the struggle for their rights and ensuring an ecologically sustainable use of the environment in their traditional areas have so far not found understanding among the leadership of the Association.

Fortunately, a new generation of indigenous leaders is on its way. They are people learning to size up the situation in a sober and realistic manner and to be open to new ideas. In 1996 the training of such new people from among the indigenous population started in two directions.

In some speeches at the Third Congress of the Association new judgements and ideas were voiced. Many delegates pointed out that the uncontrolled sale of alcohol by private businessmen and the voracious exploitation of natural resources from territories of the indigenous population will lead to genocide of these peoples. Some delegates presented concrete data on the social and demographic

condition of their communities and found it important to inform about the level of unemployment, alcoholism, mortality and birth rates. At this congress one could for the first time hear several appeals to create ethno-ecological reservations for the indigenous population. Unfortunately, this point was not, however, reflected in the final resolution of the congress.

Some delegates gave a pessimistic assessment of the central state bodies' possibilities of implementing a new state programme for the North and did not believe that federal legislation ensuring the rights of indigenous peoples could be passed within a foreseeable future. They called for a new and more realistic system of making agreements between regional organisations and local bodies of state power.

Sergei Nikolayevich Khárjuchi was elected new president of the Association. He represents the Association in the Yamal-Nenets Autonomous Okrug and enjoys a well deserved authority in the Association. He is a social scientist; has worked in legislative and executive organs of the Okrug; graduated from the Academy of State Service at the presidential administration of the Russian Federation; and wrote a dissertation about the rights of the small indigenous peoples of the North, Siberia and the Far East. In his programme of action he defines his main tasks: first, to unite the regional and Moscow leadership of the indigenous movement, uniting the two Moscow based Associations and numerous foundations in the solution of common tasks. Secondly, to revise the structure of the leading bodies of the Association, extending the number of vice-presidents of the Association so that each will have special assignments. And finally, to create a Council of Elders of the Association. The main line of work is to ensure land rights of the indigenous peoples.

Support Organisations

In July, 1996, the fund 'Lauravetlan' (headed by Oleg Yegorov, representative of the Chukchee Council of Elders of the Chukotka region) together with the Sámi Council was given a grant within the TACIS programme. This money is financing the Moscow based Information Centre for Indigenous Peoples. The Centre is associated with the journal *Severnye Prostory* (Northern Expanses).

Representatives of the indigenous organisations receive three months of training at the Centre. They are taught the basics of

human rights, collective rights of indigenous peoples, learn about Russian and international legal acts, and get an idea of the work of federal bodies handling affairs of indigenous peoples. Furthermore, the Centre offers computer training and publishes its own newsletter.

Since 1996 the IWGIA National Group in Moscow has published its newsletter 'Zhivaya Arktika' (Living Arctic) in order to extend the network of correspondents and carry out information and consulting work in support of indigenous peoples in a more systematic way. 'Living Arctic' publishes national and international documents on the rights of indigenous peoples, as well as articles on environmental protection and development of traditional use of nature. It is distributed free of charge to organisations of the peoples of the North, Siberia and the Far East as well as to local ecological organisations. The IWGIA National Group co-operates with the Information Centre for Indigenous Peoples by exchanging information.

SÁPMI

A joint Sámi convention, Arctic cooperation and representation in the regional 'Barents Region cooperation' were some of the topics discussed at the 15-18 October, 1996, conference in Murmansk in which Sámi from Russia and Scandinavia met with other indigenous peoples from the Barents Sea region and Siberia. The framework for the event was the '16th Sámi Conference' and the 'Indigenous Peoples of the Barents Region Conference', held jointly for the first time (See *Indigenous Affairs* No. 4 October/November/December 1996). The Sámi Council unanimously adopted a motion drawn up by the Sámi Council's legal committee for a resolution on a Sámi convention for all Sámi people. The Sámi live under four different legal systems. Therefore, it is important to harmonise the nation-states' legislation, just as there is also a need to coordinate the political treatment of issues which affect Sámi in several countries. The Sámi Convention must also guarantee certain basic norms. The manifold problems with cooperation, organisation and contacts across national borders would be helped by a joint Sámi Convention.

Norway

On Thursday the 4th of February the Sámi Rights Committee presented the second report about 'Nature as the basis of Sámi culture'. The Sámi Rights Committee was founded in 1980-81, and in 1984 the first report, 'NOU 1984:18, About the Sámi legal posi-



The 16th Sámi Conference and The Indigenous Peoples of the Barents Region Conference, Morskans 1996. Photo: Claus Oreskov

tion', which formed the basis for the Sámi Act and the establishment of the Sámi Parliament in Norway in 1989, was issued. The second report is primarily about the rights to the natural resources in Finnmark (northern Norway), where the majority of the Sámi people live. The Sámi Rights Committee proposes establishment of a Finnmark ground administration as a new organ to administrate the ground and non-renewable resources in Finnmark.

The Finnmark ground administration would have a board consisting of eight members. The municipality of Finnmark and the Sámi Parliament would appoint four members each. The Finnmark ground administration would be in charge of the alienation of land and resources and it must have a strong influence on mineral activity and other activities radically interfering with nature in Finnmark. Five of the Sámi Rights Committee's seventeen members propose the establishment of a Sámi ground administration, which should replace the Finnmark ground administration in the municipalities that agree to it. The Sámi ground administration should have a board of seven members. The Sámi Parliament would appoint five members and the Finnmark municipality two. The difference between Sámi ground administration and Finnmark ground administration organised as an independent legal status would be that the Sámi representation on the

board and at yearly board-meetings will be stronger in Sámi ground administration than in Finnmark ground administration.

The Sámi Rights Committee proposes that the municipalities and hamlets be strengthened through an increased right to self-administration of the renewable resources. The use of non-cultivated natural resources has been and still is very central in Sámi culture. Therefore, the Sámi Rights Committee thinks that by supporting the local peoples admission to their own non-cultivated nature it will be possible to promote the preservation and development of Sámi culture and customs. The municipalities will administrate the renewable resources inside their area, managed by a municipal non-cultivated nature council. In particular, these resources include salmon fishing in lakes and rivers, hunting and trapping, collection of eggs and down and cloudberry picking.

A further decentralisation of the administration is proposed through the establishment of hamlet administrations. Everybody who is a resident in a hamlet where a hamlet-administration is established will be entitled to use of the area. Actual use of the hamlets must be an important basis for the demarcation of the areas. The hamlet people must form the majority on the hamlet-administration in proportion to the rest of the population in the municipality, something they have not previously enjoyed. The hamlets must also be able to carry out local preservation, sell game licences and distribute hunting and trapping equipment. The rights of the Sámi reindeer herds must apply to the law of reindeer herding in the hamlet-administration areas. It is very important that the Sámi right to reindeer herding is not weakened through the establishment of the hamlet-administration. The Sámi Parliament has proposed two years of hearings where the Sámi organisations can discuss the contents of the report.

In Sámi society there are many different attitudes and interests which are reflected in the report of the Sámi Rights Committee, and they expect an animated and enriching debate. Some are disappointed and others are pleased that the proposal of local management is not based on ethnic background. Three distinct ethnic groups live in Finnmark: the Sámi, immigrant Finns (kvaner) and immigrant Norwegians. The Sámi Rights Committee has solved the Sámi ethnic question so that where the Sámi people are the majority they will be in control of the renewable resources through the local democratic organs. Some think that this is a very simple solution for

a very complex problem. Svend-Roald Nystø, leader of the Association for Norwegian Sámi and a member of the Sámi Rights Committee emphasises to the many discontented that the report of the Sámi Rights Committee is to be seen as the beginning and not the end. It is now the beginning of the lobby work and the preparation of the law, and it is here that Sámi organisations will have the possibility to make known their points of view.

Sweden

On 25 November, 1996, the European Commission of Human Rights refused to act on thirty-eight Sámi villages' complaint regarding the rights to the small-game hunt in Sámi areas. The background of the Sámi villages' complaints was a new law which the Swedish Parliament passed in 1993.

This law opens up small-game hunting above the cultivation line and in the reindeer grazing mountains. The Sámi right to hunting and trapping which is recognised in an earlier act on reindeer herding (1971:437) was declared invalid. That the Sámi can not manage the hunt in Sámi areas is not only a violation of Sámi rights, but also an inconvenience for reindeer herding. The European Commission of Human Rights refused the Sámi villages' complaint on the grounds that the Sámi villages may bring proceedings against the state in ordinary courts of law. The Commission notes that the dispute in the present case concerns the applicants' rights to hunt and fish in certain areas. These rights are 'civil rights' within the meaning of Article 6 para.1 of the Convention. Thus, this provision is applicable to the present complaint.

Sources:

European Commission of Human Rights Decision as to the admissibility of Application No. 27033/95 by KONKAMA and thirty-eight other Sámi villages against Sweden.

Indigenous Affairs No. 4 October/ November/ December 1996.



1. *Lubicon*
2. *Innu*
3. *Blackfeet*
4. *Shoshone*

NORTH AMERICA

USA

Blackfeet Nation

Once again, the drilling stop in the Badger-Two Medicine Area was prolonged, this time until 30 June, 1997. This is already the third postponement of granting permission to drill for oil and could be regarded as the final decision by federal authorities. Nevertheless, this remnant of wilderness once covering the whole Northwest of the USA is still in danger of being destroyed by oil wells, access roads and pipelines.

Although US Secretary of Interior Bruce Babbitt announced the creation of a so-called Blackfeet Traditional Cultural District (BTCDD) within the boundaries of the Badger-Two Medicine Area, according to the National Historic Preservation Act (NHPA), the recently issued Environmental Impact Statement (EIS) of the US Forest Service (USFS) discloses large-scale threats to the area as a whole. The USFS recommends excavation to search for oil and minerals. The chances of finding oil are about 0.5 per cent while the price would be destruction of the sacred sites of the Blackfeet Nation and contamination of an intact tract of wilderness with industrial and traffic noise and oil residue from leaking pipelines and oil wells. To add insult to injury, it appears that the oil companies Chevron and Petrofina, which have already obtained permission to drill, will be allowed to build access roads and other facilities within the BTCDD.

The involved oil companies, Chevron (American) and Petrofina (Belgian-American), are only the assault parties of the mining industry. The seduction of huge mineral resources in Alaska and the northern part of the USA is overpowering. Already obtained permission to drill for oil would create a precedent by opening these reservoirs, which lie on indigenous territory, for economic exploitation.

The recently published study about the controversy over oil drilling in the Badger-Two Medicine Area by Prof. Dieter Dörr,

Chair in Public Law at the University of Mainz, concludes that from the point of view of international law, the Blackfeet hold the right to self-determination just as other native American nations do. The rights of the Blackfeet are safeguarded by international law. By granting permission to drill for oil, the rights of the Blackfeet implied in the agreements of 1855, 1895 and later adjustments would be impaired. Dörr gives many arguments that are useful for other native-American nations by referring to various sources in American law, United Nations declarations and official statements by US representatives at UN and CSCE conferences.

For further information, please contact:

Ron West
P.O. Box 301
West Glacier, Montana 59936
USA

In Europe:
Blackfeet Support Group
att: Marten Briese
Elsgrabenweg 12
D-13597 Berlin, Germany

Leonard Peltier

Despite world recognition of his case, Leonard Peltier remains imprisoned. In 1977 he was convicted of the murder of two FBI agents, which he denies having committed. Although the US Parole Commission denied him parole, the struggle for Leonard's freedom continues. Both the possibilities of presidential clemency and re-extradition to Canada with a following renewed investigation of the circumstances of the extradition in 1976 remain. Both legal decisions have been postponed by President Clinton and the Canadian Minister of Justice Allan Rock for four and three years respectively. It is urgent that letter and fax campaigns continue to pressure for a speedy decision.

The US and Canadian defence committees were very active in organising support campaigns. A very important event was organised by them in 1996, together with various European support groups. They organised a *Freedom Run for Leonard Peltier and all Indigenous Peoples* that started in Auschwitz, Poland, and passed through Slovakia, The Czech Republic, Austria, Germany and France

to Geneva, Switzerland. During the run many meetings were held where the public and press of those countries were informed about the state of indigenous peoples and Leonard Peltier's case. The runners were both representatives of North and South American indigenous peoples and European activists. The final part was a prayer vigil held by representatives of indigenous delegates at the fourteenth session of the UN Working Group on Indigenous Populations.

Another notable event was release of the CD *Pine Ridge - An Open Letter to Allen Rock (Songs for Leonard Peltier)*, initiated and coordinated by the Canadian rock musician Greg Keelor. He was inspired by Frank Dreaver, founder of the Leonard Peltier Defense Committee Canada. The CD was released by Warner Music Canada and features songs by Sarah McLachlan, Jane Siberry, Ashley Mac-Isaac and The Skydigger. It also includes original recordings by Greg Keelor and Jim Cuddy of Blue Rodeo, Bob Wiseman, and spoken word poet Michael Ondaatje.

The former Canadian Minister of Indian Affairs and committed supporter of indigenous peoples, Warren Allmand, MP, made a statement in the US Senate in favour of Leonard Peltier. His statement is available under No. S7170 from 27 June 1996.

In the US, Dennis Banks, American Indian Movement (AIM) Field Director and one of the organisers of the occupation of Wounded Knee in 1973, and Floyd Red Crow Westerman, a famous film and television actor, organised the BRING PELTIER HOME CAMPAIGN TOUR in December 1996. The tour was a success as regards both the artistic performance and the political result.

Furthermore, the Tribal Council of Pine Ridge, South Dakota, where the fatal fire took place on 25 June, 1975, renewed its support for Leonard Peltier and issued a resolution demanding his immediate release.

Finally, Leonard is in bad physical condition. In February he had surgery to his jaw to correct an old problem. He could not open his mouth for weeks and several complications occurred. His lawyers were not allowed to see the medical records. Soon after the operation, he had to continue to work at the prison furniture factory despite his medical condition. The swelling of his jaw, watery eyes and headaches make this kind of work intolerable for him.

For further information, please contact:

Leonard Peltier Defense Committee
43 Chandler Dr. Scarborough
Ontario, Canada M1G1Z
Tel./fax: (414) 439-1893

Leonard Peltier Defense Committee
2017 Mission St, Room 303
San Francisco, CA 94110
USA
Tel: (415) 552-1992
Fax: (415) 431-1492

Sources:

Blackfeet Support Group, Berlin
Society for Threatened Peoples, Germany
Big Mountain Action Group
Leonard Peltier Defense Committee, Scarborough, Canada
Native List

Lubicon Lake Indian Nation

The negotiations between the *Lubicon Cree*, the Canadian Federal Government and the provincial government of Alberta, which started in 1988, have gotten nowhere since the Province of Alberta 'withdrew' from a binding agreement made in 1988 in Grimshaw regarding the size of the future Lubicon reserve. Because the provincial government controls the Lubicon territory, the ongoing talks between the Lubicon and the federal government did not make any substantial progress.

Daishowa, the company threatening to clear-cut the entire traditional Lubicon territory of all 10,000 square kilometres, won a court decision against *Friends of the Lubicon (FOL)* who has organised an efficient boycott against the company in Canada since 1992. In granting Daishowa's injunction, the Court found that FOL's primary intent in boycotting Daishowa was to cause economic damage to the company and not to support the Lubicon Nation. Although the Court held that boycotts are not necessarily illegal, it ruled that they are illegal when specifically intended to cause economic damage to the boycott target. The court also denied FOL the chance to appeal the decision. However, the Daishowa boycott is not really

stopped, because the decision applies only to FOL but not to other Canadian organisations and to people outside Canada. US consumer and environmental organisations, for example, have started an international boycott against Daishowa.

There is also a boycott going on in Canada and the US against Unocal/Union Oil of California because it is operating a potentially dangerous sour gas plant in the immediate neighbourhood of the proposed Lubicon reserve and within retained Lubicon territory. This boycott is mainly organised by US organisations. For further information on Unocal please see *The Indigenous Word 1995-96*.

Since the Europeans apparently do not have any economic relationship with Daishowa and Unocal, the Lubicon and FOL call for a boycott of Alberta/Western Canadian tourism. Further information is available in *Indigenous Affairs 3/96 'A Call For Boycott'*.

Though the Lubicon Lake Indian Nation is already confronted with many problems, a new one appeared during 1996. At many places in the province of Alberta, including the traditional Lubicon territory, kimberlite deposits containing workable quantities of diamonds were discovered. Many claims are already marked out around the possible area of a future Lubicon reservation. It is supposed that the multinational company De Beers which controls about 90% of the world's diamond production has the majority of the prospecting rights either directly or indirectly. It is not clear yet whether kimberlite will be harvested by strip or pit mining.

The finding in kimberlite could turn out as a chance for the Lubicon to press both levels of government to settle their land claim because mining companies seek clear legal circumstances.

For further information, please contact:

Lubicon Lake Indian Nation
3536 - 106th Street
Edmonton, AB T6J 1A4
Canada
Tel: (403) 436 5652, fax: (403) 437 0719

Ojibwa Indian as Vice-presidential Candidate

Ojibwa Indian Winona LaDuke was chosen to be vice-presidential candidate for the Green Party (USA) in 1996. Although they had no real chance of winning the election, the selection should be regarded as an important signal as to how cooperation between white

ecologists and Indian activists can work satisfactorily. Winona LaDuke participates in the Green Party in order to draw public attention to native-American Indians' problems. During an interview, she stressed that 'Indians are not poor because they are stupid' and demanded that a society should be measured by the living conditions of the poorest social strata.

Winona LaDuke is heavily engaged in human rights and environmental protection questions. As a member of the White Earth Band of Ojibwa in Minnesota, she was one of the founders of her group's Land Recovery Project. Furthermore, she founded the Indigenous Women Network and is a member of the USA-Greenpeace section.

Political Abuse of North American Natives

Two North American natives, Gerald Northrup (Chippewa) and Edward Godfrey (Dakota Sioux) took part in the Annual Gathering '96 of the German right-wing extremist, nationalistic party DVU (German People Union). This gathering took place on 28 September, 1996, in Passau in southern Germany with about 6,000 German members attending the meeting. While various German speakers expressed racial views and often concluded with 'Germany, über alles' Northrup and Godfrey spoke in their tribe's language about the genocide of the indigenous peoples of North America and native traditions. Neither Northrup nor Godfrey speaks German. Later, when they became aware of the abuse of their attendance at the meeting, they deeply regretted having participated and made it clear that they had no idea of the real purpose of the meeting.

One could ask why a racist, right-wing party is interested in decorating their meeting with indigenous peoples. There are two reasons. The main reason is the desire to show international support and confirmation of their racial and political views. The next reason is probably the German partiality for romanticism. Since the 18th century North American Indians, in particular, have been regarded as either 'savages' or noble-minded chiefs. J. F. Cooper's *The Last Mohican* is one of the most famous examples of the heroic aureole with which North American Indians are often attributed.

Western Shoshone

During 1996 the situation of the *Western Shoshone Nations* improved slightly, on the one hand, and, on the other, became markedly worse.

As mentioned in *The Indigenous World 1995-1996*, Lander County's project of building a recreational dam and park at Rock Creek

(Bah-tza-gohm-bah) was considered a serious threat to an area with significant spiritual and cultural importance, in addition to housing a cemetery. During 1996 massive protest campaigns from Western Shoshone governments, organisations and individuals from Nevada and other parts of the US, and numerous European countries, produced a constant stream of opposition. In addition, in March, 1996, a press conference was held in Reno, Nevada, announcing the Battle Mountain Tribal Council's intent to bring the dam project into costly litigation. The event was attended by over eleven Western Shoshone and Washoe government and organisation representatives.

Faced with massive opposition, Lander County Commissioners turned to their electorate. On the 5 November ballot, Lander County voters were asked whether the Rock Creek dam project should continue to be pursued or if it should be abandoned. Local organisations, including the Western Shoshone Defense Project, Citizen Alert Native American Program, the Battle Mountain Band Council and the Nevada Indian Environmental Coalition circulated fliers and purchased newspaper advertisements to let the county voters



Gold mine on Western Shoshone nation's land (Battle Mts., Nevada). (Photo: Ian Zabate)

know the importance of Rock Creek to the Western Shoshone Nation. As the result of these efforts, Lander County's voters overwhelmingly voted down the Rock Creek project 1,522 to 647. As Battle Mountain Chairman Gelford Jim stated, '[the vote proved] ... the protection [of] the right of Indian people to continue to practice their religion in the places we hold sacred as our ancestors did for over seven thousand years.' The official reason why the ballot was held was the large costs. But the importance of the protest campaign should not be underestimated.

Nevertheless, the fact remains that Rock Creek as well as many other sacred places are still vulnerable to future devastation. Rock Creek lies next to what is called the 'Carlin Trend', a world-renowned gold deposit that is currently mined by several transnational gold corporations. No more than a mere 18 miles east of Rock Creek lies one of the larger mines in northeastern Nevada. The mine is pumping over 70,000 gallons per minute from the water table to find microscopic gold particles found thousands of feet deep. Generally speaking, the mining companies are constantly exploring new areas and expanding their operations all over in the area in question. Already now, approximately 60% of America's gold production is centred in this portion of the Western Shoshone Nation's land.

Therefore, the Western Shoshone National Council, the Western Shoshone Defense Project and, in particular, the Dann family are asking for immediate assistance in protecting a site of cultural and spiritual significance. The apparently newly-established Oro Nevada Mining Company filed in September, 1996, a Notice of Intent with the Bureau of Land Management (BLM) to conduct exploratory drilling for gold directly on top of a hot spring located approximately one mile south of the Dann Ranch in Crescent Valley, Nevada. This spring and the surrounding area are of extreme spiritual and cultural importance and are not to be disturbed by mining activity. The hot spring next to the Dann ranch is especially vulnerable because of its low flow. Furthermore, previous exploratory drilling has destroyed other hot springs in the area. To date, Oro Nevada has completed at least four of the planned sixteen thousand-foot-deep holes.

Oro Nevada, which already controls about 94,000 acres in Crescent Valley, and its network of involved companies in the background, was able to raise about US\$ 40 million for the purchase of

private and public land. But these land titles are dubious and the Western Shoshone Nation claims that the various allotments are still under its jurisdiction according to the Treaty of Ruby Valley of 1867.

Furthermore, research results show that Oro Nevada's management has previously been involved in mining projects in Africa, on Borneo and in French Guayana, where the activities of their companies caused heavy ecological damage.

The intrusion of mining activity onto this sacred area represents an attack on freedom of religion, a right guaranteed by the US Constitution. In addition, the peace of the grave of Shoshone Mike and his family, who were murdered on the occasion of the last massacre committed against North American Indians in 1908, is threatened by a 300 foot boulder.

In addition, attacks by Oro Nevada and other mining companies such as Santa Fe Pacific Gold Corporation on the religious and cultural freedom and ecological damage to the arid land and its limited water resources is already significant and will be even bigger in near future. Santa Fe's current mines at Mule Canyon and Twin Creek potentially dry up 16 to 23 springs. To this day, the BLM has failed to complete any cumulative impact study of the long-term effects of pumping all this water from the Humboldt River basin. The artificial pit lakes that would remain after mining ceased would have very poor water quality, with different heavy metals and other toxic minerals leaching into the water over time. This means that the Shoshone's cattle stocks and drinking water will be affected over the planned lifetime of the mines of about 15 years.

For further information please contact:

Western Shoshone Defense Project

P.O. Box 211106,

Crescent Valley, Nevada 89821

USA

Tel: 702-468-0230, fax: 702-468-0237,

E-mail: wmdp@igc.org

Web page: <http://www.alphacdc.com/wmdp>

Please send protest letters and faxes to US President Bill Clinton, Secretary of Interior Bruce Babbitt, local BLM authorities and Oro Nevada.

Timbisha Shoshone

The *Timbisha* (or *Panamint*) *Shoshone* aboriginal homeland covers approximately 4.4 million hectares in eastern California and north-west Nevada. Of this area, Death Valley National Park contains about 80% of the Tribe's known traditional, cultural and sacred area.

Until the Death Valley National Park was established in 1933, the Timbisha Shoshone had been an integral part of the ecosystem. They were using mesquite, pine nuts and other indigenous plant life for food; developing and preserving springs for their own use and to protect and enhance wildlife; and selectively burning underbrush to prevent forest fires in the mountains.

Establishment of the National Park resulted in loss of a great deal of the Timbisha Shoshone's traditional homeland which was subsequently opened up to long-term visitors. Their possibilities of maintaining their traditional way of life became more and more limited. The Park Service and several federal authorities took over traditional Timbisha functions and managed the park's resources in a way they believed to be not only the best, but the proper method of park management. For these authorities, it turned out that there is no longer room enough for the few dozen Timbisha in the light of millions of day-tripping visitors from the US, Europe and Japan. The Timbisha now only retain a tiny sixteen hectare camp under a series of temporary-use permits. The current attempt to throw the Timbisha off the Park would be the final act of expulsion from their homeland.

Under the protection of the California Desert Protection Act of 1994, representatives of the National Park Service (NPS) and the Bureau of Land Management (BLM) try to deprive the Timbisha of further occupation of their homeland. But the act also demands an environmental study and includes the duty of the authorities to find suitable land for the Timbisha within the park's boundaries. This demand was added after long and persistent lobbying by the tribe in the 1980s. Therefore, the Timbisha are not going to accept a long-term lease agreement of a tiny part of their homeland or the creation of an unwanted reservation outside the Park instead of the above-mentioned temporary-use permits.

A meeting on 7 March, 1996, should clarify the different positions. According to the tribe's press release, '...federal officials from the NPS and BLM told leaders of the Timbisha Shoshone Tribe that

their boss, Secretary of Interior Bruce Babbitt, has decided to throw them off the last remnant of their traditional homelands in Death Valley'.

Based on past experiences, the Timbisha have already realised that American authorities do not hesitate to use all possible measures. In the 1930s the tribe was forced to live behind barbed wire around their relocation camp.

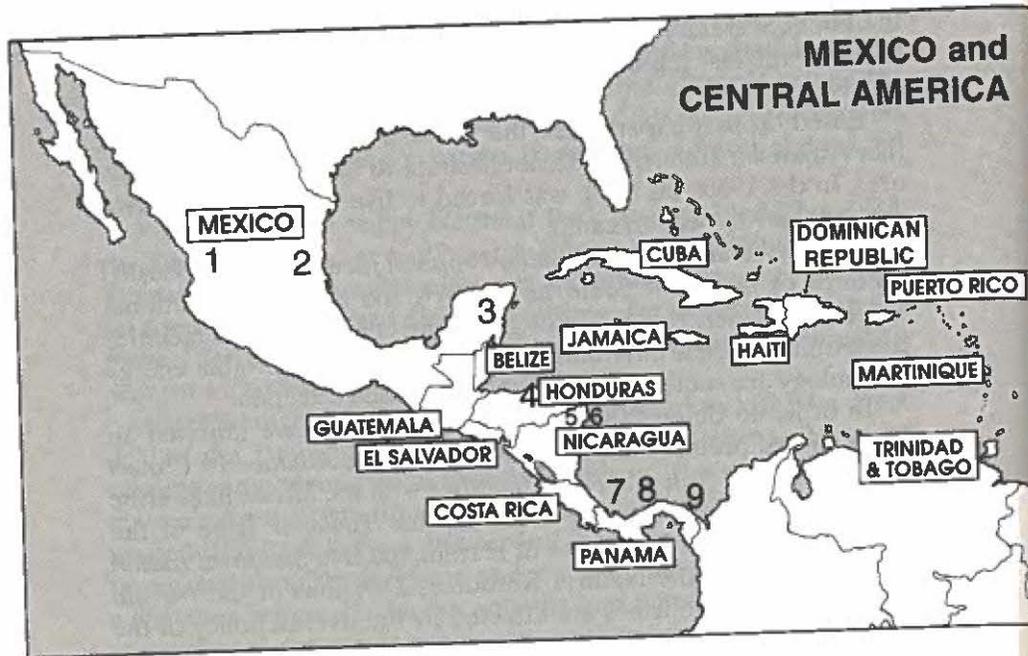
The *Timbisha Land Restoration Proposal* identifies about 350,000 hectares of land that could be used by the tribe for traditional cultural activities. Protection of game, the construction of facilities conforming to their environment and the use of renewable energy technology are some points from the Timbisha's agenda.

In order to defend their land, the Timbisha have initiated an international protest campaign and formed the *Alliance To Protect Native Rights In National Parks* together with the *Miccosukee* Tribe of Indians of the Florida Everglades, the *Hualapai* Tribe of the Grand Canyon, the *Pai Ohana* of Hawaii, the five *Sandoval Indian Pueblos*, Inc. and the Natural Resources Divisions of the *Navajo Nation*. All of these tribes are affected by the overall policy of the NPS that environmental preservation is only possible without disturbing native peoples. But American national bias and prejudice against native peoples' rights created the myth that native peoples were wild and management of parks best when devoid of them. This dictatorial treatment of native peoples is a threat to their physical and cultural survival.

Please send protest letters and faxes to US Bill President Clinton and Secretary of Interior Bruce Babbitt.

For further information, please contact:
Timbisha Shoshone Land Restoration Project
P.O. Box 206,
Death Valley, CA 92328-0206
USA
Tel: (619) 786-2374, Fax: (619) 786-2375

MEXICO AND CENTRAL AMERICA



1. *Hichol*
2. *Nahua*
3. *Maya*
4. *Tawahka*
5. *Sumu*
6. *Miskito*
7. *Kuna*
8. *Ngobe-Bugle*
9. *Embera-Waunan*

MEXICO

The year 1996 was an important year for the indigenous struggle in Mexico and its at least fifty-six major indigenous ethnic groups. Major advances were made that may become significant also for the indigenous movement internationally. After important consolidating work during 1995, the previously scattered movement of indigenous organisations formed a joint force with the EZLN (the Zapatista Army of National Liberation) in the formation of the National Indigenous Congress. The indigenous struggle in Mexico thus became a shared political project.

The most important fruit of this coordinated political work was the signing of the San Andrés Accords on Indigenous Rights and Culture between the EZLN and the federal government, on 16 February, 1996. However, the Mexican Government has later refused to acknowledge the signed agreement, and its future is today highly uncertain. Nevertheless, the agreement has become a significant landmark for the indigenous aspirations of self-determination and equal political and social participation in the Mexican national society. As such it can have political implications for the broader indigenous struggle, especially in Latin America, and its strife to make national constitutions recognise and defend the pluriethnic character of the country.

The San Andrés Accords wish to create what is called 'a new relationship' between the state and the indigenous peoples and present a long range of propositions for changes of the national laws and constitution as well as state policies. The base of this new relationship is a constitutional guarantee of self-determination for the indigenous peoples in Mexico and their right to a distinct culture and ethnic identity. The indigenous communities and peoples should, the Accords say, have the right to decide their internal social, cultural, economic and political organisation and apply their own normative and regulative systems, as long as they do not violate the Mexican constitution or human rights. They should also have a

collective right to the territory on which they live and its natural resources, in accordance with the ILO Convention 169 (which Mexico has ratified).

In the Accords it is emphasised that the indigenous community should become recognised as a legal and administrative entity. When the inhabitants so wish, they should have the right to form larger social units with other communities as municipalities or even as associations of various municipalities, as long as these do not threaten national sovereignty. A new form of federalism is to be created in which indigenous peoples are assured a political participation and representation in the national federation as communities or peoples. This political participation should not have to be in the form of political parties.

The Accords have met great national attention also outside the indigenous groups. Its attempt to create a new, democratic and multiethnic Mexico has been supported by intellectuals, lawyers and social organisations. Others have been more critical, fearing 'balcanisation' and disregard for individual rights within autonomous indigenous communities. In spite of the different standpoints, it seems that, finally, the indigenous demands for self-determination have become not only widely known but also debated as a political project of national concern.

The signing of the San Andrés Accords and the formation of the National Indigenous Congress were preceded by path breaking consolidating work both within the indigenous movement and between this movement and the EZLN, transcending some tensions during previous years.

The first serious attempts of nationwide mobilisation of indigenous organisations and peoples in Mexico was made in 1992 for the 500 years of resistance protests. Although followed by both regional and some international meetings, there was no new national gathering until the National Indigenous Convention in December, 1994. This was followed in 1995 with the formation of ANIPA (Asamblea Nacional Indígena Plural por la Autonomía). During a sequence of national meetings ANIPA developed a proposition for constitutional changes for the realisation of indigenous self-determination and new forms for indigenous political representation and participation.

Parallely, the EZLN prepared similar demands to be presented in the negotiations which were to begin with the government re-

garding Indigenous Rights and Culture, and which were the first in a series of national issues to be negotiated between the two parties. The first round of negotiation took place in October, 1995. As in previous negotiations, the mediators between the two sides were Cocopa, representing the Congress, and Conai, representing civil society.

During 3-8 January, 1996, the EZLN, together with Cocopa and Conai, invited nearly 500 representatives of over thirty indigenous peoples and organisations from throughout the country, many of which were members of ANIPA, to the National Indigenous Forum. In the Forum, held in San Cristóbal de las Casas, Chiapas, joint propositions for the negotiations were agreed upon. These were presented by the EZLN and their advisors in the concluding round of negotiations in February, where the resulting San Andrés Accords were signed together with the government with much attention from national media.

During the summer and fall there was an increasing pressure by indigenous organisations and communities on the government, expressed in demonstrations and petitions, to present plans for the implementation of the signed San Andrés Accords. They demanded the formation of the promised Implementation and Verification Commission (Cosever) whose task should be to present a legislative initiative of constitutional reforms to the Congress, thus enabling the implementation of the Accords.

Again, both the EZLN and the civil indigenous movement became instrumental in the final formation of such a legislative proposal. The Permanent National Indigenous Forum, formed after the Forum in January on initiative of the EZLN, analysed and articulated together with specialists, lawyers and constitutional experts the different alternatives for transforming the indigenous demands expressed in the Accords into concrete changes in the constitution.

In October the Permanent Forum was transformed into the National Indigenous Congress (CNI) with the EZLN as an integral participant. At the constitutive meeting, held in Mexico City 8-11 October, EZLN was represented by Comandante Ramona, who travelled to the city after assurance from the government on her safety and legal immunity. The CNI assumed as its primary task to assure the implementation of the San Andrés Accords.

The following month, Cocopa and Conai met with the EZLN in Chiapas, and, finally, an Implementation and Verification Commis-

sion was installed with representation of the EZLN, the federal government and civil society. Cocopa was given the authority to draft the final proposal of the text to be presented to the Congress. The two parties, EZLN and the government, were only to say 'yes' or 'no' to whether they would accept the document, with no modifications to the text.

On 29 November, Cocopa presented its proposal of constitutional reforms on Indigenous Rights and Culture to both parties. While the EZLN accepted the proposal, the government requested a 15-day period to examine the text. The response by President Zedillo and his advisors was a counter-proposal which involved some considerable changes of the Cocopa document. After revising the government's response the EZLN rejected it strongly in a meeting with Cocopa on 11 January, 1997. The counter-proposal has also been rejected by the National Indigenous Congress.

The government's counter-proposal, the EZLN, the CNI and their advisors argue, does not reflect the San Andrés Accords on several critical points, especially regarding the definition of who indigenous peoples are, the right to territory, the legal status of the indigenous community and the possibility of communities to jointly form new, mono or pluriethnic municipalities. Several rights granted in the Cocopa proposal are now weakened by the adding of qualifying conditions. In total, the critics hold, it is a text which would not imply any significant improvements of the rights of the indigenous peoples. To the contrary, it is seen as a provocation and display of disrespect. The EZLN argue that the government hereby shows that they are not willing to recognise agreements made in the negotiations, making future negotiations pointless.

The peace negotiations between the government and the EZLN broke down already in September, 1996, when the EZLN presented five conditions which must be fulfilled before negotiations can be resumed. With the current situation, it is uncertain when the parties will continue negotiations. Cocopa has declared it will not present its proposal to the Congress, as it will have little chance to pass, while the EZLN demand that the document indeed should be presented. The CNI has called for a National Mobilisation Campaign for the recognition of indigenous rights and for the implementation of the San Andrés Accords. Some observers fear military action by the government, or a section of the government, against the EZLN, especially since the military presence increased signifi-

cantly after the EZLN rejection of the government's counter-proposal. The general situation of militarisation and hostilities against both the EZLN and the indigenous civil society has become aggravated during 1996, especially during the last months of the year. In Chiapas there are an estimated 40,000 troops, most of whom are located in the conflict zone where the presence of the Zapatista army or support groups is suspected. Hostilities against the population are repeatedly reported. During the year there has been an increased military surveillance in the Sierra Madre region where indigenous peasants are suspected to be armed by the EPR guerrilla, which first appeared in Guerrero in 1995. In the northern region of the state there is a serious climate of confrontations and violence between primarily paramilitary groups or supporters of the ruling party, the PRI, and inhabitants sympathising with the EZLN, indigenous organisations or opposition parties. Similar hostilities against indigenous members of social organisations or opposition parties also take place in other states, notably Guerrero and Oaxaca. The National Indigenous Congress (CNI) has experienced hostilities and repression against its member organisations and social leaders as well as against representatives in the Follow-up Commission of the CNI.

There is also an increase in hostilities directed against NGOs working with and supporting the indigenous movement or the indigenous population in general, or documenting human rights violations. The hostilities take the form of burning of offices or private residences, death threats, kidnappings or hostile 'visits' by anonymous men. Many of these incidents have become known internationally and there has been massive responses by solidarity committees and other NGOs condemning the hostilities and demanding judicial action and protection by the Mexican Government.

The general situation for the indigenous peoples in Mexico is deteriorating, and many experience increasingly difficult living conditions and worsened health. This is largely due to the neo-liberal policies of the government, including among other things continued cuts in state subsidies and credits for the rural sector and deregulation of state controlled prices on agricultural products. One reaction by peasants is the Corn Farmers Movement in Chiapas, which has blocked several highways demanding higher prices on corn. Other reactions are the continued support for the EZLN demands

or the mobilisation of a national indigenous movement and its formation of CNI. Continued progress of the San Andrés Accords and renewed peace negotiations between the EZLN and the federal government are likely to be critical for an improvement of the political climate.

GUATEMALA

In a recent book by Demetrio Cojti (IWGIA Spanish Document No. 20), the Maya Movement is defined as 'a tendency made concrete in one and a thousand ways, by different actors' (p. 11) and 'formed by the group of people who spontaneously or through programmes, seek to defend the right to the existence, and to the development, of the Maya peoples' (p. 46). On the one hand this definition confirms the plurality of the indigenous movements as they exist in Latin America. But on the other hand, it hides an important fact in Guatemala today: the absence of a social organ representative of the *Maya* peoples, so the definition includes any activity or persons who refer to indigenous matters.

This situation becomes more evident when we take into account the most important fact of the past year: the end of a violent confrontation of several decades within Guatemalan society where the indigenous population suffered most. The Maya Movement has been the group of elements Cojti referred to, and which has provided a political opening for society, as seen in the Peace Agreements and the perspectives and potentials which have appeared. But specifically because of this change in the national situation, the challenges and defining elements are currently changing. The Maya Movement, to take advantage of these new potentials, requires a certain level of unity based on representative structures; and this requires the restructuring of the so-called group of 'peoples and entities' with an orientation towards the communities, which was not possible during the years of intensive conflict. The wide gap existing between peoples and entities whose role has been to contribute to a political opening, and the communities, must be closed, and the Movement must be based on the formation of structures among the authorities of the communities.

On 29 December, 1996, the Firm and Lasting Peace Treaty was signed in Guatemala, thus putting an end to four decades of civil war and opening the way for a democracy-consolidation process. The

Agreement was signed between the government and the guerrilla organisations and covers a series of partial agreements where civil society organisations, among them indigenous peoples, have had a say. In spite of having obtained this important objective, a political opening for the indigenous movement within the peace talks that came to a climax in 1996, the indigenous movement and its organisations are still quite weak in their links with the State. The absence of viable proposals, with a backing by civil society representatives, means that there are small probabilities of a discussions agenda being established. At the moment, proposals tend to become a series of specific items lacking a central concept, or a global strategy. It is possible to say then, that faced with a government negotiation strategy, what is missing is the strategy of the indigenous organisations. With this situation real negotiations between the government and the indigenous organisations are difficult, and therefore entail the danger of reinforcing 'radical' tendencies which do not identify and take advantage of the openings mentioned.

The COPMAGUA was created in May, 1994, as the Coordinator of the Maya Peoples Organisations, charged with calling for the participation of indigenous peoples, in the first place to discuss proposals for the peace talks and later with the implementation of the Peace Agreements, especially the Agreement on Identity and Rights of the Indigenous Peoples, signed in March, 1995.

This convocation power has been crucial in converting COPMAGUA into the widest social instrument today existing within the Maya peoples. Formally, COPMAGUA consists of five coordinators and each has a representative in the Coordinating Council; but it also has a series of contacts with many local organisations and people in communities. This puts COPMAGUA in a central position within a movement characterised by an endless number of organisations which individually lack social backing. Because of the Indigenous Peoples Agreement (Acuerdo Indígena), COPMAGUA is in charge of organising the participation of the indigenous peoples as agreed.

The Peace Agreements establish a number of committees, with organisations from civil society and the government to negotiate constitutional reform, and legal and institutional reform, and AIDPI establishes the formation of committees with the participation of the government and indigenous population on the following subjects: reform and participation at all levels and the rights connected with the indigenous population's lands. Special committees are also

established for: sacred places (or spiritual places) and the officialising of indigenous languages.

The Agreement also foresees the creation of a special court for the Defence of Indigenous Women, and states that 'all matters of direct concern of indigenous peoples be dealt with, by and together with them', which is in accordance with ILO Convention 169 which is in effect from the beginning of June, 1997, a year after it was ratified by the government.

COPMAGUA has also held several regional workshops, dissemination activities, departmental fora, and carried out studies. The implementation of eight Permanent National Committees (PNC) has been of special importance: Indigenous Women's Rights; Educational Reform; Spirituality; Indigenous Peoples' Land Rights; Participation at all Levels; Indigenous Law; Official use of Indigenous Languages; and Constitutional Reform.

The PNCs are fora for discussion and unification of proposals and criteria for indigenous peoples, and in the first place aim at formulating proposals in the committees with indigenous participation. Likewise, it is from PNC members that members for the joint committees with the government are chosen. But even more importantly, the PNCs are the widest discussion fora to consider the positions to form a greater and more unified indigenous movement. The only equal committee formed by the government is for educational reform, jointly with the two special ones. Until mid-1997 there have been no signs of implementing land or all-level participation which are, undoubtedly, the most conflictive in Guatemalan society. It appears that the government's interest to use the Committees as an authority to obtain a broader political consensus is not very great. So far the COPMAGUA experiences in the committees have not been very illuminating. Government representatives have access to vast technical support for their work while indigenous representatives lack this support. The government has not approved the budget for the committees either.

Among the subjects dealt with by the PNCs there is no mention of aspects of development. This is because they are not included in AIDPI, as is the fact that financial resources are mainly channelled through different kinds of NGOs. This situation, for the moment, has brought about an artificial division between social organisations and NGOs and weakens the formation of unified positions within the indigenous movement.

In the course of 1997 COPMAGUA has had support to formulate a proposal for a Strategic Plan for the next few years.

The definition for the management of natural resources in indigenous areas is just beginning. In communal forests of the municipality of Totonocapan the lowest deforestation level in all Guatemala is to be found thanks to the control carried out by the communities. But faced with increasing pressure in the past few years for forest resources, the Ulew Che Ja Committee (for the communal forests of Totonocapan) has increased its activities for protection and implemented plans to establish a protected area. Despite having obtained cooperation from the committee, in the past year they have had to face projects with international funding to establish activities in the communities, disregarding the community authorities. The Committee was able to voice their dissent at the meeting of the Central American Council for Forests and Protected Areas in April 1997.

The educational reform was established in the AIDPI Agreement to promote and extend intercultural, bilingual education, among other things. Several projects and pilot experiences have been formulated in the past few years by the Ministry of Education collaborating with local organisations and cooperation agencies. Among them, the Intercultural Bilingual Maya Education Project, has in its first phase worked to improve the quality of teaching in rural schools by training bilingual teachers, and is now focusing on improving the quality of primary bilingual education in state schools. Following a Ministry of Education decision in 1997, the Rafael Landivar University coordinates a team of specialists from different bilingual-education programmes, and turned several state schools into bilingual state schools. In March, 1997, the Ministry for Education announced the National Programme for Intercultural Bilingual Education.

Several conflicts between indigenous organisations and unions have arisen about Decree 484-96 which leaves the administration of various educational centres in the hands of parents because of union opposition to these reforms.

The growing international interest for the situation of indigenous peoples has led to an increase in assistance to different indigenous organisations in Guatemala. However, the coordination of international assistance on this matter has not got very far, so that assistance is handled in a very uncoordinated way and with little attention paid to content. Several international agencies have cre-

ated their own indigenous organisations to be able to channel their assistance.

A bill on the Maya, *Garifuna* and *Xinca* populations was drafted in early 1997 by two members of parliament from the governing party, with no consultation with the Maya organisations; according to analysts it could curb AIDPI proposals, but is unlikely to come through.

ILO Convention 169 was approved by Congress in March, 1996, ratified by the government in June, 1996, and is in effect from June, 1997.

HONDURAS

The gradual advances of the Honduran indigenous peoples' movement over the past years have begun to encounter obstacles as their demands often clash with the economic interests of certain sectors in society.

In 1994 the Honduran State ratified International Labour Organisation (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries. That same year the *Lenca*s held a protest march to the capital initiating a campaign to fight for indigenous rights. Numerous indigenous peoples from throughout the country joined the march which was called a 'pilgrimage' due to its non-violent and traditional and Christian character. The indigenous participants arrived at the doors of the government buildings and went on a hunger strike until negotiations were initiated and agreements were signed on points which included resolution of land, health, education and infrastructure problems. Nevertheless, the pilgrimage was repeated in 1995 and again in 1996 due to the government's failure to fulfil promises. Throughout this process the indigenous movement was able to consolidate its organisations and more forcibly reiterate its demands. These demands received some support from non-governmental organisations and the government's own legal authorities which have taken on a preponderant role in the current Liberal administration.

Carlos Roberto Reina, president of the Liberal Party, created the Public Prosecutor's Office for Ethnic Groups in order to monitor respect for indigenous peoples' rights. However, the bureaucratic nature of the Office has limited its role to little more than rhetoric about its good intentions.



The Tawahka Krausirpi community (Photo: Alejandro Parellada)

Throughout 1996 indigenous land claims more than ever clashed with *ladino* and *mestizo* interests. The lives of *Tawahka* leaders in the Honduran *mosquitia* region were threatened after they took steps, supported by the Public Prosecutor's Office for Ethnic Groups, to evict settlers and landowners who had crossed the borders of the *Tawahka Asangni Reserve*, one of Central America's most important rainforests. This conflict made clear that the *Tawahka* people's greatest enemies were economic and predatory interests of *ladinos* and *mestizos* who advance unchecked in the area. The conflict also revealed the weak presence of the state in this remote jungle zone. There is no military nor civilian presence able to ensure the security of the residents or protect natural resources found there.

The *Chortie* people's interest in recovering land led to the assassination of Cándido Amador Recinos, one of their leaders, on 17 April, 1997. The *Chortie* people live along Honduras's western border, formed with Guatemala. They had also received support from the Public Prosecutor's Office for Ethnic Groups. This was a vicious and humiliating assassination. The indigenous leader received multiple blows with a machete and was shot several times. Afterwards, his long beard and hair were cut off. This brutal murder

clearly showed that beyond government rhetoric, the same irreconcilable conflicts which indigenous peoples have historically been confronted with by society at large endure.

The murder of this leader unleashed the last of the marches on the capital, held in May 1997, this time led by the Chorties, asking for justice and the resolution of land problems.

PANAMA

Pressure in the legislative assembly, official complaints at the national and international levels, violent confrontations with the Panamanian police, the barricading of highways and reports filed with international human rights bodies were the main activities carried out by indigenous groups in 1996. Indigenous movements commanded great respect, and various sectors of the Panamanian population at large gave their support and solidarity. Due to frustration on the part of the Panamanian people as a whole, in 1996 the indigenous struggle was the rallying banner for the entire population. This could be observed in public opinion polls found in newspapers, on television and radio programmes. Twenty years ago this would have been unwonted.

Among the last year's highlights were:

- 1) The Legislative Assembly's Indigenous Affairs Commission, made up primarily of indigenous representatives in Parliament, had its official inauguration at the start of January, 1996. The Commission's task is to work in support of draft bills.
- 2) The *Kuna de Madungadi Comarca* (region of Kunas from Madungadi) of Kunas living in the jungles of the province of Panama was created by Law No. 24, January, 1996.

The law appears to have been negotiated and adopted without having considered the consultations and discussions about the problems and sources of land invasions which continue to provoke conflict. As will be seen below, one of the most violent acts in recent times took place in this region.

- 3) On 13 February, 1996, the Council of Ministers approved a contract between the Cerro Colorado Mining Corporation (CODEMIN) and Panacobre Society, AS for the exploration and exploitation of mineral deposits in the *Ngobe-Bugle Comarca*. Cerro

Colorado is considered to be one of the richest copper deposits in the world which explains why the government is seeking to exploit it without the approval of the Ngobe-Bugle people. The contract includes that the mineral concession belongs to the state company CODEMIN for a twenty year period. As for the Ngobe-Bugles, the profits will go directly to the mining companies and the state, and the real owners of these lands will continue to be ignored.

4) At the beginning of August there was an uprising of Kunas from Madungadi challenging the periodic invasions carried out by non-indigenous settlers on their lands. Invasions in the Wacuco sector were once again the focal point of the conflict, until the national police intervened violently suppressing the indigenous people. The indigenes fled en masse to the jungle from the tear-gas and rubber bullets. It was not until nightfall that they dared leave. Nevertheless, the media placed the blame on the actions of 'a group of inflamed indigenes' towards the national police. There was no mention of the conditions under which the Kunas from Ibedi were suffering, and only images of injured police were shown.

A number of indigenous leaders were detained but were released several days later due to public pressure and support from various groups. It was then that the government consented to negotiate a solution to problems affecting indigenous people. Without the protest this would have been unlikely to occur.

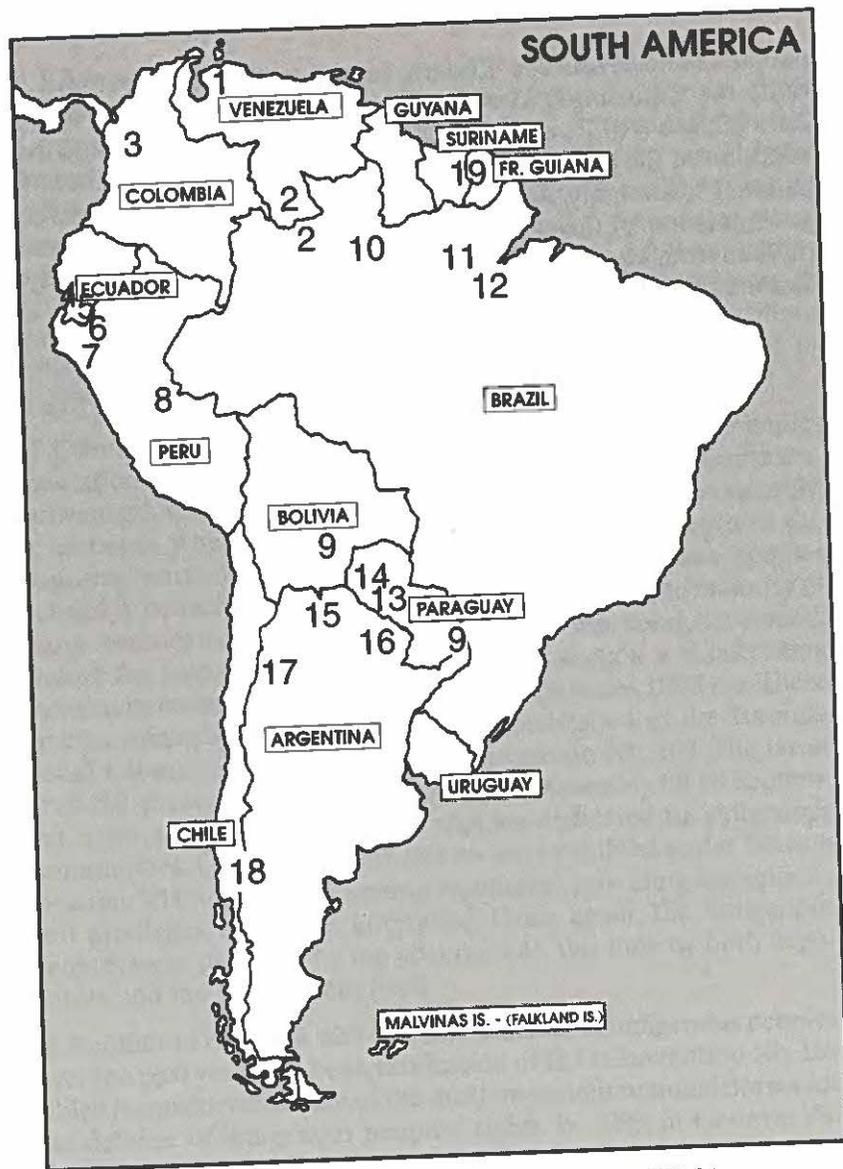
5) Another important action was the 'Ngobe-Bugle March' demanding immediate passage of the law calling for the creation of their own comarca. On 13 October a large group of Ngobe-Bugles left the province of Chiriqui and in fifteen days walked four hundred kilometres to Panama City. There, they made known their prime demand 'Comarca o ñagare!', which means that if there is no comarca, then there will be no mining. The march was highly emotional for hundreds of observers and representatives of other indigenous peoples as well as representatives of Parliament who formally invited Ngobe leaders to address the session. For several days a vigil was held at the Basílica de Don Bosco awaiting the government's response. Upset by the negative response of the government, a group of participants decided to go on a hunger strike. As a result of this mobilisation, the Legislative Assembly approved Law 10 in March, 1997, thereby creating the Ngobe-Bugle Comarca.

6) The *Emberá-waunan* people continue to negotiate at international conferences on the environment for money to pay off part of Panama's external debt. At the same time some environmental organisations, with the support of the government, are turning into enemies of the Emberas. Parts of some national parks are being handed over to multinational mining or timber companies while indigenous peoples, who have protected these resources for centuries, are encountering more and more prohibitions. The indigenous zones of Panama are the areas where the majority of the million dollar projects to preserve biodiversity are taking place, but in reality these are of little benefit to the local communities.

7) One example of disregard for indigenous peoples is the implementation of the General Environmental Law. After the presidential veto it has not been discussed again in the Legislative Assembly. It all began when backers of the draft bill made it known to the opposing party that a chapter dedicated to indigenous peoples needed to be included, because this was occurring in the majority of Latin American countries where a similar law was being developed. Before the veto the 1995 draft bill included Section V 'Concerning indigenous communities', with nine articles (Articles 102-110). These articles primarily followed the points established in the International Labour Organisation (ILO) Convention No. 169. The latest draft bill, presented before the Legislative Assembly on 18 September, 1996, totally eliminated the chapter dedicated to indigenous communities. Only Articles 95 and 96 were retained under Section Heading VII 'Concerning natural resources', providing exemptions and privileges to private enterprise. Once again, the indigenous peoples were deceived by the government, this time by both negotiators and the government itself.

8) Another of the most well-known demands of indigenous peoples over the past years has been ratification of ILO Convention No. 169 which is considered as one of the most important national norms for the defence of indigenous peoples' rights. In 1989, in Geneva, Panama approved the Convention in order to maintain good standing internationally. But when the Panamanian delegates returned home, this approval was merely filed away. Both the former government of Guillermo Endara and the current administration of Ernesto Perez Balladares have treated the Convention with the same disparaging attitude and by doing so, they scorn the indigenous

peoples themselves. The Endara administration flatly refused to ratify the Convention in a letter from Jorge Rubén Rosas to Dr. Julio Linares (R.I.P.) on 3 February 1993. It was even suggested that adoption of the Convention by the Assembly would be a threat to national sovereignty. According to Jorge Rubén Rosas the current government is of the same opinion as can be observed in a memorandum from Minister Mitchell Doons to the First Lady, Dora Boyd de Pérez Balladares on 2 May 1995.



- | | | |
|-----------------|-------------------|-------------|
| 1. Yucpa | 8. Asháninka | 15. Wichi |
| 2. Yanomami | 9. Guaraní | 16. Toba |
| 3. Embera-Katio | 10. Macuxi | 17. Kolla |
| 4. Huaroni | 11. Parakana | 18. Mapuche |
| 5. Shuar | 12. Urubu-Kaapor | 19. Kar'ña |
| 6. Aguaruna | 13. Enxet | Lokono |
| 7. Candoshi | 14. Totobiegosode | Tereno |

SOUTH AMERICA

VENEZUELA

In 1996 the situation of the 25 indigenous peoples of Venezuela was rather contradictory. The Venezuelan natives live in a country characterised at this point in time by the serious deterioration of social, economic and cultural rights, as well as the persistent endemic violations of civil and political rights. The situation of the indigenous peoples is further marred by the threat posed by the state's tendency to implement new development-oriented projects in the areas inhabited by indigenous groups, failing to recognise a large part of their traditional living spaces and failing to facilitate any level of political participation. On the other hand, 1996 did provide indigenous peoples with a certain number of isolated successes in their efforts to defend their land at a judicial level.

Generally, indigenous policies in Venezuela have been remarkable for their incoherence. This situation remained unaltered through 1996-97. In 1995 one of the two parliamentary chambers, the Senate, passed a relatively extensive bill, officially titled Law of Indigenous Communities, Peoples and Cultures. However, during 1996 the legislative process in the Chamber of Deputies remained paralysed. The national indigenous organisation CONIVE made the following declaration about the bill in a report to the UN Committee for the Elimination of All Forms of Racial Discrimination in August, 1996: 'indigenous peoples were, however, discriminated in the formulation of the bill, as their participation was not taken into account when this was being drawn up. Nor were their arguments that the law would not guarantee nor recognise the indigenous peoples' basic rights. The bill is on the contrary based on existing legal criteria which is distinguished for its ambiguity and contradiction in its recognition and application of indigenous rights.' The process of debate of this bill is currently paralysed, so that neither corrections nor contributions can be admitted, and less still approved as long as the 'low priority' status is upheld.

The most significant legal-normative development directly affecting large territories of Venezuelan indigenous peoples is that relating to a project that has been supported by the World Bank which intends to reinforce the running of the country's National Parks. At least 13% of the Venezuelan population lives inside these parks and will be directly affected by the project. The majority of these parks still lack the Plans for Organisation and Regulation of Use, though at the moment the state authorities are in the process of elaborating these norms.

However, the new criteria to be implemented to orientate the future management of these vast territories is not intended to protect indigenous societies but to reinforce and expand state structures in what are still, as far as the state is concerned, marginal lands. In 1995 the Regulation of Use for the Sierra de Perijá National Park, the traditional habitat of the Yukpas and Zará indigenous peoples, was decreed. In spite of the fact that it is precisely this national park that is not included in the World Bank project, the Regulation is soon to be decreed for the country's other parks. There is no concrete provision for indigenous peoples to control future developments within their ancestral territories, that is the national parks. The activities called 'necessary for the physical maintenance and survival of the indigenous cultures' will only take place in future under the exclusive supervision and assessment of the Venezuelan National Park Authority, INPARQUES.

Venezuela wants to stimulate tourism by developing its network of national parks, often calling this eco-tourism. But the tourist activities will be under the exclusive control of INPARQUES, and we can assume that this organisation will also deliver the required concessions to those private tour-operators working in the national parks.

In this context, it is important to mention that there were serious conflicts between indigenous groups and tourist development projects in several regions of the country. For example, in the south-east forty communities of the Pemón indigenous people opposed the construction of a tourist resort in the Sierra de Lema, inside Canaima National Park. This project was set in motion by a private firm and supported by INPARQUES. However, it is now at a standstill because of the resistance of the indigenous communities. In another case the Piaroa Uhuóttuja del Sipapo Indigenous Organisation (OIPUS) declared its opposition to tourist activities in

its ancestral territories. The Piaroas won a legal victory with the decision of the Amazonas Regional Court in 1996 to ban a tourist firm from operating excursions into the Piaroas' sacred lands and ancient burial grounds without the previous consent of the traditional council of elders, set up under the jurisdiction of indigenous common law. This represents a significant step forward for Venezuelan law in that it recognises indigenous common law.

The biggest threat to cultural integrity and the physical survival of the country's indigenes are the mining and oil interests and activities in almost all indigenous regions. Investments by large transnational companies like the North American consortium MAICCA, who plan once again to mine coal in the Sierra de Perijá (north-east of the country) threaten on the one hand the Yukpa and Barí indigenous peoples and on the other the jungle region of the Zuliana state and the hydrological system of the Maracaibo Lake. According to reports from the human rights organisation PROVEA, the former ambassador of the United States, Jeffrey Davidow, is pressing the Ministry of Energy and Mining to speed up the process of issuing mining permits in order to mine the Perijá coal.

There was a violent confrontation in the same region between communities of the Barí indigenous peoples and various oil companies. On 4 November the traditional leader of the Barí people, Bokshí, gave a press conference in Caracas, denouncing an oil company that, together with other national and international consortia, operates in their region. At the same time several Venezuelan politicians, among them the Minister of the Interior, launched a campaign against the Barí indigenous people, accusing them of links to guerrilla organisations.

In the state of Bolívar, in the south-east, aside from conflicts with large mining companies, the situation is further worsened by the presence of countless private individuals prospecting for gold in indigenous ancestral territories. This leads to grave social and ecological problems. The water wells resulting from the gold mining activities have converted the region into an endemic malaria area. The use of mercury has led to the contamination of several rivers which had provided drinking water and fish. Faced with this problem, the authorities have been either complacent or indifferent, neither contributing to the protection of indigenous land rights nor halting such activities which, in the most part, are illegal. By way of a reaction against this situation, in 1996 indigenous groups in the

east, among them the Pemón communities alongside the Gran Sabana highway have gone about establishing their own territorial boundaries. These did not include the areas already occupied by the miners, since there seemed to be no future in reclaiming these lands.

One particularly worrying threat to the indigenous people is a mega-project, still in the planning stage called PRODESSUR (Project for Sustainable Development). The present government of Rafael Caldera plans with this programme a complete socio-political, demographic and economic transformation of the Bolívar, Amazonas, Apure and Delta Amacuro states, home to the most extensive indigenous areas in the country. The overall aim of PRODESSUR is to integrate these areas with the rest of the nation, consolidating the defence of the border areas and developing small and medium-sized industries there. Although the official presentations of PRODESSUR employ a very moderate language, indigenous groups and environmental groups fear that should the project come into fruition, indigenous rights will be ignored and their habitat will be used to accommodate civil and military sites, new communication networks, industrial zones and agrarian colonisation. The indigenous peoples were not afforded the possibility of participating in the elaboration of PRODESSUR. The dangerous direction in which politics in general are moving became clear when in September 1996 the government's intention to abolish Decree 269 from 1989 was made known. This Decree forbade mining in the state of Amazonas. In so doing one of the great barriers against colonising this part of Venezuela was torn down, in the old developmentalist style.

The most important decision ever was taken by the Venezuelan Supreme Court in another matter relating to the state of Amazonas. The background to the case is as follows: 19 indigenous peoples represent 50% of the total population of the state, occupying almost 95% of the land area. In 1994 the state of Amazonas passed the Law of Political and Territorial Division of Amazonas State. This law divided the territory into seven municipal authorities, giving these authority over various indigenous territories.

Several indigenous organisations appealed against this law in the Venezuelan Supreme Court, arguing for it to be nullified. In their defence they argued that the rights conferred on them by the Venezuelan Constitution were being violated.

On 5 December, 1996, the Court determined that the establishment of the municipal authorities by law was unconstitutional and

therefore null. The decision taken by the Court rested above all on Article 77 in the Venezuelan Constitution which states that 'the law will establish the exceptional administration which is required to protect indigenous communities'. The court implemented these norms in favour of the indigenes, making it clear that they have the right to maintain their own forms of government within the Venezuelan state. The decision concedes to the indigenes the task of elaborating an alternative legal proposal that would satisfy their interests and cultural values.

At the moment in Amazonas state the political climate is rife with attacks from the economic and local political sectors against this decision. However, the legal implications have a relevance that go beyond the borders of Venezuela and set a precedence in the country itself.

In spite of the legal achievements of the indigenes in the state of Amazonas, the real situation of the Yanomami, the largest ethnic group living in the state, continues to be critical. According to Survival International there are some 4,000 'garimpeiros' (gold prospectors) in the Venezuelan Yanomami territory. The government has shown its concern on the subject by considering the garimpeiro presence as a violation of Venezuelan sovereignty rather than a threat to the Yanomami. In this regard in August, 1996, they implemented Operation Siaapaa '96, with the Air Force bombing the illegal garimpeiro camps. However, no means have been taken to protect the Yanomami either against physical violence nor against the several diseases which severely affected them in 1996.

COLOMBIA

In the south-west of Colombia, eighteen indigenous *resguardos* (territories), formed on traditional pastures, continue to survive. These *resguardos* are cloaked in violence which has resulted in the deaths of community leaders and residents alike; the situation continues to worsen daily. The latest occurrence is the assassination of three governors and a score of residents by hired assassins. The violence is caused by *latifundistas* (owners of large estates) who in an attempt to counteract the indigenous movement's recovery of lands contract assassins and form self-defence groups. The presence of guerrilla groups in the area is another excuse to kill residents and impose their law, supposedly to stop rustling and assassinations.

This confrontation is made more complex by the conversion of the 'Aldemar Londoño Guerrilla Front of the Popular Liberation Army into a self-defence group. Moreover, the state, instead of confronting the root causes of the violence, the struggle for land rights, and implementing constitutional and legal mandates, is the first to violate them. This takes place by way of the Colombian Agrarian Reform Institute (INCORA) which refuses to apply Law 160 of the Social Agrarian Reform and Decree 2465 of the civil authorities and local and regional administrators. These individuals are linked to political-economic interests and openly violate indigenous jurisdiction by accepting and aiding all types of legal proceedings against indigenous constitutional rights. The army and police also violate indigenous rights by murdering indigenes in broad daylight, as was the case with an indigene in early 1997.

SURINAME

Suriname is among the few countries in the Western Hemisphere that have not yet recognised indigenous peoples as such in the constitution, nor ratified ILO Convention 107 or 169. Other than a few laws that refer to 'the interests of the villages in the interior' when there are mining or logging activities in these areas, there is no recognition of indigenous and tribal peoples' rights in Suriname. Due to geographical and linguistic isolation of Suriname, processes and issues related to indigenous peoples, the environment, biodiversity and intellectual property rights are relatively new and unknown among the general public. Suriname ratified the Convention on Biological Diversity in 1995, but much has not yet been done about it on a national scale.

Indigenous peoples form a small minority compared with the many other ethnic groups in Suriname. The total population of only 400,000 consists of a diverse range of ethnic and religious divisions, including South-Asians (former immigrants from India; 37%), Creoles (mixed Negroes; 30%), 'Javanese' (former immigrants from Indonesia; 17%), Maroons (10%), Amerindians (4%), Chinese, Europeans and Lebanese. The official language of Suriname, a former colony of the Netherlands until 1975, is Dutch. Only in the last ten years, especially during and after the military regime in the '80s when Dutch development aid was suspended, have more contacts with Latin America (e.g. the OAS and Amazon Pact Treaty) and the

Caribbean (Association of Caribbean States, CARICOM) been established.

The main indigenous organisations in Suriname are the OIS (Organisatie van Inheemsen in Suriname, Organisation of Indigenous Peoples in Suriname), the VIDS (Vereniging van Inheemse Dorpschoufden in Suriname, Association of Indigenous Village Leaders in Suriname). The VIDS is the co-ordinating body of the traditional leaders and is considered the representative body of the Amerindian communities towards the government. The OIS is more focused on political policy pressure, influencing public opinion, education, and support for developmental projects in the villages.

In 1996 the threat to indigenous and Maroon communities worsened after a brief but important success in August, 1995, when the interior leaders stood up against the government during a 'Gran Krutu' (big meeting) to condemn plans to grant concessions to logging and mining multinationals. The unity behind this condemnation, together with international attention to the possible granting of million-hectare concessions to Asian logging companies with disputable reputations, led the parliament to withdraw the initial governmental permission for these concessions. However, the handing out of smaller logging concessions of up to 150,000 ha. to these multinationals, namely Berjaya (Malaysia) and MUSA (Indonesia) or their subsidiaries under other names, has continued progressively. Control on logging in the interior is almost impossible for the weak governmental institutions and bureaucracy, and there is much illegal logging, including of protected tropical timber.

The same is true for gold-mining activities in the interior. There is a new gold rush in Suriname, mainly by Canadian multinationals such as Golden Star Resources and Cambior, and by Brazilian *garimpeiros* (gold prospectors). Suriname lies on the geographical 'Guyana shelf' which has recently been identified as a mineral-rich shelf. Particularly disturbing is the recent near-destruction of an indigenous community in the south of Suriname, Kawemhakan, due to the influx of miners and *garimpeiros* and the introduction of drugs, alcohol and malaria. A Maroon village in east-central Suriname, Nieuw Koffiekamp, is about to be resettled since there is no legal title on the community land where Golden Star Resources is mining. Golden Star is the same company that caused a massive cyanide spill in the Essequibo River in Guyana.

In 1996 elections for a new parliament and president were held in Suriname. The new government is a coalition of a number of very

diverse parties, including the revolutionary party NDP of former military leader Bouterse. Although a number of intentions to decentralise the government and give the communities more say in policies have been expressed, there is not improvement of the political participation of indigenous peoples and Maroons in the government. To the contrary, the current government has also expressed its policy to use the natural resources in the interior more intensively, while a lot of the political leaders also have big stake in logging and mining companies as well as in trading and export companies. Two indigenous persons have been elected in the fifty-one seat parliament, but were elected as members of their party and do not have much space to speak on behalf of the indigenous peoples.

A commission to evaluate land policies in the interior was appointed in 1996, but the basis for this commission is the Peace Agreement of 1992 (signed with the guerrilla leaders of the interior to end the civil war) which refers to individual instead of collective rights of the indigenous and Maroon territories. The government is about to start activities related to nature parks and protected areas, again without full participation of the communities involved. In eastern Suriname a long-standing conflict with the village Galibi with regards to a protected area on indigenous lands is still a hot issue.

Other intensifying trends are the search for medicinal plants, e.g. by the pharmaceutical company Besnier-Meyer-Squib in collaboration with Conservation International, which does not acknowledge rights over traditional knowledge of the indigenous and Maroon peoples, and the intention of successive governments to stimulate 'eco'-tourism in the interior, mostly by companies or organisations owned by the government or persons in the capital.

In conclusion, the situation of indigenous peoples in Suriname is serious and needs to be improved. Capacity building and political participation are priorities in order for indigenous peoples to take their own initiatives and respond to governmental and multinational intentions to encroach and exploit their lands.

ECUADOR

1996 was a year characterised by significant internal conflict. The indigenous political movement which participated in the national elections split into two opposing factions: on the one side the

Amazonian faction organised in the Pachakutik Movement led by former COICA (Co-ordinating Body of Indigenous Organisations of the Amazon Basin) president Valerio Grefa; and on the other, the sierra faction, led by CONAIE (Indigenous National Confederation of Ecuador). Together with social and syndical organisations, CONAIE formed the Multinational Unity Movement. The joining of forces with groups from middle class and intellectual circles supporting presidential candidate Freddy Ehlers, a journalist, gave birth to the MNP (Pachakutik New Country Multinational Unity Movement). The long name is the result of a lack of a clearly defined political programme due to internal disunity on policies and the diverse interests of each social sector forming the MNP.

Although opinion polls showed the MNP to be in first or second place only two months before the elections, internal differences continued to deepen. Most of the criticism was from Amazonian interest groups who criticised Ehlers for his individualism in decision-making matters and in his speeches. They also criticised the CONAIE leadership for not maintaining the political independence of the organisation with respect to Ehlers.

The result of the first round of voting was that two right-wing candidates took advantage of the traditional political centre-left: Jaime Nebot (Social-Christian) and Abdalá Bucaram (populist). The MNP took third place with an outstanding result in the sierra and Amazon areas but a poor performance in coastal areas where few indigenous people live. The vote in the communities was massive but not enough to win the presidency. However, four indigenous parliamentary representatives were elected, two from the sierra region and two from the Amazonian, out of the seventy-seven who form the National Parliament. At the community level hundreds of mayors and town councillors were elected. It is the first time ever that indigenous people have won these posts with their own political movement.

The discussion as to what position the indigenous movement should take regarding the second round of voting deepened the divisions. The Amazonian participants decided to give critical support to Abdalá Bucaram in order to avoid a victory by the Social-Christians who they identify as the authors of the murders and destruction of indigenous headquarters during the 1994 uprising. CONAIE called for a 'vote of conscience' and did not support either of the candidates. However, their vice-president, Rafael Pandam, also

signed an agreement with Bucaram. Accusation flew back and forth between both groups and ultimately the Amazonian faction left the MNP.

After his victory by a comfortable margin, Bucaram created the Ministry of Ethnic Affairs, naming Pandam minister. CONAIE was radically opposed to the creation of this organ and threatened to call for an uprising.

In December the CONAIE Congress was held to elect new leaders. The Bucaram administration, through Minister Pandam, tried to influence the decisions of the Congress. This resulted in the Congress's division: the Amazonian delegates were accused of supporting the government and they in turn accused the delegates from the sierra of not wanting to hand over their posts as leader of CONAIE, in violation of the traditional sierra-Amazonian rotation every four years. The representatives from the sierra left the meeting and Antonio Vargas, president of OPIP (Organisation of Indigenous Peoples from Pastaza), became the president elect of CONAIE. Days later, Vargas agreed with the leader of the sierra faction to call for a new unity congress. The Amazonian representatives did not attend, and a new managing council was elected, to be led by Vargas. The Amazonian representatives refused to recognise this resolution and a group of them took over the CONAIE headquarters, only to withdraw shortly after.

After the fall of Bucaram in February, 1997, by way of a tremendous popular mobilisation which included indigenous leadership, sixteen representatives were removed from office accused of corruption. Two of them are the Amazonian representatives José Aviles and Héctor Villamil. The representatives from the sierra voted in favour of their removal.

With the fall of the government the skies appear to be clearing up and the situation returning to normal in the indigenous movement. There is a growing clamour from the grass roots of all regions for a return to unity; there is general agreement on essential points such as the declaration of Ecuador as a multinational state and the need to advance sustainable self-development projects.

The division in the movement is probably a reflection of the political position based on principle of the sierra representatives and the more pragmatic position of the Amazonian representatives calling for participation in the state in order to 'bring it' to the Amazonia, a neglected region where oil companies are the 'state'.

COICA has offered to mediate this difficult process of reconciliation and bilateral meetings will be organised during the next months.

PERU

1996 was notable for the deepening of the crisis surrounding the further penetration of multinational oil companies into indigenous territories. There are now more than 20 federations in conflict. The government offers a never-ending stream of facilities to these companies including the implementation of measures of legal and fiscal stability; customs facilities and exceptions; market deregulation; facilities for the contractor to become owner of the extracted fuels; free availability of currency; the consolidation of contracts for tax purposes; the possibility of appealing to international arbitration when faced with contractual conflicts; the removal of labour protection norms; an increase in area of the concessions; facilities for the establishment of transport and distribution infrastructures; favourable conditions for the companies in the banking and insurance system, etc.

As a consequence of the incentives and privileges granted these companies, Peru is now number five in the world ranking for petroleum investors. According to sources from Perupetro, between now and the year 2000 current contracts call for the digging of fifteen wells a year.

To date petroleum investments in Peru rise to more than three thousand, six hundred million dollars. The intensive process of concessions initiated in the current decade continues, with eleven petroleum sites being granted in northern Amazonia, ten in central Amazonia and five in the south totalling more than 20 million hectares (as opposed to four and a half million hectares recognised to the indigenous peoples in the entire history of the republic).

The indigenous peoples have been immersed in a new and surprising dilemma by this unhindered promotion, including those peoples without previous contacts, or those in a stage of recomposition after the period of violence.

Although in theory some organisations were resigned to negotiate minimal conditions, the non-compliance with agreements and the alterations in social peace which accompany the petroleum incursions have contributed to the acceleration of a process of reflection and analysis, achieving as a result a determined reaction

against the abuses. The companies have met an unexpected organisational response on the part of indigenous movement, a difficulty that had been eased by the state promoters.

Among the successes that exemplify the new era of indigenous movements in Peru are the CORPI denunciations of the oil spillages by Petro-Peru in the Rojo River, the powerful position taken by FENAMAD in defence of the non-contacted peoples in Madre de Dios, the refusal of the Achuales of ATI and ORACH faced by the unnegotiated entry of the ARCO company, the denunciations of the Quechuas of Lake Anatico (FEDIQUEP) and of the communities of the Tigre River and Corrientes (FECONACO and FECONAT) against the contamination of their lakes and rivers as a result of the work being carried out by OXY.

However, if the promotional measures were considerable, the protection afforded the petroleum companies against the indigenous initiatives has come as a surprise. The companies have achieved favourable conditions in which to successfully overcome each problem that arose. A contrived announcement warns of the obligation to reach an agreement with the company within 30 days or otherwise face an enforced subservience and the threat of expropriation. Another conditions the possibility to appeal against ecological crimes to the previous judgement of the authorities in the area. A third tries to confuse the compromise of previous consultation - a procedure set out in ILO Convention 169, in force in Peru - with the presentation in Lima of the technicalities of the Environmental Impact Studies.

However, the necessity to defend the territories, the resources, the indigenous knowledge, the language, education, health and survival in such an adverse context, has generated a remarkable turn of the tide for the indigenous movement throughout the year. AIDSESEP, the Amazonian indigenous movement's parent organisation in Peru, as well as its regional offices and local federations have been presenting and defending action platforms in each of the areas of conflict. One proof of this is that, in spite of all the difficulties, the process of recognition of indigenous lands continues, co-ordinated by the organisations themselves - like those of the Parapapura and Ucayali - with effective results. The defence of natural resources, principally timber, is at the top of the agenda. Access to genetic resources is under control and the possibility of establishing norms for a sui generis procedure for the protection of indigenous knowl-

edge. AIDSESEP's Programme of Formation of Intercultural Bilingual Teachers has expanded its activities with three decentralised Professionalisation Programmes. Several Indigenous Health Programmes are underway in Atalaya and Gran Pajonal. New models of popular and management training have been designed in various regions. Diverse government institutions, including the hydrocarbons authorities have requested the participation of AIDSESEP in the design of the new norm.

This turnaround of the Amazonian indigenous movement in Peru has come to be recognised internationally, with two important distinctions being awarded to affiliate federations of AIDSESEP.

In one case, OIRA (Indigenous Organisation of the Atalaya Region) received the Anti-Slavery Prize recognising the liberation process of the communities that were held captive by the timber companies, the high point of which was the victory in the provincial and district elections of a people that had been held in captivity for centuries.

In the other case, the FENAMAD (the Native Federation of the Madre de Dios), was awarded the Bartolomé de Las Casas Award for its determined defence of the Yora, Nahua, Amahuaca and Mashco-Piro peoples of Upper las Piedras River, who live in voluntary isolation and have been stalked by the incursions of the Mobil company in the lands of their current settlements.

In both cases - slaves in the process of liberation and indigenous people in an extremely precarious situation when faced by their first outside contact - the contrast is clear between the force of reason and the vision of the planners of the Peruvian Government who, far from paying attention to the current state of affairs in Amazonia, stand behind an aggressive commercial intervention in the region.

The legislative package that in 1995 attempted to put definitive barriers against the territorial pretensions of the indigenous peoples met with a forceful opposition and was never successful. In spite of governmental support, no community requested the division, sale or mortgaging of its lands. To date the so-called Land Law is unregulated and everything suggests that it will undergo several changes before coming into effect.

However, and in spite of the new constitutional declaration that states that Peru is a multi-ethnic nation, in the view of the national AIDSESEP organisation in its report to the ILO, policies continue to

focus on marginalisation, reduction, integration and the conversion of indigenous peoples to landless labourers.

The new norms on Ecological Protection Zones and the declared reforms of the Forest and Water Law, together with the latent threat of auctions of free lands announced in Law 26505, are intended to put the resources and spaces that provide the basic subsistence of the indigenous communities into the hands of national and international private capital.

The proposal to reduce the area of the indigenous peoples of the Amazon, who are an obstacle for some of the state's political priorities - privatisation of natural resources, the exploration and exploitation of hydrocarbons - takes the form, too, of norms that allow the acceleration of ownership rights and the registration of private property in the region and the imposition of difficulties for the indigenous peoples to gain ownership rights. One particularly notorious case is that of the *Asháninka* communities who have begun to return to their homes after several years of being subjected to extreme violence only to find their lands handed over to timber and petroleum companies.

The Board for Bilingual Education has been dismantled and the progressive Castilianisation of the indigenous children's education is being promoted through the appointment of Spanish-speaking teachers in a large number of local schools.

Within the state administration, the theme 'indigenous populations' has now been relegated to a unit inside the Office of Productive Development of the Human Development Department in the Ministry for Women. The office's prime objective is the promotion of integration and productive development of the 'indigenous populations', which it categorises as a 'target group'.

While in regions like the Tigre River, Corrientes and Pastaza - as well as others - endemic illnesses like Hepatitis B, malaria and rabies are developing without the slightest interest of the state authorities, these present themselves uninvited and unwanted with family planning programmes that are based on the promotion of voluntary sterilisation.

Furthermore, the adjustment policies have led a large number of Andean and Amazonian communities to come to rely on a vicious circle of strongly politicised and integration-oriented social support programmes.

The naming of 'acting governors', designated by the government for proselytising reasons and with broad powers of social and politi-

cal control, is another intervention that contradicts the declared constitutional autonomy and has been received with disgust by the nation.

BOLIVIA

The biggest single novelty arising after the December 1995 elections was the participation of indigenous peoples in the formation of municipal governments early the following year. From the government's point of view, the new Law of Popular Participation (LPP) had an immediate democratising effect, reflected in the presence of indigenous people in several municipal governments in Bolivia. In other words, the indigenous peoples are now sharing power as both a social sector and as citizens.

This optimistic judgement is not shared to the same degree by all the indigenous organisations of the Lowlands. As far as José Guaebe of the *Central de Pueblo* (CPIB) in Beni province is concerned, although there is a visual presence of indigenous people in the municipal governments, they lack any kind of power. Theirs is not so much an organic participation as a result of legitimate individual initiatives, promoted by certain political parties. Leaders of the Confederation of Indigenous Peoples of Oriente, Chaco and Amazonia (CIDOB) and other organisations like the CPIB itself, however, agreed during a national assembly that took place at the end of December in the town of San Ignacio de Moxos, that this first experience ought to be borne in mind when planning the future organic political participation of indigenous peoples in the electoral process.

Even though the organisations themselves recognise positive aspects of the LPP, the everyday political situation of the indigenous peoples has remained largely unaltered. Discrimination and political paternalism towards the indigenous population continue to thrive in the townships, while the local centres of power continue to be under the control of the traditionally dominant urban groups who do their utmost to prevent any real participation of indigenous people in political life, even resisting attempts to promote participative planning in municipal management such as those stipulated in the new law.

In July, 1996, after some eight years of social mobilisation to change the legal structure relating to forest resources, the govern-

ment of Sánchez de Losada introduced the new National Forestry Law. As host country to the Council of the Americas for Sustainable Development in December, it was important for Bolivia to demonstrate a modern legal organisation. Since 1987 the mobilisation towards a new forestry law has moved on two fronts. On one side, the environmental NGOs connected to the Bolivian Environment Forum, The Environmental Defence League and the indigenous movement of the lands, on the other the timber industry and its attempts to privatise forest lands.

Certain positive aspects of the new forestry law which have been highlighted, like the establishment of indigenous settlements in private or publicly protected areas, should not be affected. Furthermore, it defines specific mechanisms with which the indigenous peoples are able to obtain commercial benefit from forest resources. One notable point is the exclusive right to forestry exploitation in the Community of Origin Lands (TCOs), previously recognised in accordance with Article 171 of the State Constitution, with the exception that they must comply with other legal requirements like management plans, payment of a minimal licence and delimitation of areas of exploitation, amongst others.

The introduction of the new law has not, however, led to rapid change in the control mechanisms of the development of the forest in the country. Eight months after its approval, the new structures of control and regulation have been slow in coming into effect and the details of the law were finally approved as recently as Christmas 1996.

At the government's request, BOLFOR, a semi-official organisation charged with contracting the technical teams responsible for obtaining feedback from the sectors affected by the forestry question, was called in to assess the drawing up of the new regulations. Indirect participation within the indigenous territories was afforded by environmental groups, who took note of their proposals in their drawing up of local regulations.

Even as the bill was being discussed in parliament, corruption and the illegal exploitation of forest resources continued. In April, protection and community groups from the Isiboro Sécore National Park Indigenous Territory (TIPNIS) decommissioned wood that had illegally been taken from the indigenous territory. Once this intervention became public, members of the Centre for Forestry Development decided to sell off the wood with no consideration for

the legal situation of the TIPNIS nor for the opinion of the indigenous peoples, taking full advantage of the legal vacuum existing in the country. This event led to a mobilisation of indigenous organisations. Finally, the Prefecture of Beni province stopped the auction, recognising the claims of the indigenous peoples.

Even after the forestry law had been approved, the illegal exploitation of wood in certain indigenous territories and protected areas continued relentlessly. In the Pilon Lajas Indigenous Territory and National Park, a denunciation against the illegal extraction of mara wood caused a furore when one of the timber merchants operating in the area managed to get the principal accuser arrested.

The management process of the indigenous territories in Beni proceeded with participative planning in their running and development. In the TIPNIS, the more responsibility the indigenous peoples take for the administration policies of their territory, the closer they move towards autonomy. One important factor is the transfer to the branch office of TIPNIS of the management centre and the productive modules, situated at the confluence of the Isiboro and Sécore rivers. Another notable achievement is the process of participative planning taking place in the Sirinó Territory (TIS) which resulted in the creation of the Socio-economic Diagnosis and a Plan for the Management and Development of the TIS.

The compatibility between indigenous territories and protected areas is another subject that came up for discussion in the context of the role performed by the National Network of Protected Areas in the administration of those areas that also have the status of territories. The basis of state policy is a regulation that sets out to establish agreements with indigenous peoples to administer protected areas, a situation which can lead to a distortion of the self-regulatory process, thereby subordinating the organisational structure and the protection systems to the auspices of central government.

Within the LPP, the establishment of the indigenous territories as municipal districts stood out as a favourable response to indigenous interests, while not denying the essential attributes of the concept of territory. In February a 'council meeting' of the indigenous peoples of the Beni ratified the established indigenous territories, as well as others yet to be given a title. It also discussed the possibility of the election of vice-governors in accordance with their own election procedures. In the case of the Beni, the TIS, TIM and TIPNIS are recognised as districts with their respective governors.

Although the channelling of economic resources to their territories is minimal, their integration into the municipal administration is not carried out as the LPP dictates.

In August, 1966, organisations representing peasants (CSUTCB), indigenous people (CIDOB) and peasant colonisers (CSCB) started a march from the city of Santa Cruz to the seat of government to obtain the approval of the property law that had been unilaterally modified by the government, three months after having expressed their total agreement with the bill.

Regrettably, the peasant-indigenous alliance failed to hold as had been hoped, with the indigenous group following its own course in the negotiations as a result of structural differences in the orientation of the mobilisation and its demands. Once the agreements with the government were established, the decision of the indigenous people led by Marcial Fabricano was condemned as a mockery by peasant groups. Analysts and politicians on the other hand coincided in pointing out that the syndical logic of directly confronting the state in conflicts was alien to indigenous people. The principal demands of the CIDOB were for the designation of those indigenous territories recognised by supreme decree and of others for the creation of indigenous municipalities and for political representation without interference from the political parties. Of these, it was only the first that achieved a concrete result in the INRA Law that established the fixed-term guarantee and titling of ten indigenous territories (TCOs). The other two issues remain unresolved as they would demand a reform to the constitution that is unlikely to be accepted by the political parties. Taking into account the ten years of the indigenous movement's emergency action, we feel that their principal demands tend to become institutionalised within the framework of the new laws that have been passed in the last four years.

Finally, at the end of December, 1996, indigenous representatives of the Lowlands resolved to participate in the 1997 general elections in order to be able to count on having their own representation in the Parliament. With this proposal they determined to restructure their internal statute in order to open the door to electoral participation and alliances with political parties. As the indigenous peoples did not have a party that was recognised under the electoral system, they set out their demands to various party representatives parties before deciding to form an alliance with the

Free Bolivia Movement. The most significant feature so far of this unique alliance between a political party and social movement has been the designation of the indigenous leader Marcial Fabricano as candidate for vice-president of Bolivia. Although the participation of the indigenous peoples has provoked diverse reactions, it certainly signals a new era. In the short-term we await the results of the forthcoming general elections while waiting to see the effect this has on the physiognomy of the indigenous movement of the Lowlands.

BRAZIL

The Situation of the Indigenous Peoples of Brazil

It is already 500 years since the Europeans arrived in Brazil. The 210 indigenous peoples living here have increased their numbers, now reaching 280,000 individuals, distributed among over 4,000 villages and settlements, thus contradicting the pessimistic assumptions of the past which predicted the extinction of Brazil's indigenous peoples. The census takes into account indigenous people living outside indigenous territories.

In spite of the facts mentioned above, there are innumerable problems facing indigenous peoples in Brazil, beginning with the ambiguities of the Brazilian Government's policy for the indigenous population. The territorial borders move backwards and forward, underlining the importance of the territorial demands of the indigenous peoples. Specific legislation is still very slow. Moreover, FUNAI has hardly any organised health and education services. The indigenous peoples find difficulties in ensuring their presence in Brazil's future.

Indigenous Territories: Demarcation

The question of demarcation of indigenous peoples' territories in Brazil was part of a huge polemical debate at the beginning of the current presidential period, in 1995, when Nelson Jobim became Minister of Justice, and so responsible for the execution of indigenous policies. Decree 22/91 was questioned as to its constitutional validity. This decree regulated the administrative procedures of demarcation. It was finally substituted by the controversial Decree 1775/96 which instituted the process for interested parties to question the limits of indigenous territories.

The discussion lasted for two years with a new ruling taken for only a hundred ongoing demarcation processes. With the new decree these processes were taken up again and retroactively submitted to the new procedures and established calendars as, until June, 1997, for some cases the political decision was still pending. The result of this process is deeply ambiguous: most of the processes under the new decree were consolidated either because they were never challenged or because the objections presented were rejected, and important indigenous lands had their borders officially recognised, as in the case of Alto Rio Negro.

However, in at least three cases, the Ministry of Justice ruled that the FUNAI should reduce the limits previously identified in favour of *garimpeiros* (gold prospectors) and local politicians, not recognising the constitutional rights of the indigenous population. One of the most important of these cases is that of Indigenous Territory Raposa-Terra do Sol, in the state of Roraima - an area where there have been many conflicts involving the indigenous peoples- where the Ministry of Justice resolved to reduce the area to be demarcated, so as to 'free' them of *garimpeiro* settlements, highways and farms, which had been established illegally.

It is worth pointing out the schizophrenic situation which is taking place because of the official demarcation process. In the north-east, in the east and in the south-centre of the country, which are areas where the process of colonial occupation and the recognition of indigenous lands took place a long time ago, the lands were marked out less extensively. But 40% of the Brazilian indigenous population is concentrated here which is barely 2% of their total land extension. On the other hand, in the Brazilian Legal Amazonia, a region with a low demographic density in spite of recent occupations and migrations, we find the most recently recognised indigenous territories, with greater expanses of land, concentrating 60% of the indigenous population in 98% of their total land.

The following table shows indigenous lands with their respective situations in the process of demarcation:

	Number	Extension (ha)
To be identified (3 interdictions)	78	2,749,000
Undergoing identification (5 interdictions)	64	2,298,380
Undergoing identification/Revision	29	2,685,198
With restricted use for non-indigenous people	5	8,897,066
Sub-total	176	16,629,644
		16.63%
Identified - entered at the Ministry of Justice	4	1,832,375
Identified/Approved/FUNAI/Subject to challenge	10	210,572
Sub-total	14	2.04%
Demarcated (4 with physical demarcation and 33 in the process of demarcation)	81	25,260,454
		25.26%
Reserved	24	4,647,547
Confirmed	29	4,332,141
Registered with CRI and SPU	239	47,096,694
Total	292	56,076,382
		56.07%
Total for Brazil	563	100,009,427
		100%

Recognition of Indigenous lands under the Collor, Itamar and FHC Administrations

President	Period	Declared number	Extension (ha)	Confirmed number	Extension (ha)
Fernando Collor	Jan 1990-Sept. 1992	58	25,794,263	112	26,405,219
Itamar Franco	Oct. 1992-Dec. 1994	39	7,241,711	16	5,432,437
F. H. Cardoso	Jan. 1995-Jun. 1997	30	12,451,856	46	6,952,943
			Total	174	38,790,599

As can be seen, there are still a large number of disputes to be settled concerning the demarcation of indigenous lands. (These are lands to be identified, in the process of being identified, and those

identified which make 190, that is, that have not been declared permanent indigenous possession, and which are subject to the new Decree 1775). In spite of the fact that the Brazilian Constitutional deadline for all processes to be completed expired four years ago, the current government is acting beyond what is possible. On the other hand, over half of the indigenous lands are officially recognised, showing the salient characteristic of the '90s where, with increasing importance, the issues related to the administration of these lands by indigenous peoples or groups which occupy them are considered.

Indigenous Lands: Invasions and Administration Demands

In spite of formal advances, the de facto situation of the indigenous territories is extremely worrying. According to the FUNAI, and apart from the fact as to whether they have been demarcated or not, 85% of indigenous lands suffer some kind of invasion, whether permanent or intermittent, furtive or permitted through cooption. The main invaders are the big landowners, the *garimpeiros*, the wood-cutters (*madereros*) and landless rural workers.

This shows a chaotic feudal situation in the interior of the country, characterised by the concentration of land ownership by few people together with an extremely precarious economic situation in which the majority of the Brazilian population is living. It also shows the difficulties that indigenous people have to face to manage their territories in the context of contact relations and the market.

Regarding the boards of the indigenous associations, many exert desperate pressure to obtain resources and other means of assistance; while another part is beginning to find their own solutions, organising projects to have access to alternative funding sources and trying to establish new links with NGOs, universities and public agencies, by-passing old relationships of dependence with the state. However, this last process is still at an embryo stage and must face many difficulties to make the projects for the future of these peoples sustainably viable.

Some of the difficulties are economic and operational, stemming from the relative geographical isolation of many of the indigenous territories, especially those in the Amazon area. Here, health and education services as well as the marketing of their products face prohibitive transportation costs which break down the conditions for assistance or access to local markets. Other difficulties are

cultural and have to do with the fact that many communities lack sufficient knowledge about the mechanisms in our associations, especially those which have only recently contacted us. Others face difficulties due to the lack of legislation which would clearly establish the rules and procedures for the indigenous community projects to be carried out with the possibility of success.

The basic political hypothesis to ensure political sustainability in the indigenous territories, and to viably manage them for future use of natural resources, is the strategic link between indigenous lands and the projects for the future for occupying peoples, with environmental issues, protected areas and the certification and added value policies for traditional indigenous products.

The Stand-still in Legislation

However, all issues relating to the administration of indigenous territories, as well as objective difficulties, find obstacles in the imprecision or lack of definition in current legislation. Brazil voted for a new Constitution in 1988, but ordinary legislation, by rulings, precedes the Constitution, and there are doubts and arguments as to what is currently up-to-date, and what would be revoked or reformulated by the new Constitution. Moreover, much of this ordinary legislation is not up-to-date on the new issues which are found today among indigenous peoples, as is the case of intellectual property rights, access to genetic resources existing in indigenous lands and the sustainable management of natural resources.

There is no clear policy as to what activities the indigenous populations may or may not carry out in their territories. There are no limits for traditional activities, but for market-related activities there is great confusion, as there are no definitions for the required conditions and procedures. For example, general regulations for authorisation by governing bodies for mining or forestry activities are not applicable to indigenous lands, and there are no clearly defined regulations at present.

Almost nine years after the new Constitution was passed, the constitutional procedures for ordinary laws have not yet been voted. There are dozens of bills pending approval at the National Congress, but no actual laws have been passed. There are also bills seeking to reform the old Indian Regulation, adapting it to the guidelines of the new Constitution, but they have been awaiting congressional decisions for many years, and it is a fact that the

government itself obstructed this as no consensus was reached on opposing positions within it. The Brazilian Government signed ILO (International Labour Organisation) Convention 169, but the National Congress has not yet ratified it. Briefly, the public powers do not prioritise legislative demands of indigenous peoples.

The legal 'mess' also affects the possibility of a strategic association for environmental and indigenous issues. The juridical regulations that establish management units for environmental conservation inspired by US legislation and IUCN formulations are not applicable to indigenous territories because they imply unilateral restrictions imposed by the state which are not compatible with the right to exclusive usufruct recognised by the Constitution for indigenous peoples. There are, too, proposals to overcome these contradictions, but their viability is held back by corporative disputes between the federal agencies in charge of environmental and indigenous policies.

In so far as the governing powers do not understand or prioritise solutions for the indigenous population, these have no option but to act non-formally, which restricts the possibilities for collaboration or access to more favourable market conditions. In the meantime, when non-formal activities are involved in internal conflicts of the indigenous communities, or in relationships with expanding economies, they end up by becoming very fragile, or even illegal because of the predatory political and economic interests which oppose them.

Inoperativeness of FUNAI and other Public Agencies

In addition to all these difficulties is the crisis of the state. The FUNAI, like other public agencies having a say in indigenous matters, is extremely deteriorated and is progressively losing its ability to operate. This is not a problem that affects only these agencies but the whole of the Brazilian state.

The federal government has proposed to reform the state, following neo-liberal patterns, but their strategy must first be to reform aspects of the Constitution which needs the support of 60% of each of the congressional chambers. Even proposals which juridically speaking do not depend on constitutional changes have been silenced so they would not generate political reactions that might be negative for the approval of constitutional amendments. This procedure is making the federal government a hostage of corporative interests and a client for parliamentary support. It also generates a

lack of mobility within public bodies which contributes to the prolongation and increase of the deteriorated situation. As an example, half the present Administration's term has gone by and the amendments connected with the state reform are still being reviewed (and distorted) by the Chamber of Deputies and have yet to be submitted to the Senate. Next year is an election year, and so unfavourable for great reforms. There are already people talking about promoting a constitutional revision process for 1999. We run the risk of entering the Third Millennium with the same state, and without having reached constitutional stability.

Within FUNAI, any attempt, however moderate, of an institutional restructuring, will generate strong corporative reactions, with no lack of manipulation by indigenous boards dependent on the organisation, against those who attempt to reform it; the government being unable to support the combatting of the corporative 'mafias' which the state is riddled with, and this includes FUNAI. For other directing bodies and indigenous organisations, the idea is no longer to restructure FUNAI, but to substitute other public agencies or agency that would not have tutelary power. But this position too is dependent on other government moves which have no restructuring and which should take the responsibility for indigenous policies. This discussion will very probably be on the presidential candidates' agendas for next year's elections.

Health

Within this context of a state crisis and of the intensification of contacts among indigenous populations and with national society, the public social services, which were never efficient, and even less so for the indigenous population, are also deteriorating. There is no educational policy for indigenous peoples (nor on indigenous peoples), and the general policy, which has the municipalities in charge of education, cannot counterbalance the intense discrimination that indigenous people have suffered throughout history at local policy levels.

Decentralised federal resources rarely reach the villages and there is no will on the part of the federal government to take over these services directly.

Health assistance for the indigenous population faces problems of accessibility due to the *Sistema Unico de Salud* (SUS), the one system for health on which all health policy is based. There is a

Coordinator for Indigenous Health in the National Health Foundation, an organisation which could disappear in the state reform, which works with some indigenous communities but has not got the ramifications to carry out a consistent national-scale policy. The Coordinator is organising agreements to pass on funds to indigenous organisations to bring in professionals, to carry out services and train indigenous health monitors, but these activities have not proved to be continuous and efficient.

Although there is no systematic collection of data, there is strong evidence that the health situation of the majority of the indigenous communities is worsening. Malaria, tuberculosis, lung diseases and sexually transmitted diseases are found throughout the country. There are already thirty-two confirmed AIDS cases, spanning several regions, and localised epidemics with the survival of the population at risk. This is the case of the *Tiriyo* people who live in the north of the state of Para, on the border with Surinam, among whom four cases have already been detected when half the population, of 800 people, was examined. The government is refusing to publish the results of more recent examinations, saying that they wish to avoid more discrimination against the indigenous population; but there is no sign that they will be taking measures to avoid the risk of their extermination.

Perspectives

There are tremendous challenges facing the future of the indigenous peoples of Brazil. The political ambiguity of the government does not permit forecasts as to when the indigenous question could receive more attention. On the other hand, the *de facto* situation of indigenous peoples and their territories is becoming increasingly serious faced by pressure coming from the intensification of the process of occupation and of the exploration of natural resources in the interior of the country, and, consequently, of contact relations. It is also impossible to foresee when the state will recover its capacity to act and to effectively implement basic public policies.

Therefore, the opportunities and conditions for the survival of indigenous peoples depend on themselves more than on public bodies. In general terms, and since the mid-1970s, the indigenous population of Brazil, representing a mere 0.2% of the national population, is growing both in relative and in absolute terms, reflecting a post-contact majority trend for demographic recovery,

which does not exclude specific cases of populations which are decreasing and are at risk of extinction. This means, objectively but not generically, that the indigenous population will be a presence in the future of the country.

The peoples who are able to obtain the recognition of extensive territories will have better conditions to ensure the continuation of their traditional practices, the establishment of more favourable contact relationships and the viability of future projects. They might also be able to play an active role in certain general policies, like conservation and management of natural resources, thus ensuring biodiversity for the Brazilian population, something which they have not been able to preserve themselves, and for future generations.

PARAGUAY

Throughout 1996 and part of 1997 the Paraguayan Institute of Indigenous Affairs (INDI) was heavily criticised and questioned by numerous groups, especially indigenous peoples. The organ was criticised for its inefficiency in fulfilling its most basic functions as well as accused of acts of corruption at different levels. Various community leaders periodically condemned in the press and to high-level authorities the insufficient and limited action taken by the Paraguayan Government to find a solution to indigenous peoples' problems. They also denounced the inefficiency of the state organ dedicated to indigenous issues in resolving complaints and demands filed by indigenes. The criticism was not only directed at Valentín Gamarra, president of the state organ, but also at INDI's officials and board.

But without doubt, the heaviest accusations fell on the actions and conduct of president Gamarra, especially regarding his administration of INDI. In April, 1996, the State Treasury Inspector's Office began an investigation into cases involving land purchases in the Western Region. In June of the same year they issued a report revealing the existence of a series of irregularities in real estate transactions. In September the Human Rights Commission of the House of Representatives asked the Treasury Inspector's Office for the reports on the investigation of INDI in order to have more information on the alleged acts of corruption. In October the State Attorney-General filed a complaint in court against Gamarra for

alleged acts of overcharging (to the sum of USD 600,000) in the purchase of a 25,000 ha farm in Chaco. Its real price was not more than USD 14,500. The criminal judge presiding in the case ordered USD 620,000 of Valentín Gammara's assets to be frozen.

Finally, after so many complaints and irregularities, the head of the INDI was removed and Julio Colmán, also a politician from the ruling party, replaced him. According to the briefings of the Secretary of the Presidency, Colmán will only serve as an interim president until the misappropriations and other acts of corruption in the state organ are cleared up.

Land: A Long Way to Go

The problem of landlessness is the sad and dramatic reality of many of the nation's indigenes. Communities which have spent over a decade trying to recover a tiny portion of their traditional territory without any success to date still exist. Even though several communities succeeded in recovering small parts of their territories during 1996, the situation is becoming more and more serious as well as distressing. Even in the Paraguayan Chaco, (24,695,000 ha), official indigenous lands amount to only 1.8 % (445,305 ha) of the area and protected areas 4.45 %. In terms of population size, indigenous peoples of the Chaco, some 60% of the total population in Chaco, have access to less than 2% of the region's territory.

This situation demands a just and immediate response from the state. On the one hand, the national parliament, in addition to having approved a budget of USD 14 million last year, should pass a new law to replace the current 904/81 (Statute of Indigenous Communities). A new structure capable of effectively responding to indigenous needs should be found. Moreover, even though the responsibility of developing a new law belongs to the legislature, the process should include indigenous people and their organisations. On the other hand, as long as the current system is still in effect, the state should closely monitor INDI in order to prevent any further corruption or mismanagement.

The state of health of indigenous peoples in Paraguay has been deteriorating over the course of the last years due to poor living conditions, undernourishment (aggravated by widespread deforestation) and a lack of adequate health care on the part of the government. During 1996 hundreds of children died from parasitism, diarrhoea, lung infections and other illnesses which affect some

80% of the indigenous people. In the second half of the year there was an outbreak of epidemic proportions which devastated the indigenous population in Chaco.

Faced with this situation, state action continued to be inadequate and limited. In some areas it was totally absent. An example of the state neglect of indigenous peoples is the paltry sum of USD 1 (one dollar) per indigenous person budgeted by INDI to provide health care for a year.

Difficulties and Doubts About the European Union and Paraguayan Government supported project

In 1993 indigenous people from Chaco together with national and international NGOs obtained restitution of lands claimed by indigenous peoples from the region as an essential precondition for the realisation of the second stage of the Sustainable Development Project for the Paraguayan Chaco (PRODECHACO), administered by the European Union (EU) and Paraguayan Government. Nevertheless, in later public statements local EU and Paraguayan Government representatives have rejected the existence of this precondition.

Indigenous people and indigenous and environmental NGOs have shown concern and dissatisfaction about not having been duly consulted and informed about the project. During a visit to the Paraguayan Chaco in June by EU vice-president Manuel Marin, indigenous leaders sent a letter in which they complained about the lack of indigenous participation in the project and asked for confirmation of the existence of the aforementioned precondition.

In spite of demands by indigenes and numerous NGOs, the Wasmosy administration does not appear concerned about the situation affecting indigenous peoples. Proof of this is the unjustified removal of the Austrian anthropologist Georg Brünberg (hired by the EU to evaluate the project); the Paraguayan Government specifically asked for his removal. This act which has yet to be adequately explained also shows that the EU does not clearly and firmly support indigenous peoples who demand the return of their rightful territories. It further demonstrates that the EU prioritises the Paraguayan Government over indigenous peoples.

This has become clearer after interviews with Joel Fessaguet, EU Ambassador to Uruguay and Paraguay, and the project's co-directors, Englishman Mike Holland and Paraguayan Oscar Ferreiro.

They are unable to satisfactorily respond when asked what would happen if the Paraguayan Government does not fulfil the preconditions. The situation is worrisome because with only several months before the final report is to be sent to the EU, the Paraguayan Government has yet to act on restitution of territories claimed by indigenous peoples in the Chaco. *Enxet* communities from Sawhoyamaxa, Lamexay, Yake Axa and Yesamatathla; the *Ayoreo-Totobiegosode* people and many others have yet to obtain legal ownership rights of the land they claim (at least 1,200,000 ha in the Chaco region alone).

This implies one of two things: that the government is not interested in the EU project and will probably lose an important sum (USD 18,000,000) which would have allowed them to carry out a needed development project, or that the government will opt for a 'cosmetic' solution, and the project will proceed as planned. This means that indigenous peoples will be given and subsequently forced to live on lands which are not claimed by them.

Other Acts Committed against Indigenous Peoples

Some sixty *Avá-Guaraní* indigenous families from Itakyry (Department of Alto Paraná) were forced off their territory by a group of men sent by the alleged owner of the lands (May 1996).

The *Enxet* community of Yesmatathala (Department of Presidente Hayes) were removed from their lands, and their villages were destroyed on the order of the Bischoff family, current owners of their traditional lands, because of land claims made by the community several years ago. The Paraguayan justice system has been slow to respond to the eviction of the *Enxet* community, and the authorities and officials continue to inexplicably delay the case. Meanwhile, the community is dispersed, without work or food, wandering about in search of a place to settle down (May 1996).

Crescencio Enciso, the *Avá-Guaraní* leader, was shot and killed by unknown assailants for wanting to defend his people's land from further incursions and deforestation. He was a part of the Arroyo Mokoi community, Department of San Pedro (June 1996).

Tiburico Zavala, son of the leader of the *Enxet* community Esmeralda (Department of Presidente Hayes) was supposedly tortured and later disappeared. The case has not been sufficiently investigated, and the perpetrators have not been punished. The victim's father claimed that the perpetrators were Mennonite secu-

rity personnel and some indigenes from the Loma Plata area (Chaco).

Avá-Guaraní indigenous people from Jejytymirí (Department of Alto Paraná) denounced new abuses violence against their community including the case of a minor who was raped by personnel from the company Perfecta SAMI; the company claims that the indigenous lands belong to them (July 1996).

The Human Rights Commission of the House of Representatives cited the chief of the national police, Mario Sapriza, in order to glean information about supposed abuses committed by national police officers against the *Mbya* community in Yvy Pyahú, Department of Caaguazú (July 1996).

Tomaraho indigenes from Puerto Caballo (Department of Alto Paraguay) were evicted from their lands. According to the complaint, the indigenes were misled by the INDI and moved to arid lands devoid of resources or any form of assistance (September 1996).

Enxet indigenes from the Los Lapachos communities denounced indiscriminate tree felling on their lands by land agents of a neighbouring ranch. Even though there is a court order to protect these lands, they continue to be deforested.

Enxet indigenes from the Yake Axa community presented a constitutional writ of habeas corpus to Judge Raúl Barriocanal against the company Torokay. The indigenes had to have recourse to the justice system because the firm, current owner of their traditional territories, blocked them from hunting there. The Judge, failing to take into account the national constitution and ILO Convention 169 (ratified by Paraguay in 1993) refused to hear the indigenes' just claim. Furthermore, it is important to add that indigenous people are going through a difficult period due to the precarious situation they find themselves in: lack of foodstuffs and numerous illnesses ravaging their communities.

URUGUAY

Introduction

For several years two institutions have been working on activities connected with the indigenous population. The Association of Descendants of the Charrúa Nation (Asociación de Descendientes de la Nación Charrúa - AdenCh) recovers the oral memories of its

members, cooperates with research carried out at the University of the Republic (Universidad de la República) on genetic indicators found in the Uruguayan population and it has claimed, from the time when it was founded, the remains of the *Charrúas* sent to France in 1832.

This claim involves a most gruesome story.

The Uruguayan nation was officially born in 1830, as a result of British diplomacy with the aim of dividing and weakening the great independence orientated federations of South America. Prior to this (1811-1820) the territory of Uruguay had witnessed the birth of a coalition of Indians, Negroes and poor Creoles led by Artigas; this coalition, however, had to face the opposition of colonialists and liberal independence thinkers of the cities of the region, especially from Buenos Aires, bent on defeating them. One of the first acts carried out by the Uruguayan State of 1830 was the genocide of the indigenous population of Charrúas. After this, there was, for almost a century, a generous social policy to attract poor immigrants, as long as they were white Europeans.

In 1832 four Charrúas (three men and a pregnant woman) were sent as prisoners to France and exhibited at a circus. French 'scientists' studied the woman giving birth to her child and studied the role played by her partner during labour. The woman let herself die and so did two others (a doctor and a warrior chief), and the dead woman's partner fled with his baby daughter in Lyon, no doubt aided by supportive French hands.

The woman was buried in a common grave, the doctor was embalmed and the warrior chief's skeleton was preserved. The Association of the Descendants of the Charrúa Nation is claiming the repatriation of these remains and so are several other provincial governments (municipalities) as well as other institutions like 'Sepe'.

The other indigenous institution in Uruguay is the Indigenous Association of Uruguay (Asociación Indigenista del Uruguay). Its principal objective is to support the small *Mbya-Guarani* ethnic groups living in rural areas in the country, and which have close links with larger groups living in Argentine provinces, in the south of Brazil and in Paraguay.

The Indigenous Association has also organised courses to teach Guarani, events to promote fraternising among Amerindian cultures, with the participation of groups like the *Mapuche* students from Chile who are currently studying at the University of Montevideo.

However, most of the descendants of the indigenous population live in the interior of the country and are part of the poorest sections of society and are not organised in independent groups.

There are also Afro-Uruguayan organisations in Montevideo as well as in several cities in the interior of the country. The most well-known internationally is Mundo Afro. In general, there are many more inhabitants with indigenous and African ancestors than had hitherto been admitted.

December: Third Aboriginal Meeting

The city of Tarariras in the department of Colonia is the venue of the annual Aboriginal get-togethers. In the main square of this small city, young people constructed a sculpture-group which depicts a huge bird's nest holding an indigenous couple with a baby at the mother's breast.

The back of the sculpture is the nest wall on which have been depicted native flora and fauna.

In front of the sculpture there is a pedestal with the inscription 'lords of this land/ friends of Artigas/ Where are they? Where?', and a group of native trees was planted.

At the Third Meeting it was decided that 11 April, 1997, (the anniversary of the massacre of the indigenous population) a special tribute to the indigenous population should be made with the greatest possible dissemination at the national level.

It is important to remember the historical situation which led to the Charrúa genocide.

This ethnic group lived in a territory which was colonised relatively late, so their lifestyle was intact until well into the XIXth century. They were part of the indo-afro-creole coalition under Artigas, and after independence, they claimed the rights that the old federation had recognised.

The liberal Uruguayan state decided to exterminate this culture. Using treacherous means, the President called the Charrúas to negotiate on the banks of the Salsipuedes River which is well-known for the flooding of its banks. The Charrúas were told to take their families for what was to be a national reconciliation.

11 April was the day of the massacre. On the following day the remaining women were captured with their small children and taken to Montevideo. The children were torn from their mothers arms and shared out among the wealthy families to ensure that these children would forget their culture.

The surviving Charrúas, led by Sepe, fought their last battle the following year where they killed the brother /nephew of the genocidal president.

It should be pointed out that this Third Aboriginal Meeting which decided to commemorate these historical events did not take place in the city of Tarariras but 20 kilometres away at a place which 200 years ago was a sanctuary for both Charrúa and *Minuan* cultures.

As the ADENCH has held public tribute meetings at the site of the monument to the Last of the Charrúas in Montevideo for several years, it was decided to join the ADENCH on that day, and on Saturday the 12th to hold the national commemoration tribute simultaneously in various parts of the country.

Another subject discussed at this Third Meeting was the situation of the Uruguayan citizen of Charrúa descent, Juan Carlos Borgono and his family. The Borgono children had been expelled from the local state school because their parents refused to have them vaccinated. The Aboriginal Meeting, which respects differences in cultural options, expressed their solidarity with the family, and it was decided to bring the issue to an international level. Unfortunately, the family have had to move to Argentina, where the mother comes from, as there was a court order to have the children forcefully vaccinated.

The SEPE Group is Born.

Within the framework of the recommendations of the Third Meeting, young people from places near the capital resolved to visit the site of the 1832 tragedy on 12 April.

Some of us had already visited the solitary surrounding area of the Salsipuedes River, and so we chose the camp-site.

So many people showed an interest that on early in the morning of 12 April, four buses left Montevideo and two more buses from other cities, to meet on the banks of the Salsipuedes. There were also many cars and bicycles from neighbouring towns and villages, responding to the local TV and radio broadcasting of a proclamation issued by the organising group.

For security reasons, the meeting took place downstream from the actual place of the ambush; we were actually in the very woods where the last of the Charrúa women had sought refuge in 1832.

The people formed small groups on the right bank of the river, among the dense vegetation. We shared food; we shared the historical events; and a deeply felt and moving tribute was offered to all

the indigenous followers of Artigas who had fallen at the Salsipuedes. It was a hot day, and the sun shone brightly.

'My son will one day be able to say, "I bathed in the Salsipuedes";' said a young woman from Montevideo, looking at the children happily splashing about together in the calm river.

Dozens of Charrúa descendants took part in the day's events as well as people from neighbouring areas who knew the surroundings and the history of the place well through oral tradition. The people had the privilege of hearing them speak their stories without the intervention of any expert.

As the afternoon fell, in the near-by city of Paso de los Toros, a TV reporter asked the organisers:

'We counted over 500 people at the Salsipuedes, many from Montevideo, but we saw no papers, not a single plastic cup left behind. What kind of people are you?'

At the auditorium of the small but historical city, where three years earlier the people's firm resolution had prevented the construction of an atomic power station, a representative of each camp-fire spoke, explaining what they had experienced on that day; all spoke in tones of deeply felt emotion.

Perhaps what made the day unforgettable was the enchanting virgin landscape which made a strong impact on the city dwellers who had not experienced this close contact with nature before. Or perhaps there was something else, something intangible.

The truth was that when we returned to Montevideo, we knew for certain, without saying it, that the group would not dissolve.

Today the group is known as SEPE, the name of many Charrúa and Guarani chiefs, but which is also the name of the last Charrúa chief who a year after Salsipuedes fought and beat a group of soldiers led by the brother/nephew of the president.

The SEPE group is working in several areas: for the repatriation of the remains still in Paris, for a revision of the national history programmes, for the publication of materials for children telling the true history of the country, and for permanent study of subjects connected with our indigenous, African and European roots.

We are in contact with indigenous and Afro-Uruguayan organisations, with research groups, with representatives of governments from several municipalities, with environmentally-concerned NGOs and with many people who are concerned about these issues and who join our proposals.

This group has no financing nor permanent authorities. Our chiefs and leaders appear on scene when there is a need for them and only for the time when they are needed, which is always short.

We are entering the stage when we will be contacting other organisations in the Latin American region.

We feel that we are contributing to the construction of a mirror for the identities of future generations, in a world that has become alienated by false images. We believe that this is a step that will make the future more viable for a small country like ours.

ARGENTINA

Violations of the indigenous people's rights continue to take place in Argentina. On the banks of the Pilcomayo River, which are home to members of five indigenous peoples, the building of an international bridge between Argentina and Paraguay continued in spite of the judicial complaints from the Lhaka Honhat Association of Aboriginal Communities that there were no previous environmental impact studies. Even the Salta Province Court of Justice refused to accept an appeal in defence of the environment that the organisation had presented. In order to make their views known, more than a thousand indigenous people in the area - men, women and children - carried out a peaceful occupation of the bridge, with the objective of meeting the provincial governor in order to set out the terms of the decree for the awarding of property titles in the territory.

The 'development' plans that had been encouraged by the previous government and are being carried through by the current one continue to threaten the lives of indigenous and Creole people, without previously consulting the former (Art. 75, Inc.17 National Constitution). It has been stated that the Misión La Paz community where the bridge is being built will in future be replaced by a frontier township with residential areas being built on land occupied by the houses that are currently inhabited by indigenous people. Furthermore, the government is planning to build access roads to the bridge over the community's farmland, conceded to them by provincial decree since 1967, as well as roads to link the community with the town of Tartagal.

All of this forms part of a regional development plan to connect Paraguay, Chile and Brazil, and the Atlantic with the Pacific coasts

across northern Argentina. The indigenous people consider the bridge and the related 'development' programmes to be an enormous threat to their land ownership rights and to the environment. This led the Lhaka Honhat Association of Aboriginal Communities to present a demand for protection before the Provincial Court. This was turned down. Lhaka Honhat then took their case to the National Supreme Court. Their extraordinary appeal is still in progress. Lhaka Honhat then filed a complaint that the building works had taken place without an impact study, in so doing destroying the local environment and taking no account of the consequent social costs to the indigenous and non-indigenous people living there.

On 16 September, at the end of twenty-three days of cold and hunger, they stopped their protest when the provincial government minister signed a document that obliged him to announce within thirty days the relevant decree that would set the criteria for the definitive adjudication of the lands of the (lots 55 and 14). This decree contemplates proportional distribution of land to indigenous and non-indigenous inhabitants. It also obliges all urbanisation projects and access roads to the bridge to be carried out with the due consent of the affected aboriginal communities. Once again, however, the state has failed to commit itself in practise to what it had signed.

As it is today, with the deadline long past and the governmental compromises ignored, the state provocation continues to threaten social stability in the area, in spite of the warnings issued to the authorities by thousands of individuals and institutions inside and outside of Argentina, in solidarity with the indigenous people and their cause. Much further south, the *Mapuche* people continues to struggle for the return of territories that had been expropriated by the Argentine State in Pulmarí, currently under the administration of the Interstate Corporation. This corporation controls 113,000 hectares that ought to be returned to the Mapuche, but which to a large extent have been leased to private owners for between 25 and 50 years for tourist and forestry developments. In 1996 the indigenous messenger Verónica Wilipán travelled to the United Nations to negotiate the mediation of that organisation in defence of the unrecognised rights. In March a visit took place by an International Monitoring Committee formed by members of the European and Belgian parliaments and several NGOs like Médecins du Monde (France) and Wiggs (Switzerland). As a consequence, the commit-

tee formulated a report that they forwarded to the Argentine Government and the other parties involved in Pulmari strongly criticising the violations of indigenous rights and confirming the accusations of corruption directed by the Mapuche people against the Interstate Corporation. The ombudsman asked the Secretariat for Social Development which measures they would take regarding the serious irregularities detected in their management of the Corporation. As a compensation the Corporation conceded pasture land to some indigenous communities to other groups' losses. It was furthermore discovered that they had given concessions of large stretches of land to third parties without planning and with no concrete criteria as to the commission to be covered by the adjudicators and that they had committed serious administrative irregularities. For their part, the Mapuche people demanded the annulment of 92 contracts for some 20,000 hectares. Contrary to what was expected the number of concessions actually increased. Moreover, the indigenous settlers of Aluminé were actively encouraged to occupy certain plots in order to promote confrontations, thereby weakening the indigenous cause and taking attention away from the causes that led to the conflict in the first place.

In July the Federal Appeal Chamber did not admit the Mapuche people's appeal for protection, instead charging two of their *lonkos* (chiefs) and two of their *werkenes* (messengers) with trespassing, ordering the immediate evacuation of the re-occupied plots of land. After several negotiations carried out by a number of organisms and indigenous organisations, the prisoners were released, though not without first having spent many days in prison. Following these events the Mapuche organisations stated their case to the National Institute for Indigenous Affairs, answerable to the Secretariat for Development, so that an arbitration committee could be formed to mediate between the affected parties and stop once and for all the judicial onslaught against indigenous rights. In spite of the documented evidence against them and the action of certain state organisms, the Corporation has persisted with its provocations.

This is not the only attack endured by the Mapuche People against their territorial rights. Their health is seriously endangered by the contamination of their lands, with petroleum spillage from the YPF company affecting the Colorado River basin and the water tables in the Paynemil where fourteen families occupying 4,500 hectares are seeing their own health, that of their cattle and the land itself being gravely prejudiced.

It has been shown that the latest blood and urine analyses carried out on the settlers reveal high percentages of lead and mercury. These results however are being kept secret. The oil company denies that the spillage are the cause of the high incidence of mercury in the blood tests, preferring to attach the blame to the mining companies upriver. The contamination caused by the company has rendered fifty-five hectares of land irretrievable and it is feared that two hundred hectares below the surface are also affected. The community has been protesting against the damage caused by the oil company since 1994. Although the Under-Secretary for Fuel and Energy declared that no further approval would be given for new wells until YPF repaired its pipelines, the company itself prefers to deal individually with the Mapuche and negotiate indemnities for each animal lost because of the oil. While they consider this to be a fitting compensation for the loss, the families continue to drink polluted water.

The Kolla People

In another part of the country the determined defence by the *Kolla* People of their natural surroundings has caused the felling of trees to be halted in the province of Salta. Paradoxically it was the irrational deforestation being carried out by Finca Santiago Limited that brought the long struggle to an end. The Iruya communities of Cortaderas, Isla de Cañas, Higuera Volcano and Colanzulí stood their ground and prevented valuable trees like the cedar, oak and jacaranda from being removed. Their resolve forced the national government to set a mediation process in motion and end the conflict. It was resolved to expropriate an area of 125,000 hectares, of which no more than twenty per cent is viable land.

In Orán, too, the Kolla People stood firm in their claims for ownership of territory before the provincial government. They were, however, faced by a formidable opposition, perhaps the most powerful economic force in Salta Province: the San Martín de Tabacal mill. Why was this more difficult than Iruya? Through Kolla negotiations, in 1993 the National Government passed a law expropriating some 19,000 hectares. The territory claimed by the Kolla, though, included a highland area of 79,000 hectares in the San Andrés farm that had been donated to the communities in decree 2845/86, which still remained pending. The highlands have little value in terms of subsistence and are only viable in summer. It was the mill's inten-

tion to concede the land on condition that the indigenous peoples surrendered their right to the fertile land. It was this situation that led the Kolla to take their case to the national government and ensure that at least this area of land would be conceded to them. Today they are faced with a new challenger. The North American firm Siboardt bought out the San Martín de Tabacal mill and seized the highlands. By harassing the families, stealing cattle and making death threats against the leaders, the multinational intends to force the families to give up their claim. Well aware of the economic value of the species in the forest, they show a total indifference for indigenous rights, chopping down the trees that remain on the mountain slopes with serious consequences for the future lives of the communities, for the wildlife and for the erosion of the soil. The thefts and aggressive action have been publicly denounced by the communities of San Andrés, Santa Cruz, Río Blanquito, Los Naranjos and El Angosto, while others are preparing a further mobilisation to make these crimes public and appeal for justice.

At the moment international organs, financial agencies and non-governmental organisations are becoming representatives for the activities that indigenous organisations are carrying out, which at times limits the role that their leaders wish to perform. Their participation is, however, frequent in the state organs, in all different kinds of projects. They take part, for example, in a project that started to develop at the end of the year, was subsidised by the World Bank and administered by the Centre for Community Organisations, answerable to the national executive. It has been difficult for indigenous people to clearly see the direction of this project, bearing in mind that some of their aims and methods are very similar to those of the Programme of Indigenous Participation. This creates confusion and division between the indigenous peoples since on the one hand it is the Secretariat for Social Development that supplies funding for its implementation by way of the National Institute for Indigenous Affairs, while on the other, the very same Institute participates in the World Bank project together with the Centre for Community Organisations.

It has to be said that on one level the national government's policy towards indigenous peoples has altered slightly and there is more willingness to improve the living conditions of its people. However, it fails to relinquish its role as tutor to the indigenous peoples, restricting the direct participation that they should exer-

cise through their leaders and representatives. One clear example of this is that the National Institute for Indigenous Affairs, who were supposed to implement National Law 23302 fails to comply with its obligation to integrate indigenous people into its board.

Even in those cases where they have delivered property titles to indigenous communities, the National Executive turns the occasion into a public relations exercise by declaring its interest in all things 'indigenous'. Great platforms are raised for the presentation to the press of plans that it plans to implement. the same could be said of the act of 26 October in Cushmanen (Chubut Province). Here, President Carlos S. Menem launched the National Plan for Aboriginal Communities, announcing that 'lands will be measured and defined so that communities will be able to exercise the right to community property established by the National Constitution of 1994'. Over the course of two years they plan to deliver 250,000 hectares, rising to 1.5 million hectares some time in future. At the moment the only thing that is delivered is the possession of the land, something which traditionally belongs to indigenous peoples, while these have to wait for the definitive property title-deeds. What cannot be denied is that official indigenous policy is to take control of indigenous affairs while not taking part on the board of state organs.

The situation of the rights of those indigenous people who, for various reasons, have come into conflict with the anachronistic penal system is no less serious. Even where the regional penal court recognises the principle of adapting its handling of cases to the circumstances of the individual - or 'different treatment for different people' - there is no legal nor material framework to uphold this. Consequently, the principle is rarely put into action. If it is well known that the deprivation of freedom is not an ideal way of rehabilitating someone, it is even less so for a member of the indigenous community who is in no need of rehabilitation in the first place. In the majority of cases they do not have what criminologists would call a 'criminal profile' and furthermore, both in the penal process itself where the presumption of innocence should prevail and in the incarceration, a far more harmful phenomenon occurs - that of deculturation. Irreparable cultural losses are suffered as a direct consequence of the imprisonment itself.

It is not difficult to find examples of discriminatory attitudes being taken by the supposed guarantors of constitutional rights (civil and indigenous), the law court judges. In 1991 fifty-seven

indigenous people were taken away in a refuse lorry belonging to the municipality of Clorinda (Formosa Province). In Chaco Province the lorry turned over, causing the death of five of the indigenous people together with that of the driver. The community launched a claim for compensation against the municipality for the losses incurred. These claims were accepted but with a minimal settlement. In 1996 the municipality appealed against the judgement. The Appeal Chamber came to the unprecedented conclusion that, although it might be true that the father of a minor might gain some future economic advantage from his daughter (if she had not died), it is equally true to say that he has been freed by the death itself from the costs of maintaining her. On the subject of moral compensation it was stated that 'bearing in mind the circumstances of the case, especially the way of life of the aboriginals, in which family ties do not have the same value as in the rest of the local community, the level of compensation is considered excessive and should be reduced'. This sentence was later confirmed by the Formosa Supreme Court on 26 November, 1996.

CHILE

Progress and development have been the main topics of debate in many political, religious and economic circles in Chile. However, when indigenous peoples are added to the discussion, in most cases it is only to expropriate their resources or forcibly integrate them; there is no involvement of indigenous peoples themselves in these discussions. One example is the possible construction of one of the largest electric plant projects ever in Chile: the Central Ralco (carried out by the National Electric Company, ENDESA). It is to be carried out in the Ralco region (the Eighth Region in the state) and will flood a large area causing *Mapuche Pewenche* families to abandon their land, the last resource linking them to their traditions - a resource which gives them their identity and wholeness as a people.

The elaboration of the discussion has taken place behind the backs of those affected. It has now turned into a fight between economic interests to which the *Mapuche Pewenche* people do not belong. A number of groups oppose this project citing significant damage to the area's ecology and other arguments. But for the *Mapuche* people this is a direct attack on their culture, traditions and very existence. It is important to underline that our culture's

vision of the universe is founded on higher factors. Man's existence can not be separated from the environment; in fact, the opposite is true; the search for a true balance between mutual interaction is what defines all of man's actions. The *Mapuche* people are not opposed to progress nor development, we only demand that it be in line with the aforementioned principles.

Since the time of Chile's colonisation, the *Mapuche* people have been forced to take refuge in land difficult to access, and all state policies have created a situation of marginalisation. However, at present a number of spokespersons have appeared on the scene announcing progress for all and integration. In the light of the aforementioned conditions this will only provoke a new situation of overcrowding and forced migration. The so-called progress is only for big business and never for the inhabitants of the affected regions.

The case of the alternative motorway to the city of Temuco (the 'By Pass' project) is a clear example of the situation described above. It is said that a project of this magnitude will create jobs and once again, the recurring word, 'development'. One after the other, all the initiatives of this endeavour have harmed *Mapuche* communities; there are no examples of the opposite being true. Land has been expropriated, and over the years strategies have been developed to continue evicting residents from their lands. That is why no *Mapuche* communities exist alongside any of the main roads in the eighth, ninth and tenth regions in Chile.

In this same context dynamic institutions created to administer state policies towards indigenous people including CONADI (National Corporation for Indigenous Development, an organ created under pressure from numerous organisations after Chile became less authoritarian) have been the site of a battle between political parties. This only confuses and leads astray our people. Officials have been appointed without any consultation with us and recently, in view of some advisors' positions with respect to some of the projects, the directors have been replaced. This is a distractive manoeuvre intended to stop any recognition of the *Mapuche* people's rights which we have tried to obtain via some leaders.

At present, *Mapuche* organisations have taken a stand to protest these attacks. We have demanded that the Chilean Government act in accordance with the approaches regularly announced by their representatives in international forums and meetings in which an

image of respect for basic principles of coexistence and human rights is regularly maintained. We are certain that the Mapuche people will be capable of counteracting and successfully overcoming this period in time where policies drawing from cruel and merciless market principles have corrupted the minds of politicians and government officials who try to sell, exploit and reduce to a minimum that which gives reason to human existence, identity and the right to be present and control one's own development following the patterns and values which their culture has provided them.

accept a mild commitment to human rights in a trade treaty with the European Union has raised eyebrows on both continents, with Aborigines speculating in the media that this is a defensive move by a government preparing to extinguish 'native title' and fearful of international reaction.

Visitors from overseas as diverse as US President Clinton, the Dalai Lama and a black South African Catholic bishop gently but firmly counsel Australians to view their social and cultural diversity as a strength and to live in harmony. Aboriginal leaders as well as white public figures at home, by no means 'extremists', are speculating aloud about the Olympics to be held in Sydney in 2000. Will some foreign nations boycott a racist Australia?; will world media scrutiny have positive effects on indigenous policy?; will governments try to suppress or ignore racial protests as in Brisbane's 1982 Commonwealth Games?

In its first year the Howard government has suffered no real political defeat from any outside forces. Its failures and stumbles have been many, but all self-inflicted. If the Labor opposition has the will to fight hard on indigenous rights - and that has not been evident - it must inform and mobilise public opinion in a way it failed to do when in government. The danger is that Labor will simply walk away from the fight. The only opposition strong enough to re-direct Howard may come from his Coalition caucus: at some point his eager and grasping party cohorts will surely reject his vision of a 'relaxed and comfortable' Australia. They want to be seen as clever and contemporary, not quaint and cosy.² Once the novelty of office wears off, the Howard vision may quickly fade.

Process and Politics

The conventional wisdom is that Labor alienated some of its traditional voters by appearing too close to *avant-garde* lobby groups such as environmentalists, Aborigines and Torres Strait Islanders, the women's movement, etc., while seeming casual about the pain of persistent unemployment, the death of established industries, the sale abroad of Australian icon brand names, the struggle of middle income earners, and rural decline and drought. Like so much political wisdom, this can be self-serving. For instance, leading Queensland Labor figures who never favoured stirring the deep pool of racism now believe themselves proven sages, and are seeking to infect national party strategy and programme. Racism is not confined to any party, nor is tolerance. Rather, the great danger is that rights and needs of indigenous peoples are becoming a politically taboo area. A defeated Labor minister in Brisbane complains that his party had become 'decidedly liberal', forsaking its 'xenophobic

and conservative [past] on cultural issues such as immigration and race', and that 'supporting women ... and the human rights agenda' was his government's downfall.³ Meanwhile, every day seems to bring a new report of extreme indigenous disadvantage, each notable for its lack of political impact.

A good study of Australia's national indigenous affairs administration, explaining it in international context, has at last been published.⁴ The analysts show that ATSIC (Aboriginal and Torres Strait Islander Commission), the national indigenous agency, cannot reconcile its role of elected indigenous voice with status as a part of the federal bureaucracy. There are also strong tensions between regionalism and centralism in ATSIC and in indigenous policy. However, the Howard government's attacks on ATSIC from his first hours in office have improved its image with many Aborigines. By talking dismissively of 'the Aboriginal industry' and 'the guilt business', as he sees indigenous affairs, and by appearing to attack the very indigenous persons trying to help their own people, Howard has mixed a very strange message with his calls for self-help.

Indigenous peoples across northern, central and western Australia, and in other rural areas, will never settle for anything short of regional autonomy. Nothing less will enable them to solve their much publicised problems. Particularly worrying are 'law and order' campaigns in Queensland, Northern Territory and Western Australia which are often little more than local and regional crackdowns on indigenous peoples. As the much ignored national study of *Racist Violence* showed, Australia's close official control of Aborigines is morally unacceptable and unsuccessful as a social strategy.⁵ Australian governments in their 1996 gun control policy accords rejected an American-style culture of violence; one may hope they will also pull back from the brink in crosscultural policing and justice administration.

Torres Strait Islanders

The Torres Strait Islanders have newly restated regional intentions through their Regional Authority.⁶ The *Corporate Plan* begins with 'our Vision', to empower our people to determine their own affairs based on our unique Ailan Kastom bilong Torres Strait from which we draw our unity and strength followed by 'Our Goals':

- Gain recognition of our rights, customs and identity as indigenous peoples;
- Achieve a better quality of life for all people living in the Torres Strait;

- Develop a sustainable economic base, provide better health and community services, and ensure protection of our environment;
- Assert our native title to the lands and waters of the Torres Strait.

In 26 objectives for 1996-2000 attached to this corporate plan, No. 25 is to 'Develop and maintain links with indigenous people throughout the world with whom we share common experiences'. While Greenlandic and Canadian Inuit leaders have met with Torres Strait leaders, and the Torres Strait leader, Getano Lui, Jr., has visited widely in the South Pacific (and in 1993 travelled to *Sámi* fjords and meetings in northern Norway), real working ties have not yet developed. Perhaps with the arrival of Papua New Guinea oil production at the eastern end of Torres Strait and shipment through their own waters, Islanders will now draw on the considerable experience of Inuit and other northern hemisphere peoples with oil and gas projects.⁷ The Islanders have a great deal of work to do in developing proposals for regional political and legal structures. A federal parliamentary committee now investigating 'greater autonomy' for Torres Strait may help, as may a pilot native title claim for Saibai Island and a sea claim test case in the Northern Territory. The contemporary Torres Strait situation is becoming better known in Australia thanks to Eddie Mabo's long struggle and the 1992 *Mabo* decision.⁸

'The Old Round of Unhappenings'

The *Hindmarsh Island bridge* may have been the one indigenous issue which really did affect the 1996 federal election outcome.¹⁰ However, a series of other highly emotional issues had more prominence in 1996. The *Stolen Generation* inquiry of the national Human Rights Commission held hearings around the country at which countless Aborigines told of their forced removal, usually by stealth, from their mothers and handover either to white families elsewhere or state- or church-run institutions where they often suffered physical and sexual abuse, not to mention emotional and cultural deprivation. One would think any modern politician sensitive and sensible enough to keep his or her mouth shut about such matters, but Howard government ministers poured salt into wounds and even told the media how fortunate indigenous leaders had been to get the advantages of the white man's world. Many or even most of the indigenous political leaders around the country had themselves been removed from their families, so the government gave persons already sceptical of its intentions and competence a very personal source of bitterness in their relations.

In the midst of this came a new book by one Geoffrey Partington praising past *assimilation policies*.¹¹ The author had dug out arguments

for assimilation of former Australian statesman, Paul Hasluck, and misrepresented the calls for indigenous autonomy of another, HC Coombs, as separatism. Unfortunately, the media gave almost no attention to the two recent books of the ailing Coombs on the subject under discussion, but printed demands that he come forward to justify himself, although silenced by strokes at the time.¹² Coombs' views, it was cheerfully suggested, had brought great hardship to Aborigines who had been better off when their lives were managed by whites! This 'debate' attracted the usual reactionaries but received alarming credibility when the federal indigenous affairs minister helped launch the book. The press and others gave the book more attention than it deserved, but being a philosophical debate on policy, it did reveal just how reactionary the Australian governing classes were prepared to be - and how unable to grasp indigenous aspirations.

The RTZ-CRA subsidiary, *Century Zinc*, in north-west Queensland near the Gulf of Carpentaria, provided another endless saga. When the development-friendly (and indigenous-unfriendly) Labor state premier posed like the prophet Elijah on a desert mount with Century executives and proclaimed that this was 'such stuff as dreams are made of', he was more perceptive than he knew (Page 1, *Courier-Mail*, 9-11-95). Shakespeare's *stuff* quoted was only 'thin air', after all, and so this project has seemed. Despite months turning into years, with Century, local Aborigines and black and white politicians elsewhere shouting threats or pleas, while one day's furious adversaries are the next day's cosy pair abusing others, the whole project has slipped away at repeated deadlines, despite a new Coalition premier staking his credibility on it succeeding. More Greek than Shakespearean drama, major characters blow in, speak into the middle distance, or at someone absent, and then vanish again, leaving a public chorus to resume wailing about the difficulties of Aboriginal negotiations and injustice of native title. Environmental problems, doubts about a hidden company agenda, indigenous inter-generational differences and lack of a government framework have all been problems. Like Hindmarsh, Century has done much damage to wider indigenous interests by providing opponents with a case study in project failure where an apparently willing company cannot succeed, even when following all the twists and turns of negotiation and approval processes. The full story, when it eventually emerges, should be instructive.

The federal minister, a well-meaning elderly surgeon, has been perhaps the most hapless of actors in the year's events. Appointed for his background in health services, which the Howard government came to power defining as the real Aboriginal issue needing attention, he has been

ill suited to real life in contemporary ethno-politics. When under attack, he or the Prime Minister reply, as if to end debate on his suitability, by boasting that he served a stint as medico in the Rwanda genocide. No doubt one dark-skinned person is much like another in many Australian minds, and perhaps it is shrewd to compare victims of genocide driven from their usual territories in both Africa and Australia.

After repeated demands in the media for a general indigenous policy from a government going from fiasco to fiasco, the minister was sent to deliver one. He suggested that 'self-determination', the alleged Australian indigenous policy principle, be replaced by 'self-empowerment', and that the army go into desperate indigenous communities and build basic services like sewers and water systems.¹³ Indigenous leaders inevitably wondered why the government had earlier cut funding for indigenous communities to hire unemployed persons to do just such work.

When challenged, as he is constantly, Prime Minister Howard dismisses policy critics as implicit or explicit partisans of his Labor enemy. By his reckoning, anyone who has known Labor is suspect, which means everybody involved in Australian public life for more than a decade. People who question his indigenous or other policies are being unfair, are not recognising that there is a new way of doing things. In fact, his approach is not new, but archaic. Even if a do-nothing approach could work in the past, it cannot work when society and indigenous politics have already moved on.

The Wik Decision

However, a major policy issue appeared at last. As the country retreated into the long summer holiday, the High Court *Wik* decision was announced on 23 December, 1996, surprising many experts by finding that 'native title' could continue to exist on the large pastoral leaseholdings which cover about 40% of the Australian continent.

Wik's meaning is limited, however. The court voted 4-3 that indigenous traditions such as ceremonies or food-gathering could continue on grazing lands if these activities did not interfere with the grazier's activities. Some of Australia's individual cattle properties are as large as EU member countries. In other words, people might visit a sacred place if the time and activity did not disturb work going on there. In any conflict the grazier interest took priority over indigenous interests.

The grazing of sheep and cattle is a major icon of Australia's European history. Recent ruthless government policies applying free-market principles to 'the bush', as well as the attractions for young people in city and beach life, have seen country towns and many farms and pastoral

stations dying. Large parts of the country have been suffering the longest and most severe drought in memory. To hear that the indigenous people, long ago dispersed to make way for modern Australia, might still have legal rights to the land, seemed a bad joke to many rural whites. Their view of Aborigines is often that Aborigines are simply a people unfit for today's world.

The Wik are peoples of the east coast of the Gulf of Carpentaria, i.e., the west side of the great Cape York Peninsula in North Queensland. Cape York has a mythic place in Australia. It is 'the last frontier', the last real wilderness, where equatorial rainforests and other exotic eco-systems are almost impenetrable or uninhabitable to all but the Aborigines who live there. From the northern tip spread the islands of Torres Strait to the north and north-east, islands whose Melanesian people represent an exotic society beyond all Australian customs, expectations, and lifestyles. The Cape York Aborigines and Torres Strait Islanders are seen by many Australians as the last defenders of Australia's original cultures, natural history, and unspoiled nature, their region being the last place where Australians may be able to protect and maintain something other than the industrial landscapes and financial market frenzy engulfing the world.

Wik has been a convenient scapegoat for governments. State and national politicians can now turn the anger of rural people against Aborigines instead of against themselves and against their free-market radicalism and other policies (e.g., gun control, transportation, rationalisation of services and facilities) which favour the city over the bush. The Howard government was already reviewing the *Native Title Act, 1993*, intending both to streamline processes and restrict Aboriginal rights. *Wik* has given the Prime Minister an excuse to be tough. State and NT premiers, some of the rural and grazing lobbies, and much of the mining industry, as well as 'talk-back radio', are behaving with near hysteria. In Queensland the premier excites fears one day, and calls for calm the next, while leading a national campaign of wild rhetoric denouncing the High Court judges.¹⁴ The premier is also publicly boasting of his strategies to secure a federal anti-*Wik* senate majority of one, causing speculation that the Prime Minister will extinguish native title as his reward.

The Brisbane newspaper's cartoonist, Leahy, had a simple piece on 8 February, 1997, 'Olympic Wik'. It showed a burning *wick* set to ignite the familiar Olympic five rings, shaped as a bomb, if government extinguished native title. The Olympic Games to be held in Sydney in the year 2000 are a national obsession. Sport is Australia's most visible national achievement, and one of the country's few uniting forces. Just to be on the

safe side Australia recruits star athletes and even whole teams and coaches from poor or troubled countries. A year ago only a few activists mentioned the opportunity for national embarrassment when Aboriginal protesters meet world media at the Olympics, but now it is openly discussed by white and black moderates.

The Olympics, and celebrations of the centenary of Australian nationhood in 2001, are coming fast. Nationhood was built on the dispossession of Aborigines and Islanders and exploitation of their lands and seas. The federation of the six colonies as states of a new united Australia left indigenous peoples out. And now the Northern Territory hopes to join under the old rules as a sort of centenary - yet another gift of black indigenes to white settlers (see *The Indigenous World, 1995-96*, page 130)

Conclusion and Prospect

The Howard federal government is leading a retreat, a happy retreat for most state and territory governments, from Australia's reunion with the world on indigenous policy achieved slowly and cumulatively by Labor and Coalition governments under Holt, Whitlam, Fraser, Hawke, and Keating. 'Smart' politicians in Australia believe that Aboriginal and Islander reforms were foolishly promoted by the Labor government in power nationally, 1983-96, and played a part in that government's defeat. In truth, only the Labor prime minister and indigenous affairs minister had talked publicly about these matters, albeit marking out a new style in policy. They helped Australia to catch up with the rest of the developed world, but were by no means brash. *The Indigenous World 1993-94*, commented on the dangerous fragility of that official effort (pp 83, 87). Meanwhile, the Howard government's first year in indigenous policy has been a dreary succession of lessons unlearned and daily humiliations. Its most obvious feature is the Coalition's boundless desire to be taken seriously by being seen to put its stamp on public affairs, even if by painting the roses in the garden or renaming them. There has been no evidence that the government understands indigenous identity, aspirations, or ethno-politics.

Since March 1996 many voices have been heard in news media, journals, churches, and public gatherings speaking out for Aborigines and Islanders against the assaults of government leaders, policy-makers and simple or cynical populists. The community is reclaiming the national conscience on indigenous policy from experts and governments. However, the extent of active global concern and support for indigenous rights is little known in Australia, and therefore an idle resource. The usual

reply to foreign criticism is that Australia has a human rights record as good as that of countries who criticise. The answer to that may be that it also has the worst record of socio-economic outcomes among indigenous peoples of any 'first world' country, a record which is worryingly persistent, while its recent past of official exclusion of Asians from immigration and indigenes from citizenship requires a large burden of proof in the eyes of Asian neighbours, and of European or North American friends.

It is ironic that the peoples who are most purely and solely Australian - Aborigines and Torres Strait Islanders - are those most likely to teach governments and public with cultural derivation abroad that the era of continental isolation and of claims to moral exemption is over. They have no choice but to appeal to the world. At home their recent renaissance as self-conscious political and cultural communities is under sustained government attack; their few rights belatedly recognised are being discredited and rolled back by national leaders (as is the legal system which recognised them); and they are again to be mere unfortunates and sick persons given benevolent and firm care - cut-rate care, at that! - on the fringe of the white man's world, while the power and security of those who have taken their territories to eke out even the most marginal pastoral living are confirmed. Observers may wonder if Australia's desire to make itself more acceptable to Asian governments, e.g., by rejecting human rights references in European Union treaties, includes rejecting the post-imperial European human rights conscience and returning to 19th century styles of unfettered resource development in the territories of indigenous peoples, without their consent.¹⁵

Sources:

In addition to many discussions throughout the year with indigenous organisations, non-indigenous officials, politicians, academics, journalists, lawyers and various others, main news sources are *The Australian* and the *Brisbane Courier-Mail* newspapers, and their weekend editions, as well as television news, i.e., commercial television networks Nine and Ten, and state-owned independent networks ABC and SBS. A wide range of specialised and general literature was also consulted, as well as conference papers, work in progress, etc.

Notes

¹⁵ The *Weekend Australian* and *Sydney Morning Herald* published in-depth polls on the weekend of 1-2 March, 1997, as part of their spate of commentary to review Howard's first year in power. Despite different methodologies and questions, both polls agreed on main points including indigenous affairs.

- ² *Voters were warned. In the year before the election, Howard's former chief of staff published a book in which he dwelt on Howard's inability to understand or accept social and cultural diversity (Henderson G. 1995: A Howard Government? Inside the Coalition, Sydney: Harper Collins).*
- ³ *Healing Labor's ills' by Gary Johns, Courier-Mail, 4-3-97. No doubt others in the party think that women, being more than half the voters, deserve attention.*
- ⁴ *Sullivan P. (ed) 1996: Shooting the Banker: Essays on ATSIC and Self-Determination, Darwin: Australian National University North Australia Research Unit. Sullivan's concluding essay, 'All Things to All People: ATSIC and Australia's international obligation to uphold indigenous self-determination', pp 105-129, is especially valuable for overseas readers.*
- ⁵ *Racist Violence: Report of the National Inquiry into Racist Violence in Australia, Canberra: Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission, 1991.*
- ⁶ *See About the TSRA; Annual Report, 1995-1996; and Corporate Plan, including Objectives for 1996-2000, Queensland: Torres Strait Regional Authority, Thursday Island, 1996.*
- ⁷ *For the oil project see Kennedy D. 1996: 'Development or Sustainability at Kutubu, Papua New Guinea?', Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia, ed. Howitt R, Connell J & Hirsch P, Melbourne: Oxford University Press, 236-250.*
- ⁸ *See Loos N & Mabo K. 1996: Edward Koiki Mabo: His life and struggle for land rights, Brisbane: University of Queensland Press; and, Sharp N, 1996: No Ordinary Judgement: Mabo, The Murray Islanders' Land Case, Canberra: Aboriginal Studies Press. More books are being written.*
- ⁹ *Remark by Samuel Beckett, 1933, to a friend, quoted on page 170, Knowlson J, 1996: Damned to Fame: The life of Samuel Beckett, London: Bloomsbury.*
- ¹⁰ *Mentioned in last year's edition, pp 128-9. Overseas readers can find a basic chronology of events in Brunton R, 1996: 'The Hindmarsh Island Bridge and the credibility of Australian anthropology', Anthropology Today, Vol. 12, No. 4, August 1996, 2-7. At least one book is now published and more will surely follow, but the new government is mired in the issue and any summing-up is premature. In the same period there was another national fuss in which a lonely English-parented schoolgirl published a supposed family memoir of Nazi-era genocide in Ukraine. One hopes both cases will be discussed together for insight into Australian society or modern times.*
- ¹¹ *Partington G, 1996. Hasluck vs. Coombs: White Politics and Australia's Aborigines, Sydney: Quaker's Hill Press.*
- ¹² *Coombs HC, 1994: Aboriginal Autonomy: Issues and Strategies, Cambridge University Press. Coombs HC, 1996: Shame on Us! Essays on a future Australia, Canberra: Centre for Resource and Environmental Studies, Australian National University.*
- ¹³ *Herron J, 1996. Joe and Dame Enid Lyons Memorial Lecture [1996], Indigenous policy statement by Senator John Herron, Minister for Aboriginal and Torres*

Strait Islander Affairs, Commonwealth of Australia, Delivered at the Australian National University, Canberra, 15 November 1996.

- ¹⁴ *The 7:30 Report on ABC television, 28 February, discussed the Queensland-led campaign against the courts in light of 15 years of failed Queensland indigenous rights cases including Koowarta, Mabo and Wik which have established Australian indigenous rights law in the teeth of Queensland's official race policies.*
- ¹⁵ *A new book of studies reveals that there is little cause for optimism in any case. Howitt R., Connell J. & Hirsch P. 1996: Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia, Melbourne: Oxford University Press. The editors' introduction is a good discussion of the scale and nature of the problems today.*

THE PACIFIC

The region of the Pacific covers about one-third of the area of the globe. The encompassed land mass is less than 100,000 sq km, not including Australia, the island of New Guinea, Hawai'i and Aotearoa (New Zealand). Including the two hundred mile Exclusive Economic Zones authorised by the 1982 United Nations (UN) Convention of the Law of the Sea, however, the nations of the region in fact (on the paper) control the use and conservation of all resources within a substantial part of the Earth's surface. About 2.5 million people live within the Pacific, again not counting the populations of New Guinea (Papua New Guinea (PNG) 4.4 million and West Papua 1 million), Hawai'i (1.1 million), Aotearoa (3.2 million) and Australia (15 million). The majority of the populations of the states within the area are indigenous, except for Kanaky (New Caledonia) (43% indigenous), Fiji (46% indigenous), Guam (42% *Chamoru*), Hawai'i (20% *Kānaka Maoli*, indigenous Hawaiians), Aotearoa (15% *Maori*) and Australia (2% *Aborigines*). In Te Ao Maohi (French Polynesia), 70% of the population are *Maohi*, indigenous.

Immigration through the last centuries has shaped the Pacific nations today, but emigration has been and is an important factor as well. The travelling tradition of Pacific Island peoples has gained impetus with new forms of communication and experiences of political subjugation and economic dependency. Emigration from especially the freely associated and other dependent states is of substantial proportion. Even from some of the constitutionally independent states, primarily the Polynesian nations, large numbers of the natives have emigrated to the countries of their former colonial powers or to other Pacific islands. More than two-thirds of the population of American Samoa now live in Hawai'i and on the West Coast of the United States. About one-third of the *Kānaka Maoli* of

Hawai'i live outside Hawai'i, more than one-third of the Tongans have left, and more than half of the population of the former and present New Zealand territories of Tokelau, Niue and Cook Islands live abroad.

Status of Indigenous Peoples and Nations - and Decolonisation

The first peoples of the Pacific consider themselves indigenous to their lands. They recognise cultural ways and values which bind them together. By self-definition, therefore, they are indigenous. But only some of these peoples are recognised as indigenous by the international community or the foreign ruling powers in their homelands.

The United States Government seems to consider 'their' indigenous peoples of the Pacific to include the Chamoru, the American Samoans and the Kānaka Maoli. These were the speakers invited to an August 1996 hearing in Honolulu on the United Nations Draft Declaration of the Rights of Indigenous Peoples. Also present were representatives from Micronesian peoples, who consider themselves indigenous.

The Maori of Aotearoa, the Kānaka Maoli of Hawai'i and the Aborigines and Torres Strait Islanders of Australia are usually identified as indigenous peoples - Fourth World peoples in First World countries. The Maohi of Te Ao Maohi also belong to this category.

The *Kanaks* of Kanaky (New Caledonia), the East Timorese peoples and the *Tokelauans* are - with the Chamoru and American Samoans - considered indigenous in the international forum. These are peoples belonging to nations listed on the United Nations list of non-self-governing territories with a right to decolonisation through a process actively supported by the administering powers and watched over by the United Nations Decolonization Committee (the so-called 'Committee of 24').

The year, 1998, is not only an important year for French colonies. It will also be the hundredth year of the United States' official colonialism. The peoples of the island nations of Guam, Hawai'i, Samoa, the Philippines, Puerto Rico and Cuba are preparing actions throughout the island nations to raise awareness of the situation of the indigenous peoples and to speed up the decolonisation process.

While the Nuclear Free and Independent Pacific movement in their December 1996 Conference in Suva, Fiji, resolved to work for a re-inscription of Tahiti-nui, West Papua and Hawai'i on the UN list of non-self-governing territories, strong forces among United Nations member states (including the USA and France) have been trying to eliminate the Committee - without luck, so far. The United Nations General Assembly voted in March 1997 to let the committee continue another year, the

seventh year of the so-called Decade to Eradicate Colonialism (1990-2000). United States' support of the dissolution of the Committee was severely criticised by Guam's delegate to the United States' Congress. The US mission supposedly tried to remove mention of Chamoru right to self-determination from the Committee's resolutions. Guam is a United States Territory, whose government is negotiating for a Commonwealth status, while the Congress is moving very slowly on the matter and the indigenous movements of Guam is looking into a range of possible forms of self-determination. One of the groups, the Chamoru Nation, is now represented in the Guam Senate by Senator Angel Santos.

IWGIA, which is in the process of strengthening its relations in the Pacific in order to enhance communication among indigenous peoples and NGOs and to document and disseminate information about their situation, has a broad and open definition of indigenous peoples. Indigenous peoples are peoples who typically comply with one or more of the following criteria: they have strong ties to the land; they have lived on their lands since before colonisation, but are today socially, culturally or linguistically marginalised; they are culturally distinct from other peoples; they inhabit marginal regions (often resource-rich areas of substantial ecological importance); they are or have been dominated by other peoples in control of the political and economic power; and, most importantly, they identify themselves as indigenous peoples.

Many other peoples in the Pacific than those recognised by the international authorities consider themselves indigenous. The new Melanesian states each consist of several culturally and linguistically distinct groups, some not interested in being part of a 'modern' nation-state where boundaries have been defined by colonial history and the political leaders often come from a few specific families or groups - trained in centralised government by the withdrawing colonial powers. Some examples are the peoples of *Santo* and *Tanna* in Vanuatu and the *Bougainvilleans* of the North Solomon Province of Papua New Guinea.

In Micronesia and Polynesia, some of the small, supposedly independent island nation-states likewise encompass several peoples. The situation is further complicated by the fact that they at the level of the nation-states also are colonised in a new way. The political and military subjugation to foreign forces has been replaced with economic dependency on the former colonial powers, international corporations, multinational banks or development agencies - the global systems of commerce and resource exploitation are setting limits for these peoples' options for deciding their own form of government or development. The first peoples

(often majorities in these new nation-states) are only nominally in control of their own lives, and they continue to suffer tremendous social and cultural degradation, resource exploitation and environmental destruction, including the above-mentioned monumental emigration.

Tokelau

Tokelau is at present preparing itself constitutionally for 'an act of self-determination' under UN protection. The population of 1,600 primarily depending on subsistence production, coconuts, fish and aid, is probably in favour of some kind of continued association with New Zealand, perhaps something along the lines of what the New Zealand Law Commission Director in 1993 suggested for small island states: 'sustained autonomy'. Until the initiation in 1976 of the UN investigation missions, Tokelauans did not really consider themselves colonised: 'This was somehow new to us because we always believed we were politically autonomous even though a colony of New Zealand' (Statement by Tokelauan to the United Nations Committee on Decolonization in 1987; quoted from Ingjerd Hoëm: *A Sense of Place*, 1995:42). Except for a growing public service sector and infrastructure into which much of the aid-money is going, life has not changed much in the Islands, where the Council of Elders still have the political authority. This might explain the feeling of autonomy.

Kanaky

The French overseas territory of New Caledonia is considered a colony by the indigenous peoples there. They call themselves Kanak and their homeland Kanaky. After years of struggle and lobbying, in 1986 the UN reaffirmed Kanaky's right to self-determination and reinscribed the nation on the list of non-self-governing territories. This decision did not end the struggle for self-determination.

In 1988 the French Government, the Kanak Socialist National Liberation Front (FLNKS) and the anti-independence party, *Rassemblement Pour la Caledonie dans la Republique* (RPCR), entered into the *Matignon Accord*. According to the agreement, the people of Kanaky will hold a referendum in 1998 to determine whether to remain within France or accede to independence. When and how is still not clear. FLNKS has suggested that Kanaky becomes independent in 1998 with a three year transition period thereafter, whereas RPCR suggested to first have a thirty years 'pact of peace and development', and the French government suggested autonomy within France. The Kanak are a minority in their own land because of heavy French and French Polynesian immigration

and will therefore also be an electoral minority in the 1998 referendum. The electoral form currently being implemented will mean that the Kanak will lose the referendum in 1998. The experience and example of Kanaky is something to consider for other peoples who are seeking reinscription on the UN list of non-self-governing territories - it is only a beginning.

One part of the Matignon Accord stressed the importance of using the ten years from 1988 to 1998 to improve the social, economic and political situation of the Kanak, and FLNKS consider local control over the nickel mining industry a precondition for political self-determination. They are planning a joint venture with a Canadian company for a nickel smelter and infrastructure in the Northern Provinces, but the deal is being blocked by a French company (with government interests) - even though the French Government has consented to it.

Bougainville

Many Bougainvilleans consider themselves colonised by the Papua New Guinea Government and for them independence is a logical solution. Even before PNG's independence in 1975, there was a widespread feeling that Bougainville should be either independent or part of the Solomon Islands. But PNG has had strong economic interests in Bougainville all along because of the rich copper deposits and the profitable mining operations in Panguna. Nine years ago the violations of human rights and destructive environmental and social effects of the large mining project had become manifest, and Bougainvilleans eventually organised themselves in the Bougainville Revolutionary Army (BRA) to protest the exploitation of themselves and the destruction of the environment around the Panguna copper mine. This situation evolved into guerrilla warfare between PNG and the BRA. More than a thousand people have been killed since 1988.

In early 1997 the Papua New Guinea Government tried to 'solve the conflict' and secure the Bougainville Copper Limited and its mining operations' proceeds for PNG by hiring seventy mercenaries through 'Sandline International', who describes itself as a company 'specialising in rendering military and security services of an operational, training and support nature, particularly in situations of *internal conflict* and only for and on behalf of *recognised governments*, in accord with *international doctrines* and in conformance with the *Geneva Convention*' (quoted from the contract between Sandline and the PNG Government, signed 31 January 1997, italics added).

Sandline is a transnational company. Its headquarters is in London, and the employed mercenaries come from South Africa, Ethiopia, Great Britain and elsewhere. The chief executive of Sandline is a former senior United Nations peacekeeper (!) in Bosnia, which might explain the language of the above self-description of the company.

According to the contract, PNG, 'engulfed in a state of conflict with the illegal and unrecognised Bougainville Revolutionary Army (BRA), requires [...] external military expertise to support its Armed Forces in the *protection of its Sovereign territory* and to regain control over important *national assets, specifically the Panguna mine*' (ibid., italics added). For a payment of US\$ 36 million, Sandline mercenaries were to use their skills and destructive arsenal on the Bougainvilleans. Among other military operations, such as training the PNG forces, gathering intelligence and follow-up, the mercenaries were to conduct offensive operations in Bougainville for a maximum initial period of three months or 'achievement of the primary objective, being the rendering of the BRA militarily ineffective, whichever is the earlier' (ibid.).

When the head of the PNG army, Jerry Singiok revealed the plans with which he strongly disagreed, it created uprisings and a major crisis in PNG. Prime Minister Julius Chan and others involved in the astonishing enterprise were forced to resign in March 1997, the contract was suspended and the mercenaries have been sent away.

The crisis seem to have reinforced strong local suspicion of the central government in PNG. Conflicts among different peoples and politico-religious movements have been brought to the fore, and some peoples outside the capital have expressed fear that the government might send troops against them if they resist logging or other projects with government complicity. The transnational company trading mercenary services is an example of another global force indigenous peoples have to consider, yet a new kind of 'partner' (see below). In the United Nations, IWGIA has consistently supported Bougainvilleans and sponsored interventions regarding the violations of human rights in their homeland.

Kānaka Maoli

Indigenous Hawaiian sovereignty was the major issue through 1996 and there was a substantial public discussion of the questions of indigenous rights and the status of Kānaka Maoli. The State of Hawai'i's initiative to create a constitutional convention to form a 'Native Hawaiian Government' was furthered by the actual 'Native Hawaiian vote' which took place in July-August 1996. The plebiscite on the question, 'Shall the Hawaiian people elect delegates to propose a Native Hawaiian Govern-

ment?' was organised by the State of Hawai'i's 'Hawaiian Sovereignty Elections Council', which thereafter dissolved, but was reborn as the 'private' organisation, Hā Hawai'i.

There are estimated to be 300,000 people of Kānaka Maoli descent worldwide. Nearly 85,000 mail-in ballots were sent out (some to non-Kānaka Maoli). Less than forty percent returned their ballots: 22,294 voted 'yes', 8,129 'no'. The people who did not vote or voted 'no' did so for a range of reasons. The majority did not ask for a ballot. Some did not want any kind of a 'Native Hawaiian Government,' and many were confused about the vote's purpose and implications. A substantial part of supporters of human rights and rights to self-determination boycotted the vote because they rejected the idea that it should be a state initiative, and because the vote did not live up to the international standards for a plebiscite to decide the future political status of a people in a peaceful decolonisation process. The Native Hawaiian vote may be misinterpreted as the will of the Kānaka Maoli people, and it is feared that it will result in the recognition of a government for native Hawaiians made up of representatives of state agencies and related corporations.

Later meetings among Kānaka Maoli leaders, activists and the HSEC/Hā Hawai'i in December 1996 and February 1997 to build consensus around the constitutional convention for a Hawaiian nation have displayed confusion and substantial opposition to the process. A broad range of groups have participated in an initiative to create a peoples' process as opposed to the state process. But the state legislators are now preparing for a 'Hawaiian Constitutional Convention' to be organised by the Hā Hawai'i consisting of former Sovereignty Elections Council's members. On a mandate of only 7.4% of the Kanaka Maoli people, the state and its organisations are continuing the process. This probably has to do with the situation of land control in Hawai'i.

It looks like the state Office of Hawaiian Affairs (OHA, the Hawaiian 'Bureau of Indian Affairs') and Hā Hawai'i are becoming positioned to create a Native Hawaiian government, seemingly on a land base of the 200,000 acres already set aside as Hawaiian Home Land and on the island of Kaho'olawe, which served as a bombing target for the US military from 1941 to 1992 and in 1994 was returned to the Hawaiian people. In contrast to this, some Kanaka Maoli groups claim all of Ka Pae'āina, the Hawaiian archipelago, and are working for a re-inscription of Hawai'i on the United Nation's list of non-self-governing territories, from which it was removed after the statehood vote in 1959, which likewise did not follow international standards, as admitted by the US Congress in the

'Apology Law' of 1993. Other groups - and some of the above as a step on the way towards self-determination for Kānaka Maoli - are claiming all or parts of the so-called 'ceded lands'. These 1.4 million acres (more than one-third of the State of Hawai'i and 95% of the state lands) are the 'public lands', which the illegal 'Provisional Government' in 1898 'ceded' to the United States. When Hawai'i became a state in 1959, these lands were returned to the State of Hawai'i and are, according to the Admissions Act, to be held in trust for among other the Kānaka Maoli.

If the Kānaka Maoli were in fact to gain control over these lands, an indigenous lawyer has estimated that they would be the richest indigenous people in the world. On the ceded lands sit airports, the University of Hawai'i's main campus and many other important and profit-generating structures. According to legislation built on the Admissions Act, the Office of Hawaiian Affairs is entitled to 20 per cent of the proceeds from these lands. The state legislature is now trying to avoid paying the full amount, even though court rulings have confirmed OHA's claim. Even strong critics of OHA are opposing the proposed reductions.

Kānaka Maoli feel that they daily have to attend to attacks on their rights and threats aimed at destroying their environment. 1996-97 has seen increasing consciousness, resistance and counter-activity in order to prevent uncontrolled 'development' of the Islands. At the same time, the economic crisis hit the poorest groups the hardest: welfare cuts and a tuition raise at the University made life much more difficult for Kānaka Maoli families. There are examples of legislation proposed to better the situation for Kānaka Maoli which in fact disguised a reduction of indigenous rights. A federal housing bill tried to impose a division of Kānaka Maoli who can prove 'fifty percent Hawaiian blood' and others who cannot, at the same time as it - in a side remark - categorises Kānaka Maoli as 'Native Americans'. Even though this was a goal for Kānaka Maoli in the seventies, twenty years of indigenous struggle and cooperation with American Indians has taught them that this is not the way to improve the living conditions of the people or to obtain self-determination.

Globalisation, Environmental Racism and Regional Relief

We cannot discuss environment without looking at economic (GATT, APEC, globalisation) which drives the agenda... We need to focus on new forms of colonialism' (quote from Nuclear Free and Independent Pacific's Conference in Suva, Fiji, December 1996, from Pacific News Bulletin, December 1996:12).

'Fourth World' peoples have been forced to relate to the state(s) within which they live - whether so-called First, Second or Third World countries. But through the nineties it has become increasingly clear that other real 'partners' (the term used by the United Nations about the nation-states in relation to indigenous peoples with respect to the International Decade for the World's Indigenous Peoples, 1994-2004) no longer necessarily are the colonial or post-colonial states within which indigenous peoples live or used to live. Structurally, completely different 'partners' have become important: international trade networks and partners to agreements (such as GATT, NAFTA and the European Lomé Convention, Trade and Assistance Treaty, etc.), multinational corporations, banks, interest groups, international organisations, other nation-states and even professional soldiers as mentioned above. They all have interests in indigenous land, resources and knowledge. So, while nation-states might be decolonising, colonisation of another kind intensifies. The global agenda is being set by trade agreements more than the international laws established by the United Nations' 'family of nations.'

In everyday language, this is now called 'globalisation'. Viktor Kasiwo from West Papua has identified globalisation in the following way:

The global approach makes us believe that there is one big threat to our planet and one big answer for the future.

But who is to define what is sustainable development and what is the answer to the challenges of the future? And how can we believe in a global sustainable development policy when the loss of our forests, the poisoning of our oceans, and the gap between the haves and the have nots are a consequence of global agendas and interests? The implementation of one global market and the deregulation principle have put a time-bomb to all governments, nations and peoples.

Is sovereignty of a Nation-State a guarantee that they can control their national development for the benefit of their people, or are they going to be ruled by transnational corporations, stronger nation-states and intergovernmental institutions?

[...] The total lack of respect for the owners of the natural resources [which the industrialised nations and transnational corporations exploit] is a colonial legacy. [...] It is this immoral and unethical behaviour that is reintroduced in the 20th century but in a different and more subtle manner, in the guise of the 'global market' ('Globalisation of Human and Natural Resources', Pacific News Bulletin, February 1997:8-10).

According to discussions at recent regional meetings of Pacific indigenous peoples and NGOs, there is a high level of awareness regarding these new 'partners', who are seen both as a threat and as a challenge. NGOs focus their analyses and workshops on these matters. Groups of indigenous peoples also see the fact of their awareness, their holistic world view and their environmental knowledge as a responsibility to help guide the future of humankind. In this respect, they build on and contribute to a growing consciousness of a global alliance and identity with indigenous peoples worldwide.

The intellectual property rights debate is a significant example of these complex global relations. One example is the Hagahai cell line patent. As a major victory for indigenous and human rights, and for the global networking of NGOs and indigenous peoples, in October 1996 the US National Institute of Health relinquished all rights over the patent of the human cell line of a Hagahai indigenous person from PNG. But still, the patenting of human tissue is rapidly increasing.

The environmental challenges to the Pacific as a consequence of globalisation are enormous. There are serious threats and consequences of hazardous waste dumping, chemical burn-off (at Kalama (Johnston) Atoll), nuclear shipments, bio-piracy, nuclear testing, deforestation stemming from construction of infrastructure, mining, logging, building of dams and establishment of grazing areas and agroforestry, pressure on the environment from development of resorts, malls, golf-courses, etc., over-exploitation of the ocean from fisheries and sea bed mining. Open sea bed mining is hard to control and the present plans seem to be in violation of the UN Law of the Sea. Also, the issue of climate change is important and related to logging. Kasiepo (quoted above) suggests an international 'Environmental Court of Justice' and that indigenous peoples employ the UN Commission on Sustainable Development to work for a truly sustainable development with focus on human beings.

Parallel with the global orientation, there is a growing number of regional agencies and governmental and non-governmental organisations organised within the Pacific region as a whole as well as within the so-called 'culture areas' of Melanesia, Micronesia and Polynesia (invented by social scientists and colonial administrators). The connections and identifications are established on all levels and in many different ways. Voyaging with large traditional canoes all over the Pacific has become an important focal point for Pacific identity and self-pride and the relatively affordable airfares and electronic communication networks have facilitated trans-Pacific activities. Thus, improving telecommunication sys-

tems is on the agenda everywhere in the islands today. Islanders are travelling back and forth in the Pacific, and they have family all over the region. Thousands of Pacific Islanders are actively practising a 'Pacific Islander' identity at the same time as they first and foremost identify with their home island - before their national identity.

Their daily practice belie the myth that the Pacific region consists of too small, too resource poor lands and too isolated nations which need to depend on larger nations. The Tongan professor, 'Epeli Hau'ofa, has expressed it like this:

Oceania is humanity rising from the depths of brine and regions of fire, deeper still, Oceania is us. We are the sea, we are the ocean, we must wake up to this ancient truth and together use it to overturn all hegemonic views that aim ultimately to confine us again, physically and psychologically, in the tiny spaces, that we have resisted as our sole appointed places, and from which we have recently liberated ourselves. We must not allow anyone to belittle us again and take away our freedom ('Our Sea of Islands' pp. 148-61 in *Contemporary Pacific*, Spring 1994:160).

By upgrading regional cooperation and alliances, the Pacific Islanders and their leaders are trying to get away from the belittlement syndrome mentioned above. On the other hand, the syndrome is of course supported by the various agencies who covet indigenous resources, and many of the local policies are still heavily influenced by the 'colonial mentality'. But Pacific Islanders know this and are decolonising their minds through research, education and practice. Many no longer believe that they cannot make it without foreign financial aid, which is often made dependent on compliance with far-reaching requirements regarding how to govern their nations and use their resources. Non-western ways of conducting business are strongly condemned by some donors as not being democratic, or, worse, as corruption.

Economy, Resources and Development

Some of the Pacific peoples are in deep financial crises, which their leaders try to alleviate with a range of activities, often within a decidedly western economic framework of ideas: investment, land registration, development of tourism, large-scale fisheries, ship registry (the Marshall Islands now have the 12th largest worldwide tonnage registered), duty free shopping, tax haven/casino gambling, etc. They take up loans and invite foreign investment. Japan, Korea, Taiwan and China are investing heavily in the Micronesian countries, for instance. Taiwan seems to court

the new independent states in order to secure support for themselves regarding application for reentry of the Republic of China into the United Nations.

While there are serious regional problems with illegal immigration, some of the Pacific Island nations sell passports to overseas investors. Kiribati, for example, sells two-year passports for US\$ 10,000 each. The freely associated states of Cook Islands and the Marshall Islands are both into this concept but are met with disapproval from their present associating states, New Zealand and the United States. Some development schemes are so big, in relation to the islands they are planned for, that they will alter completely the social and political structure found there. This is happening in Belau, where six hundred not yet built houses have been sold to Taiwanese. If the houses are actually built and populated by Taiwanese, this will completely change the population composition of the Republic of 16,000 Belauans.

One reason for the financial difficulties is that the price on the world market of copra and other locally grown or extorted cash crops including the products of mining and logging has nothing to do with the actual local production costs. It is entirely dependent on the world market.

Cheap labour is available in some of the Pacific nations or are imported from other countries such as the Philippines. Filipinos now comprise the largest ethnic group in Saipan in the Northern Marianas, the present location of many garment factories. Twelve thousand workers are reported to earn as little as US\$ 2.90 per hour, working 65-80 hours a week, after paying US\$ 4,000 (or three months salary) just to get the job. They produce famous and expensive brands such as Sako, Gap, LA Gear and Levi Strauss. Strong reactions against this exploitation in Manila and Washington have not yet bettered the situation for the workers.

Local economies are unfortunately dependent on money coming in from the outside, whether remittances, aid, compensation for World War II destruction, nuclear tests destruction, immigration or land use, or, to a much lesser degree, income from trade. Whether independent nations or the worst off ethnic group in their own land, indigenous peoples in the Pacific rely on various forms of so-called 'aid', even though much of the financial support they receive labelled as aid rightfully should be categorised as compensation for use of land and resources or compensation for destruction and exploitation of humans and the environment. The compacts of free association between the United States and the Marshall Islands, Federated States of Micronesia and Belau, respectively, exemplify this point. The compacts contain obligations for the first-mentioned

to pay a certain amount to the Pacific nations for a particular period of time. The time is now beginning to run out for the payments and there is much talk about the insecure post-compact economy. Another example is the migration among those American island nations. Both the Northern Marianas and Guam have tried to convince the United States Government that they need compensation for the flood of immigrants who have entered their countries from the freely associated states since 1986. Guam, which last year actually succeeded in securing 'Compact Impact Aid', has received eight thousand immigrants from the freely associated states in this period.

The Asian Development Bank (ADB) is an important factor in Pacific economy, and so is of course the World Bank. They closely monitor the borrowing governments' political and economic development plans and activities. In the Marshall Islands, for instance, the ADB has insisted upon privatisation, huge reductions in government expenses, construction of resort-hotel-golf course complexes and general development of tourism.

From regional experience it is, however, clear that this does not create substantial income or jobs for the local population. This kind of development usually benefits foreign investors while indigenous peoples lose access to beaches and end up with serious problems of pollution and water shortage. Therefore, they protest development plans which their governments often support.

Leasing of prime public lands for a planned construction of a first class mall in the Northern Marianas has been halted by civil action. The Northern Marianas now has more than 600,000 visitors per year, or thirty tourists per indigenous person - almost the same ratio as for the Kānaka Maoli of Hawai'i. There are other similarities as well. The well-known Hawaiian based Outrigger hotel chain and First Hawaiian Bank are very active in the Pacific. Japanese shoppers will be shopping in malls in Guam as well as Honolulu to buy their European and North American prestige brands like Gucci and Georg Jensen.

On the island of O'ahu in Hawai'i, the controversial H-3 freeway is about to open. The construction of H-3 has been strongly protested by Kānaka Maoli, because it has destroyed valleys and sacred sites. The freeway was cursed by an indigenous religious practitioner and following deaths and other serious accidents, the authorities found it necessary to have the freeway blessed in a second Christian ceremony in 1996, before the work could continue.

The continued closing of sugar plantations and attempts to 'develop' primary agricultural lands and pastoral lands have created much contro-

versy as have attempts to develop beach areas. On Moloka'i and on O'ahu this has created major controversies focusing on the issue of securing water and transferring it from the windward valleys to the dry leeward areas.

Pacific Islanders are not against development. In fact, many want some kind of development from which they can benefit and pursue a 'modern lifestyle' - they want to use their resources. But development in the western sense of the word has reinforced the gap between rich and poor. The economic and social integration, neo-colonialism, the creation of aid dependency, and growing militarism have led to conflicts over development, unrest, social change and contradictions, increased poverty and dependency on outside aid and on foreign produced food with a detrimental effect on the health of the Pacific Islanders. Development projects are therefore frequently protested by the inhabitants of the proposed area, but even foreign owned enterprises are often supported by local governments. There seems to be an alliance between (private) developers and government agencies.

Militarism and Nuclear Waste

The nuclear issues are generally a major concern for the Pacific Islanders. The French nuclear testing created a flood of protest from indigenous peoples as well as from island governments. Presently, the focus is on transportation and disposal of nuclear waste. Several sites including Wake and Palmyra (administered by the US Department of Interior) have been suggested as potential storage sites. Other toxic and household waste trade involves Tonga, Vanuatu, Solomon Islands, Yap and other nations. In the Marshall Islands there is much talk about creating more lands by filling up lagoons with household waste.

For the next decade two to three shipments of radioactive waste through the Pacific are planned. The British ship 'Pacific Teal' is currently shipping highly radioactive waste from France to Japan through the Pacific. The load is said to equal 'ten Chernobyls' (Pacific News Bulletin, January 1997 p.3). The shipment has been condemned and protested by Pacific Islanders, but it takes place in spite of the South Pacific Nuclear Free Zone Treaty, signed by France, the United States and Great Britain in March 1996. France had Gaston Flosse, the president of French Polynesia, sign the treaty - perhaps trying to sneak an acceptance of French Polynesia as a full member of the family of the Pacific Island nations in through the backdoor.

Since France lost Algeria in the 1950s, more than 180 nuclear tests have been carried out on Fangataufa and Moruroa in the French overseas

territory of 'French Polynesia'. Now the testing is stopped, but the pollution and destruction remain, and the dumping of nuclear waste continues.

After closing the test centre, France promised to pay Tahiti Fr 990 million for the next ten years, and Gaston Flosse pressed for greater internal autonomy from France (and acceptance among the Pacific states on the other end). In 1996 Paris chose to reject requests from the territorial legislature regarding elevation of Tahitian to official language, complete control over immigration and regulations of land and property transactions. On the other hand, the presidential powers were substantially increased.

For many Pacific peoples the struggle for a nuclear free Pacific is the same as the struggle for independence. This policy is actively implemented by the regional Nuclear Free and Independent movement and the Tahitian *Hiti Tau*. Hiti Tau (Time to Act) is a non-governmental organisation working internationally orientated to support rights to a permanently denuclearised environment. The organisation represents 20,000 members and works with 400 local leaders throughout the islands. It has staged land occupations and prioritised development of alternative economic solutions over the French nuclear money.

Hiti Tau has initiated a large-scale health survey in cooperation with L'Église Evangélique in Te Ao Maohi, the World Council of Churches in Geneva, the Centre de Documentation et de Recherche sur la Paix et les Conflicts in Lyon, France, the European Centre for Pacific issues in Zeist and the University of Wageningen, both in the Netherlands. This is the first study of this kind, because France has kept all medical records secret. The projects seeks to obtain data on the environmental and health situation of the Polynesians who worked at the test-sites and the inhabitants of the islands around the site and to contribute to a public discussion on the medical, social and environmental consequences of the nuclear tests for people living in Te Ao Maohi. The leader of Hiti Tau, Gabriel Tetiarahi, expects the result to be an important tool to gain international support for the movement for self-determination in Te Ao Maohi which is engulfed in the present 'nuclear colonialism'.

In January, 1997, the Tahitian NGO Hiti Tau sponsored the Abolition 2000 Global Nuclear Disarmament Conference in Moorea and Tahiti in Te Ao Maohi. Abolition 2000 is an e-mail connected network of more than 600 organisations from all over the world calling for a convention in the year 2000 to abolish all nuclear weapons. The Abolition 2000 Conference made the connection between colonialism and nuclear testing/

dumping very clear and it supported the Maohi peoples' struggle for self-determination and independence, as documented in the Tarahoi Statement. The Tarahoi Statement called for creation of an international tribunal consisting of three circles: indigenous peoples, the global community and Nobel Peace Prize recipients. The tribunal should sit in judgment over the 'genocidal nuclear policies of France'. President Flosse later criticised the Abolition 2000 for interfering in the internal affairs of the territory...

Other Pacific peoples also have personal experience with nuclear policies and testing, transportation, storage and waste disposal. The two representatives from BELAU who wanted to participate in the Abolition 2000 were first denied entry into French Polynesia and could only participate in the last few days to tell their story.

The former UN Trust Territory of Belau, administered by the United States, approved the world's first nuclear free constitution in 1979. But after years of struggle, intimidation, repeated votes, in 1994 Belau entered into a 'Compact of Free Association' with the United States. The compact granted Belau independence, but also took away fundamental sovereign rights. Belau continues to be a military colony of the United States, because the United States has veto over foreign affairs and the compact limits the EEZ around Belau to 12 miles. For the price of US\$ 450 million over fifty years, the US is reserving the lands of Belau for future use. They can take any land with sixty days notice for military purposes and have no obligations to restore the land to its original state. This agreement cannot be terminated by Belau alone. Termination requires a mutual agreement. People in Belau now feel the pressures of 'modern development', they feel swamped, they are unemployed and the US Federal programmes have been cut.

While on 25 July, 1996, there was a sad commemoration of the first nuclear test at Bikini fifty years ago in the Marshall Islands, the missile testing programme at Kwajalein is expanding. This has been met with protest in the Republic of the Marshall Islands as well as at some of the prospected Star Wars launching sites in Hawai'i. Under an agreement separate from the Compact of Free Association, covering the period 1986-2001, the United States can use Kwajalein as a missile base for thirty years. Even after thirty years, the agreement can only be terminated by mutual agreement. Kwajalein now has California time - one day behind its neighbour islands - and probably the most sophisticated technology in the world. The military housing has spread to Marjuro, an hours flight away.

Meanwhile, the federal government threatened to cut off the food aid to the people of Rongelap and Bikini. This would block the resettlement of the islands, because local grown food is too radioactive to eat. At the same time, seven additional cancer types were added to the list of conditions eligible for compensation (Pacific news Bulletin, Spring 1997:215).

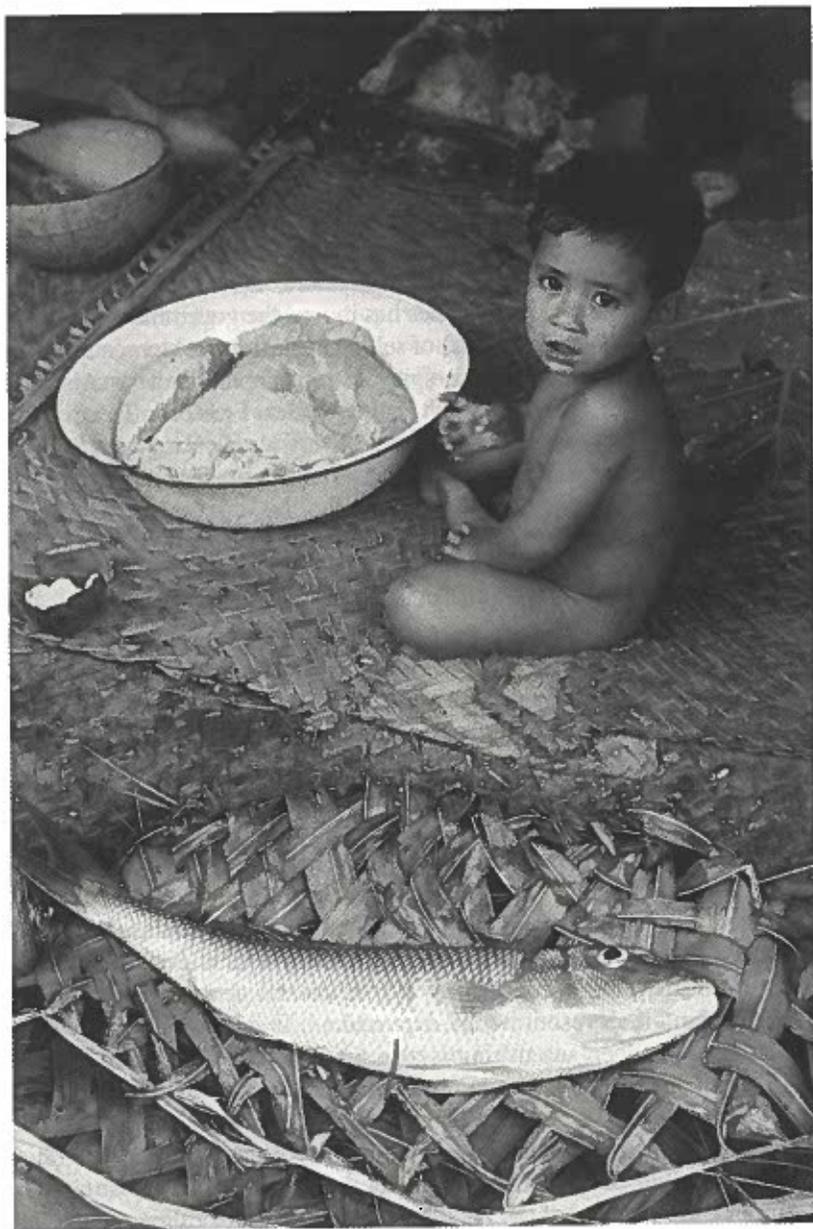
The irony of the situation is complex. Even the tragic environmental consequences can make business. As part of what looks like a new trend of 'terror tourism', one entrepreneur is planning to promote scuba diving expeditions to the Bikini Lagoon! Furthermore, the desperate economic circumstances of the Marshall Islands has moved the government to repeatedly advance the controversial idea of selling nuclear waste storage space on the already contaminated islands in spite of strong popular protests. Also, the government refuses to sign the South Pacific Nuclear Free Zone Treaty. They claim that the treaty would force them to live with nuclear waste forever, because the treaty prohibits transportation of nuclear materials.

Capitalising on the Resources of the Pacific Islands: Fish, Minerals, Forests and Beauty

Construction, coral mining, sewage and overgrazing causing erosion and run-off are other major causes for destruction of the living environment in the ocean and thereby the living conditions for the near-shore fish. This makes a living based on subsistence fishing or small-scale commercial fishing very difficult. The local understanding of the ecological processes could, perhaps, give hope for better management - even though it will be in a continued opposition to the dull 'modern' development scheme building on tourism and military development. Locally, this hope is sustained by widespread support of the present regional initiative to protect the coral reefs.

Often encouraged by aid donors, deep sea fishing ventures are promoted and sold off, leased away for years to come or undertaken in joint ventures with foreign companies. But it creates few jobs for Pacific Islanders, and their resources are exported.

Large-scale deep-sea fishing is also promoted by the Forum Fishing Agency of the South Pacific Forum, which is generally regarded as a progressive model for regional cooperation on fishery management. The agency is renowned for having fought driftnet fishing, and in 1991 they successfully supported introduction of the UN resolution banning it. Driftnet fishing is one of the most destructive methods of marine exploitation practice, and if continued for a few years it would have created a complete collapse in fishery.



Subsistence fishing in the Pacific experiences increasing pressure from environmental degradation and large-scale commercial fishing (Tuvalu, South Pacific). (Photo: Palle Kjærulff-Schmidt)

The ocean is now threatened by sea bed mining plans and in spite of the initiatives of the Agency, it seems close to being over-fished. Sustainable ocean management is definitely needed to secure the 'global commons' of the oceans for future generations.

It is becoming increasingly clear that mining is antithetical not only to sustainable development of the land and natural resources but also to political self-determination. The importance of control over nickel for Kanaky is mentioned above. Bougainville (treated in detail above) is also an appalling example. Others are the Ok Tedi mine in Papua New Guinea, the Freeport mine in West Papua and the gold mines in New Ireland (PNG province), Fiji and the Solomons. All these mines have had the effect of changing the social and physical conditions for the peoples, whose areas they have mined. New Zealand Steel in Waikato Heads has desecrated sacred burial grounds in order to mine iron-sand (the company is a foreign company, it is part of BHP from Australia, the same company which is involved in the Ok Tedi mining).

Four-fifths of the surface of Nauru and much of its subsoil is ravaged by phosphate extraction by Australia, Great Britain and New Zealand. After independence in 1986, the phosphate industry was sold to Nauruans, but the former colonial powers retained the million dollar assets. Nauru has taken Australia to the International Court of Justice in Hague claiming damages, but no amount of money can recreate the island.

Logging in the Pacific is typically unsustainable and uncontrolled resulting in immense ecological damage - notwithstanding government regulations to the opposite effect. The demand for regulations also springs out of the local experience with foreign timber industry. Such regulation, though encouraged by development banks and other donors, is hard to obtain funding for. Many Pacific governments have environmental departments or divisions but serious difficulties implementing their ecologically sound policies. The same seems to be the case for the South Pacific Regional Environmental Programme (SPREP) which includes all Pacific states and territories. It is sponsored by the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, which has been in force from 1990 and is signed by France (!) and nine other parties.

Some companies are dominating and intrusive in the local community. There are several examples of boom-and-bust companies who, as part of the agreements with local land use owners promised schools and infrastructure but left only destruction. The world market price of the wood does not come near to covering the local use value and cultural and biological significance of the forests. The major consumer of Pacific

wood is Japan, but Korea is also of growing importance as a customer. Companies from Japan, Korea, Singapore, China and especially Malaysia are working in Melanesia.

Local resource owners are typically in favour of some kind of logging - because that is one way they can live off their resources - but frequently they find that the foreign companies, which are clear-cutting their forests and polluting the rivers, are the ones that reap the profits and they express disappointment with their governments. Their own gains dwindle, their sacred sites are desecrated, their lands are destroyed, labour is imported and they themselves are displaced and may end up as unskilled urban labourers. Reforestation often equals a commercial monocrop kind of agroforestry such as oil palm plantations. The original ecosystems are virtually impossible to restore.

The situation is further complicated where land rights are customary. In Papua New Guinea, Vanuatu and the Solomon Islands, for example, customary land tenure is highly valued and complex; more than ninety percent of the land is not private property in the western sense of the word.

Kathleen Barlow and Steven Winduo formulate the point clearly in their introduction to the latest issue of *Contemporary Pacific*, a special issue on logging in Melanesia: 'The colonial legacy of political and legal systems that alienate land and co-opt its resources for uses determined elsewhere is perpetuated through neocolonial imbalances [...] and by rhetoric about forests as uninhabited places available for exploitation' (Spring 1997:9). The patterns of profit and the economic, social and environmental damage by the logging is becoming increasingly transparent and local resource owners and organisations are protesting the exploitation. Initiatives to register land - strongly encouraged by for instance the World Bank - are continuously rejected by indigenous peoples. The Solomon Islands Development Trust and local NGOs in the Melanesian nations are getting organised and empowered through international networking and are now playing an active role in the efforts to promote sustainable development.

Other global players have an interest in the Pacific rainforests as well. Conservationists urge the protection of the forests of the Pacific Islands, which accommodate a tremendous wealth of endemic species and levels of biodiversity. Natural scientists consider forests of major importance for global hydrological processes, greenhouse gas exchanges and thereby for global warming and the sea level. But the interest groups and international organisations concerned with protection of ecosystems and bio-

diversity on a global level often clash with the indigenous peoples living in and off the forests and their practices of conservation. Conservation for its own sake is not a persuasive argument for people living with and off the forests. They often favour what is called a 'wise use' strategy instead of the 'no use' goal of conservationists. Good, small-scale, sustainable projects are needed as an alternative. Where a 'no use' policy is considered necessary, it should be a global concern to reimburse the local population in order to fund the continued existence of the tropical forests. This is neither aid nor bribery but a global sharing of the costs of global concerns.

Control over Land

Major proportions of the limited land base in the Pacific Island nations are under foreign control and much is inaccessible to the indigenous peoples, especially in the First World countries.

In Guam, the United States Government controls over 30 percent of the land area, much of which is unused. Efforts are being made to have some of the 'excess land' returned to the Government of Guam and not transferred to other federal agencies such as for instance the Fish and Wildlife Service for conservation purposes. In spite of efforts on behalf of many persons and organisations, the *Pai 'Ohana* (extended family) whose lands are located within the National Park of Honokahau at Hawai'i Island were also evicted. The park was from the beginning supposed to be a cultural park, but the *Pai 'Ohana* who have taken care of the lands through centuries were not wanted on the land by the federal authorities. Other evictions of *Kānaka Maoli* have taken place. In June, 1996, *Kānaka Maoli* families were evicted from *Mākua Beach* on O'ahu, where poor and homeless and others seeking different or more traditional ways of living, more secure surroundings for their children to grow up in as opposed to the suburban ghettos of violence, drugs and gangs, have been taking up occupation for many years. Eviction notices were given and postponed several times. The final notice in an ironic twist took care to postpone the eviction until the children were out of school for their summer vacation.

In 1996 the indigenous people of Guam finally managed to force an implementation of the *Chamorro Land Trust Act* of 1975. It took a court suit and more than two months of continued protests during which the *Chamoru Nation* set up a camp on the governor's parade ground. They were served eviction notice but refused to leave. They were chanting and blowing conch-shells during legislative session. Two bills were eventu-

ally passed, establishing rules and regulations for land applications and transfer of 4,336 lots from the abolished 'Land for the Landless Programme' to the 'Chamorro Land Trust.' The Land Trust Commission is now accepting applications for land lots at one US dollar per year leased for 99 years with preference to landless Chamoru. This Commission seems to be built on the model of the Hawaiian Homes Commission Act of 1920, the implementation of which has been severely criticised by indigenous Hawaiians and civil rights groups.

Maori have continued to occupy land taken from them by breach of the Waitangi Treaty in order to ensure their rights. The land mass covered by the treaty has been reduced to about five per cent of the original 66 million acres.

Even though one-third of the land of Aotearoa is conservation land, and almost all of that is claimed by Maori, the Department of Conservation refuses to let Maori participate in the administration of the lands. Customary access and gathering is also denied them. According to Margaret Mutu (Contemporary Pacific, Spring 1997:235), this is because the Department of Conservation is dictated by a very strong environmental lobby of the 'no use' kind.

While the Government New Zealand declares its sovereignty 'indivisible', the Waitangi Tribunal in 1996 issued the Taranaki Report, listing 'numerous horrendous violations of the legal moral and human rights of Taranaki Maori by successive New Zealand governments right up to the present' (op.cit.:236). By removing resources and the economic base from the Maori, the government has been destroying Maori autonomy. The Tribunal found these actions illegal and a breach of indigenous peoples' international rights to a constitutional status as First Peoples.

In a strategy to gain control over their own lives, they seek to ensure that the guaranty for their *tino rangatiratanga*, sovereignty, is upheld.

In Hawai'i the state legislature is trying to conform to the demands of the big landowners and others alarmed by the Supreme Court ruling from 1995 confirming traditional Kanaka Maoli access and gathering rights as they are clearly stated in the Constitution and Revised Laws of Hawai'i. The Ruling affirmed the obligations of the state and county governments to protect and preserve the native Hawaiian rights to access undeveloped private lands for cultural and traditional purposes. A law office has been established in Honolulu to counteract the law and a state bill was introduced to 'clarify' the access rights, in effect requiring all Kānaka Maoli to register and prove their genealogy before they can access areas where their families have gathered for centuries. A 24-hour vigil at the State

Capitol in Honolulu with strong support of Kānaka Maoli *hula* practitioners who drummed, chanted and danced their message through to the legislators influenced the lawmakers to kill the bill, a copy of which was subsequently dramatically torn apart in front of crowd. The protest was the largest in many years and involved many Kānaka Maoli who are not usually politically active. Following this, the state's largest landowners have formed a coalition to 'resolve' the issue of Kānaka Maoli access. They claim that the missing rights to exclude Kānaka Maoli from access to the land threatens to damage the state's economy and has already stalled several development projects and 'soured' the business of land sale. Without the right to exclude Kanaka Maoli's access to privately owned lands, there is a 'cloud' on the title to land, as Western law would have it. Another bill has since followed the first. This issue is not over yet.

Even the independent nations of the Pacific which have implemented laws to prevent alienation of lands, lose control over land. Sixty-year leases in the Cook Islands, with payment at the beginning for all sixty years, is virtually the same as giving away the land for two generations. A lease of primary agricultural land, upon which a mall is built, or lease of a beach area, where a hotel resort is built, is also, in effect, lost land. No wonder renewal of leases is a controversial topic. In Fiji, five thousand leases are up for renewal during the next eight years.

Self-determination

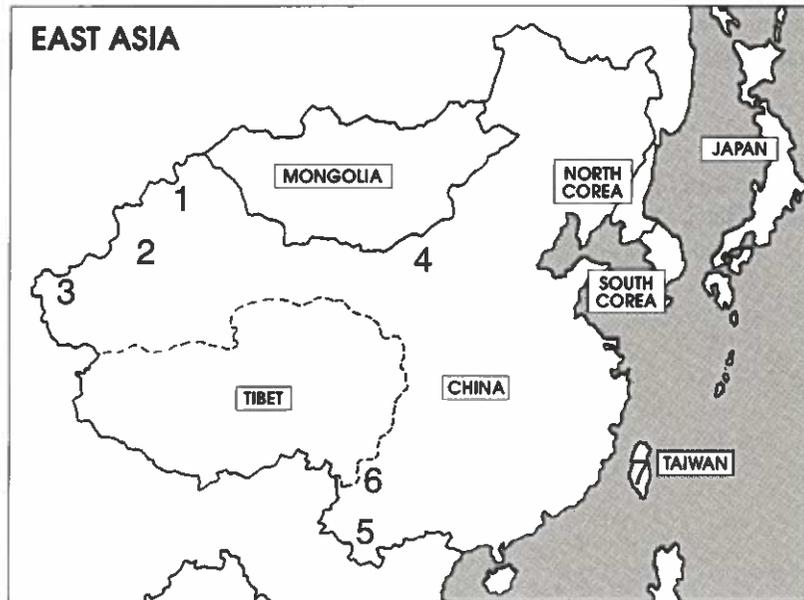
In the Pacific, nuclear testing and storage has created major environmental problems and concerns as has much development. Lands have been taken or destroyed, ocean rights sold off, oceans have been emptied and the peoples are jobless and aimless, dependent on aid. This is a bleak picture, which is part of the explanation for the growth of social problems and violence in indigenous communities, a well-known phenomenon in the Pacific and worldwide.

The concentration in urban areas is growing, leaving the outer islands with too few people to grow enough food to sustain their population, the reason why more and more are forced to depend increasingly on imported foods. Drugs, violent crimes and gang fights are on the rise all over the Pacific. In the Northern Marianas murders are becoming more frequent, and Guam has been forced to declare war on 'ice' (Crystal methamphetamine). A change of the economic and political conditions is necessary. Greater self-sufficiency and self-reliance - though self-determination and enforced regional networking - seem to promise some relief for this devastating situation. The visions and optimism expressed by Hau'ofa above

and the efforts of local communities and nations to create environmentally sound development and stop the exploitation and destruction are badly needed.

Sources:

Newspapers and journals (including the political reviews of *The Contemporary Pacific* and *Pacific News Bulletin*), Internet communication and web pages, articles and discussion papers, personal communication.



1. Kazakh
2. Uygur
3. Kyrgyz
4. Mongol
5. Dai
6. Naxi
7. Tao (Yami), Rukai

EAST ASIA

CHINA

1996 was a year of increasing ethnic unrest in China. Already at the beginning of the year the party leadership used strong words against alleged anti-Chinese conspiracies that aimed at sowing ethnic discord and splitting the motherland. This was followed up by regional leaders, including the party secretary of Inner Mongolia, the Han Chinese Liu Mingzu, who lashed out against hostile Western forces who make use of the ethnic situation in China for the purposes of infiltration, sabotage and subversive activity (Neimenggu ribao, 3 June 1996).

As there are several ethnic exile groups which pursue a more activist line of activity, some of the more carefully targeted actions may certainly have been initiated or at least inspired by circles in exile. However, the standard official mantra sees all types of foreign criticism as conspiracies and appears unable to see the unrest and discontent as a result of their own policies. This has given rise to a more repressive stand from the side of the regime as well as more populist currents among the Han Chinese. This we will return to below.

The official description of the conditions in the minority regions is still predominantly one of 'A Big Family of Unity and Progress', a title which is meant to characterise the conditions in Xinjiang (Beijing Review, 15 January 1996). The minority regions are being steadily more integrated in both the national as well as the international economic system. This could be seen from a brief survey of the developments of the cities of Ürümqi (Xinjiang), Hohhot (Inner Mongolia), Lhasa (Tibet) and Yanji (Jilin province, Koreans) (Beijing Review, 23 September 1996). Another notable feature of development in the minority regions is that the educational system is rapidly deteriorating, thus leaving young people of minority origin even more behind. This was highlighted in a report by one of the vice-presidents of the National People's Congress, Buhe, who himself is a Mongol (Guangming ribao, 3 November 1997).

An interesting trend of increasing self-awareness is taking place among many of the nationalities. While elements of traditional culture earlier have been applied to 'folklorise' the various nationalities by the Han Chinese, traditional cultural elements of their own choice are now being promoted as signs of identity, like the traditional Tomba folk religion of the *Naxis* in Southwest China. Among nationalities who live in cross-border cultural continuums, the 'advanced' example of their remote cousins across the border are being used as evidence of the great potential of their own cultural reservoir. Examples of that are the *Koreans* in the province of Jilin in the Northeast, who make use of the example of South Korea to show the potential superiority of the Koreans over the Han Chinese, and the *Dais* in Sipsong banna in Yunnan, who point out that their own Theravada Buddhism is quite compatible with developing a modern society, like the example of Thailand amply illustrates.

Xinjiang

The ethnic antagonisms in Xinjiang are steadily escalating. The situation has by some observers been characterised as having reached the stage of a low-intensity guerrilla conflict. Undoubtedly, faced with the total numeric and technological superiority of the Chinese armed forces, ethnic resistance will not be able to develop beyond a low-intensity guerrilla conflict. It is, however, doubtful that the present situation seeks to surpass its current characterisation, because many of the protests and grievances are not motivated by a drive for independence from China, but rather from issues like protests against increased Han Chinese immigration, limits on child-bearing, environmental degradation, religious freedom and lack of real autonomy.

Nevertheless, the *Xinjiang ribao* reported that during the period from February to June, 1996, alone there were five serious incidents, 2,773 terrorist suspects were rounded up and 6,000 pound of explosives and 31,000 rounds of ammunition were confiscated. The most serious incidents were targeted bombings and political assassinations.

Two *Uighur* men blew up a military jeep with a home-made bomb in the Xinjiang capital of Ürümqi in February 1996. A 28-year-old self-taught expert on the Koran was indicted, sentenced to death by the Xinjiang higher court and executed on 28 April, 1997.

His accomplice was sentenced to a suspended death sentence, a sentence usually commuted to a life sentence. An Uighur exile group in Kazakhstan further reported that a bomb was planted on 10 March in one of the buildings at an arms factory halfway between Ürümqi and Kashgar.

Another type of spectacular resistance took place in 1996, namely the premeditated murder of prominent Uighurs who were branded as collaborators. The most well-known of such acts was the assassination of Akenmu Sidike, who was a vice-chairman of the Xinjiang People's Political Consultative Conference. On 2 March, the Mullah of Kashgar's Idagh mosque was stabbed to death together with his son, and in September six Uighur government officials were reportedly murdered in Yecheng.

The Chinese authorities in Xinjiang reacted in several ways. Firstly, they turned the ongoing national 'Strike Hard' campaign, which was intended to be directed against corruption, into a campaign against the 'separatists'. Secondly, besides curbing the building of new mosques, they closed a number of mosques that were said to be unauthorised. Finally, a new dramatic directive early in the summer of 1996 prescribed that all Party secretaries down to the village level should be of Han nationality.

As most readers of this report will probably be aware of, the unrest in Xinjiang has escalated further in 1997. The Chinese are therefore facing a situation which is becoming more and more complex to handle. The opening up of Xinjiang to the world has certainly resulted in a marked economic development and modernisation, but this has benefited the Chinese more than the indigenous inhabitants, thus creating new animosities. This has already had a negative impact on tourism but, so far, not on foreign business investment. In March, 1996, for example, the Canadian multinational (Northern Telecom) won a contract to establish the first Global System for Mobile Communications (GSM) digital cellular network in Xinjiang. The network was launched in Ürümqi already in July 1996, and the aim is to extend the network to cover the entire region with 200,000 subscribers by the year 2000.

The regimes in the new Central Asian Republics, notably Kazakhstan and Krgyzstan, have so far made common cause with the Chinese Government in curbing the calls for Uighur independence, even if associational activity like the Inter-Republic Uighur Association in Almaty, Kazakhstan, has been allowed to function. These

regimes have also been careful not to instigate ethnic unrest among the *Kazakhs* and *Kyrgyz* in Xinjiang. The most numerous and most vocal Uighur exile community is found in Turkey, which has a tradition in this respect predating the founding of the People's Republic of China. The last surviving among the leaders of the former East Turkestan Republic (1944-1949), Isa Yusuf Alptekin, died at his home in Istanbul, on 17 December, 1995, at the age of 94. Earlier that year, a new park in the Sultanahmet (Blue Mosque) district in Istanbul was named after Alptekin, and a memorial erected. The Chinese Embassy in Ankara has put pressure on the Turkish Foreign Ministry to remove both the name and the memorial, but to no avail.

For those interested in further information about the history, culture and traditions of Xinjiang, we can recommend the following book: Thomas Hoppe 1995. *Die ethnischen Gruppen Xinjiangs*. Hamburg: Institut für Asienkunde.

Inner Mongolia

1996 saw a serious outburst of crackdowns on *Mongolian* dissidents. It started with the arrest of the Mongolian Hada, aged 41, on 10 December, 1995. Hada, who was running a Mongolian bookstore in Hohhot, the capital of the Inner Mongolian Autonomous region, was the head of the newly organised Southern Mongolia Democracy Alliance. In the following days, more people were detained, among others Heilong, aged 32 and deputy chairman of the alliance, and Baoqingshan, aged 32, a physicist and secretary of the alliance. This prompted spontaneous demonstrations by students in Hohhot on 16 December and again on 30 December, resulting in further arrests, among them Hada's wife Xinna. At least thirty people were said to have been arrested by early 1996. Towards the end of the year, Hada was tried and sentenced to 15 years in prison for alleged separatist and espionage activities. Another dissident, Tegexi, was given ten years in prison. Inner Mongolian dissidents describe their regions as Southern Mongolia rather than Inner Mongolia, because the last-mentioned appellation views the region from China, while the first-mentioned views the region from Mongolia itself. Ironically, a book which was published in Beijing in 1996 would give the dissidents good reasons for historical animosity against the Chinese. Written by the Mongol Tumen, and entitled *Kang Sheng and the False Case of 'The New Inner Mongolian Peoples's Revolutionary*

Party', the book revealed the atrocities by the Chinese in Inner Mongolia during the Cultural Revolution. The book was published by the Central Party School and was intended to reveal the machinations of former Minister of Security Kang Sheng, but the revelations about widespread torture were seemingly so grotesque that the book was soon withdrawn.

Chinese Nationalism on the Rise

During the Deng era, the Chinese Communist Party gradually shifted their ideological legitimisation from socialism to nationalism. Even if such a shift is a clear expression of a crisis of ideology, there are several reasons why such a shift may become beneficial to the Communist party, which more and more speaks the language of a 'Nationalist' party.

In the first place, the revolution led by the Communists in 1949 was not just a political revolution, but was just as much generally perceived as a national liberation which ended the so-called 'Hundred years of humiliation' when China was dominated by the colonial powers.

In the second place, the Chinese have been characterised as historically having had a cultural primary identity rather than an ethnic primary identity. The assumption here is that any person, no matter which ethnic origin, may become a full-fledged member of the Chinese society if the person adhered to the Confucian cultural norms. On the other hand, the Chinese also have a very strong tradition of a sense of cultural superiority, which, when subjected to closer scrutiny, is more based on ethnic identity than on cultural preferences.

During the Maoist period, China was more dominated by what one may call statist or official nationalism, and ethnic nationalism was kept low. However, during the Deng years, ethnic nationalism has become more and more evident, and has more and more been encouraged by the Communist Party. The clearest evidence for this change is found in the renewed emphasis on the concept of *Zhonghua minzu*, which means 'The Chinese people'. This is a term which was coined in the early days of Chinese nationalism around the turn of the century. The problem is that the term is highly ambiguous. In its original and strict sense, it meant the Han Chinese, but in its later and dominant use, it means all the people who happen to live in China, thus including also the indigenous peoples (The term has all

along been the dominant appellation in political circles in Taiwan.). Today, it is used very much in the same sense as the term 'The Soviet people' was used in its days. No wonder that this has created a jittery feeling of resentment among the minority peoples, who see this as a clear ideological shift which could further undermine the already limited autonomous rights of these peoples.

TAIWAN

The struggle of the Taiwanese aboriginal movement during the past years was a journey on a rugged mountain path. Taiwan's aboriginal movement's workers suffered from political prosecutions made possible by the 'The Law of Gathering Paradigm' in the Nationalist (KMT) regime's judicature throughout 1995-96.

Two aboriginal leaders were imprisoned by the KMT regime in 1995 and 1996:

Rev. Mayaw Kumu, imprisoned on 19 May 1995, released on parole before Christmas day in 1995, and Mr. I-Ciang (Liu, Wen-Shiong), one of the leaders of the Alliance of Taiwan Aborigines (ATA), who was imprisoned on 7 November 1995 and released on parole in July, 1996.

In spite of financial problems, ATA was able to maintain an active service for indigenous peoples in Taiwan throughout 1996. In response to the unyielding struggle of Taiwan's indigenous peoples, in 1996 the KMT government created several aboriginal committees on various administrative levels 1996:

1. The Taipei Municipal Government Aboriginal Committee. It was founded by the Taipei municipal government on 16 March 1996. This is the first time that the name of aborigines' committee was recognised by the Taiwanese government since the beginning of the aboriginal movement.
2. The Central Aboriginal Committee in Taiwan, founded in December, 1996.
3. Taiwan Provincial Aboriginal Committee founded in 1996.
4. Kau-Shiong Municipal Aboriginal Committee founded in 1996.

Most pressing issues and problems

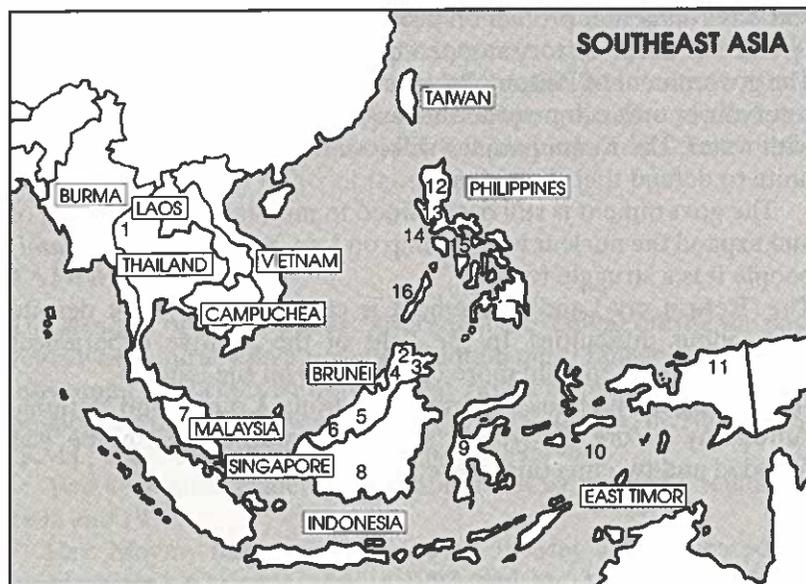
The land of the aboriginal peoples of Hua-Lien faces severe environmental pollution from a cement factory. The aboriginal peoples

and environmental protection groups have attempted to have the operations of the factory stopped but have lost the case. The government of Pintong Province plans to construct the Machia reservoir in order to provide the large Kau-Shiong provincial area with water. The *Rukai* peoples will lose their land but are ready to unite to defend their homeland.

The government is still determined to maintain the operation of and expand the nuclear waste dump on Lan-Yu. For the *Tao (Yami)* people it is a struggle for life.

The 'Return my Land' movement is continuing its work despite tremendous difficulties. In the light of the positive experiences made, it decided to hold more conferences on the issue.

In pursuing the plan to establish the National Council and National Autonomy before the year 2000, a preparatory committee was founded and two meetings were held in 1996.



- | | |
|---------------|---|
| 1. Karen | 10. Haruku islanders |
| 2. Rungus | 11. Kawera, Namunaweja, Ang-greso, Manau, Bauzi, Dani |
| 3. Dusun | 12. Ibaloi |
| 4. Murut | 13. Bugkalot |
| 5. Penan | 14. Ayta |
| 6. Iban | 15. Ati |
| 7. Orang Asli | 16. Tggbanua, Palaw'an, Batak |
| 8. Dayak | 17. B'laan |

SOUTHEAST ASIA

THAILAND

The tribal peoples of Thailand have traditionally lived in the highlands of the North and West, living along the waterways and practising rotational agriculture. They have different farming systems for each season and have ceremonies asking forgiveness and giving thanks for disturbing the soil. They consciously manage their natural resources and wildlife. Local leaders maintain peace and relations within the communities. They have lived together peacefully with the land, water, forests, and animals under the principle of 'use and maintain'. They have done this for hundreds of years.

The time of the Bowring Treaty of 1855 had a distinct impact on the land, water, forests and animals of Thailand, particularly in the North. This treaty permitted persons from the West to cut the teak trees traditionally under the care of the indigenous peoples. This destruction of the teak forests continued until the Thai Government passed the first forestry law in 1941. What was left were the poor quality trees and stumps to serve as a memorial and a source of future Thai lumber concessions.

In the lowland plains areas, the forests disappeared rapidly as the trees fed factories and industry. This left land only suitable for the cultivation of cassava and sugar-cane and further decreasing fertility. The result was the clearing of new agricultural lands of immense area during the period of the nation's first National Economic and Social Development Plans. Eventually, the government recognised the extent of the destruction and passed the National Wildlife Protection Act in 1960, the National Parks Act in 1961 and the National Forest Reserve Act in 1964.

At approximately this same time, communities in the North of Thailand began cultivating new crops from China which required a cooler highland climate. This was frequently done in proximity to the traditionally protected water sources and, thus, village leaders opposed these moves, sending the lumbering equipment they con-

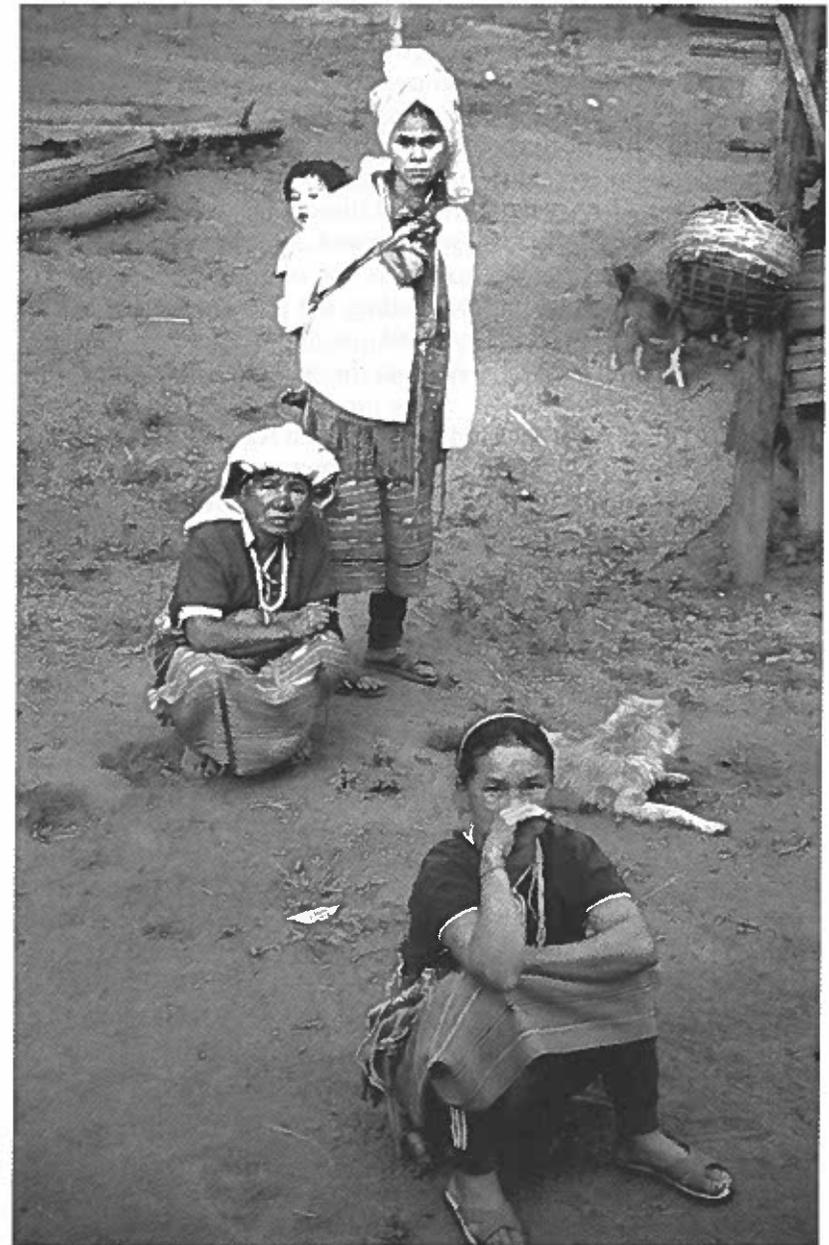
fiscated to the local authorities. But this proved futile in the face of influential forces, in collusion with government officials, and the forests once protected by the highland communities became bare.

The Struggle of the Communities

Following the devastation of the forests generated by the introduction of new crops, the government became more sensitive to the problem and mobilised both Thai and foreign organisations with the objectives of development and reforestation. Unfortunately, the methods were foreign and the replanting of forests was often accomplished on existing highland farmlands. Thus, new and more complicated problems arose and continue today, for example, the use of toxic chemicals and soil erosion. These problems are totally alien to the original rotational farming.

To date, the government has established forty-one wildlife refuge areas and is preparing another five, with a total area of 2,860 hectares. There are also another seventy-five national parks, with forty more about to be inaugurated in areas already inhabited by long-established local communities. The government intends to preserve its forests through a classification system. All areas 600 metres or more above sea level with a slope of 35° are Class 1A and prohibit human occupancy. Existing villages are to be relocated. Class B and C watersheds have lesser, but still significant, restrictions on human occupancy. The total areas which fall into this new classification system are: Class 1A, 1.12 million hectares; Class B, 8.32 million hectares; and Class C, 14.08 million hectares. All of these areas have existing highland communities which will suffer the consequences. Official government policy is one of 'separate the people (communities) from the forests' and measures have been undertaken to ensure that this is done. For example, termination of infrastructure development, school and health station construction, arrest of persons practising agriculture, and prohibition of housing construction materials.

The unjust insults and injuries suffered by the highland villagers have motivated them to seek alternatives. They have turned to non-governmental development organisations, academics and the mass media. During 1991-1993, practical research was conducted on 'Community Forests in Thailand, A Development Approach'. The results underlined conflicts between traditional lifestyles and government policy and laws, with authorities disregarding and infringing on the rights of villagers. It was also found that local communities possessed the capacity for resource management, which they had been



Thailand's indigenous forest peoples face an insecure future: Karen women in Chiang Mai province. (Photo: Chris Erni)

practising for a considerable length of time. There were more than one thousand existing community forests in the country. The outcome was the drafting of the Community Forestry Act, which unfortunately had a number of limitations. For example, community forests could only be located in national forest preserves, which does not conform to reality, because many of these were in areas recently classified 1A. The drafting of this act lacked public consultation and neglected the local wisdom and experiences of the highland communities. Thus, we now have a Community Forestry Act out of touch with reality and which does not address local needs. In response, village representatives, NGOs and academics drafted a Peoples Community Forestry Act, but this was not acceptable to the government.

In 1994 villagers established the Northern Agricultural Network in order to begin finding solutions to agricultural problems. And for the first time in history they gathered together during 28 April - 3 May, 1995, (during the Chuan Leekpai government) to call for the recognition of their rights. The result of these negotiations was a government decision to draft a new Community Forestry Act and establishment of a Committee for the Solution of Forestry Problems. But before any action could be taken, Parliament was dissolved and a new government elected.

These conflicts concerning the Community Forestry Act during the Chuan Leekpai government could not be resolved, and another draft of the Act was completed on 11 April, 1996. This received Cabinet approval on 30 April, 1996, (during the Banhan Silpa-acha government) and immediately brightened the spirits of the highland residents. Then the clear skies turned cloudy when four conservation organisations: Sueb Naksathian Foundation, Green World Foundation, Thammanat Foundation, and the Society for the Conservation of Arts and Environment, voiced total opposition to the establishment of community forests in Class 1A watersheds. The highland residents could not accept this, since a great number of their communities had been designated as lying within those 1A boundaries. Acquiescence would be the equivalent of relocation from their homes. When a series of negotiations failed, the government agreed to a 'Public Hearing on the Community Forestry Act' in October of 1996. However, nothing happened because the Banhan government dissolved Parliament.

The Convention of the Poor and the New Aspirations Party

Each group had its own particular problem and cause, none of which were ever solved in any concrete terms. As a result, the poor who were impacted got together to establish their own network in December, 1995, calling this body the 'Convention of the Poor'.

When the New Aspirations Party received the greatest number of votes in the recent election, its leader, General Chavalit Yongchaiyuth, became the Prime Minister and promised to solve the problems of the poor. The Convention of the Poor, 20,000 strong, assembled in front of the Government House on 25 January, 1997, to negotiate with the government on six major issues: 1. Land and forests; 2. Dams; 3. Government development projects; 4. Slums; 5. Work-related disabilities and environment; and 6. Alternative agriculture networks.

The Northern Agricultural Network joined in the negotiations on land and forests. The intention was to draft a clear concrete and practical plan for solution of the problem. The negotiations with government representatives were extremely slow, because the government was not serious about a solution. Rather, they hoped to delay until the villagers became tired and twisted the intentions of the farmers. One group of participants became so stressed that ten of them ended their lives. One of them was a *Karen* whose lands were being taken over by a national park. He decided to end his life by jumping from a train while returning north with his relatives from the Government House. This occurred on 5 March, 1997, after the Minister of Agriculture confirmed that all persons in Class 1A watersheds must be relocated. Before committing suicide, he remarked to a close friend, 'Our homes, our forests. We've watched over them since the time of our ancestors. Why do they have to bully us like this? Why should we carry on when the government has no interest in us? We go home and we'll be driven out of our forests. It's better to die.'

After establishing itself on 25 January, 1997, the government, led by General Chavalit Yongchaiyuth, passed a Cabinet resolution calling for the solution of all problems for all groups on 19 April, 1997. The villagers were pleased and left for home on 2 May, 1997, believing this to be the final day for the meeting of the Convention of the Poor.

As for the recommendation of the Northern Agricultural Network regarding the problem of land and forests, 107 villagers listed six separate actions to be taken:

1. Immediate abolition of the government policy of relocation from forest areas;
2. Surveys and proof of residence of villagers prior to the establishment of national parks, wildlife refuges and Class 1A watersheds. If prior residence is proved, the Forestry Department and other responsible agencies will void all regulations prohibiting residence and farming and affirm residential and agricultural rights in accordance with the law;
3. Investigation and proof of rights and affirmation of rights:

- A committee will be established with responsibility for the investigation and affirmation of rights. This committee will comprise representatives of concerned government agencies and the people affected in equal numbers;

Persons being investigated must be those who are true residents of the areas under question;

- Criteria for investigation and affirmation include compliance with at least one of the following:

- Evidence of fruitful use of the land;
- Man-made structures, fruit trees or perennial trees;
- Confirmation of status by a member of the community;
- Official documentation, including SK 1, PBT 5, house registration, etc. which shows prior residence or fruitful use of the land;

- Criteria for the affirmation of rights. The responsible agency will affirm the resident's rights as follows:

- For residents with sufficient evidence to warrant the issuance of official documentation in accordance with the laws governing land, e.g. SK 1, the Land Department will issue the appropriate document as quickly as possible;
- For residents without sufficient documentation of land ownership, an SPK.4-0-1 should be issued as quickly as possible;

4. With respect to existing community forests that the villagers have maintained in a sustainable manner, the community's rights to these forests and their use will be officially acknowledged. There should be no arrests, threats or encroachments on these lands by the authorities. When the Community Forestry Act is passed,

conservation forest status will be withdrawn and status as community forests will be legalised;

5. During the process of correction of the forestry problem the villagers will be allowed to continue residence and farming on their traditional lands without threats, arrest or encroachment by officials. At the same time, they will be allowed to develop public facilities such as home construction and improvement of roads, water systems and electricity.
6. A committee will be appointed and made responsible for oversight of correction of the situation in accordance with the results of negotiations. The Prime Minister or delegated Minister will serve as committee chair, with representatives of concerned government agencies and affected villagers serving as committee members in equal number.

At this time, we are awaiting concrete actions as promised by the Cabinet. We beseech the authorities to solve this problem in accordance with the Cabinet resolution of 29 April, 1997.

Following the dissolution of Parliament under the Banhan government, another public hearing on the Community Forestry Act was scheduled for 29 May, 1997, under the General Chavalit government. We have no idea what the results of that hearing will be, but we hope that the act will finally be passed and the highland problem solved. The villagers would then be given their rights to management of these resources which were seized by the authorities, through the Forestry Department, 100 years ago. The forests would be returned to them as called for by government policy on the decentralisation of authority to local levels. And the highland people would be able to celebrate their victory in re-establishing their traditional lifestyle in harmony with the nature that surrounds them.

MALAYSIA

Resolution of the Indigenous Peoples of Malaysia

In September, 1996, a conference on 'Land Rights and Identity' was organised in the capital Kuala Lumpur by the University of Malaysia's Institute of Advanced Studies, with participation of indigenous peoples' representatives from all over Malaysia (Peninsular Malaysia, Sabah and Sarawak).

The conference passed a resolution addressed to the Malaysian Government. It demands that:

1. Native customary land in Sarawak should be given recognition and respect with regard to the law and its implementation. Native customary land can be identified by burial grounds, cultivated areas or individual crop indicators such as the ipoh or tajeem tree; by rivers and mountains named by indigenous peoples; as well as land recognised as such by other communities.
2. The process of approval of native customary land rights applications must be sped up. Land surveys can be hastened through mapping, dialogues and seminars. Mapping which is done by indigenous people themselves on their land must be supported and accepted by government departments.
3. Demands from some communities not wanting their land to be titled should be respected.
4. The Sarawak Land Code, which restricts the rights of indigenous people over their customary land, must be abolished or amended.
5. The government must consult with the whole community involved before appropriating their native customary land. Land disputes which result from the issuing of timber concessions to timber companies, government land agencies, private land companies or infrastructure projects such as the Bakun dam, all of which were made without prior consultation with indigenous peoples, must cease.
6. Actions taken by indigenous peoples to defend their customary land such as erecting peaceful blockades, should not be seen as opposing development, and those involved should not be punished.
7. Indigenous communities whose land has been taken away and who have been relocated must be provided with land so that they can continue their lifestyle, and they should be given reasonable financial compensation and other basic facilities and subsidies until their new farm crops mature. This is to ensure that their lives are not threatened when land acquisition and resettlement occurs.
8. Development on customary land should ensure that land ownership and land use remain intact. It should respect agreed boundaries so that customary lands are not invaded. It should bring

benefits to indigenous peoples by providing facilities such as schools and clinics.

9. Cooperation and dialogue between the government and indigenous peoples pertaining to land and identity must be improved. Indigenous peoples should be prepared to work with the government, and at the same time the government must recognise customary land and identity, especially the Penan community. A network of indigenous peoples can be formed at the village level to coordinate discussions, dialogues and seminars together with the Majlis Adat Istiadat (Native Affairs Council).

Orang Asli (Peninsular Malaysia)

One of the more positive events of 1996 concerning the *Orang Asli* (the indigenous minority peoples of Peninsular Malaysia) was the resolution of the Jeli case. Here, nine Jahai men were charged with culpable homicide not amounting to murder, for the deaths of three *Malays* who had tried to usurp the *Orang Asli* of their customary lands in 1993. The three *Malays* had come with three others to claim for themselves land that traditionally belonged to the *Jahais*, a Negrito sub-ethnic group of *Orang Asli* in Northern Kelantan. However, after the prosecution had closed its case, the judge ruled that there was insufficient evidence to require the *Orang Asli* defendants to enter their defence. They were therefore acquitted and the case closed.

However, 1996 also saw a new case being filed in the courts. The *Temuans* of Bukit Tampo, Selangor, were unhappy with the quantum of compensation they were offered for the acquisition of part of their land for a highway project. To rub salt into the wound, other non-*Orang Asli* landowners were given compensation amounts five to six times more than the *Orang Asli*. In fact, the *Orang Asli* were only being compensated for the fruit trees and houses affected by the highway project, their lands being regarded by the authorities as belonging to the state. With the help of lawyers from the Malaysian Bar Council, they have filed a case to have the courts recognise their ownership of their traditional lands. This will be a test case for the *Orang Asli* and will have constitutional implications.

Land Rights

Land matters also remain the sore point for other *Orang Asli* communities. Five *Jakun* communities in Bekok, Johore, for example now face relocation to a smaller site as part of the government's

plan to resettle Orang Asli. Prior to this, the Orang Asli here were engaged in a dispute with a private company that started to log their traditional lands. The company, which was allegedly linked to local politicians, had begun extracting logs from a logging concession originally given to the local Orang Asli cooperative.

In Bukit Lanjan, Selangor, a private housing developer and the authorities are splitting the Orang Asli community in their plan to turn the Orang Asli settlement into a major housing scheme. The land, which is on prime land close to the capital city, is worth millions of dollars, but the developers hope to acquire the property for a considerably lesser amount by dividing the community into competing factions.

In another case, the Mah Meris on Pulau Carey, also in Selangor, are being enticed by housing developers to give up their traditional lands in exchange for a cash consideration plus a house. However, the local chapter of the Peninsular Malaysia Orang Asli Association (POASM) is unhappy that the investors have intentionally chosen to bypass the association in negotiations. They have also expressed fears that the developers, working hand-in-hand with some senior officials of the Department of Orang Asli Affairs (JHEOA), are hoping to dupe the Orang Asli into giving up their lands for a fraction of their value.

Nevertheless, it has become clear that the new strategy to reduce the already-small acreage of Orang Asli land seems to be by way of granting individual land titles to Orang Asli. For example, the state governments of Perak and Pahang have promised to grant such individual titles totalling 3,000 hectares to Orang Asli in twenty-six settlements. However, this comes with a catch: the Orang Asli may have to relocate to 'more productive lands'. In any case, the 3,000 hectares barely exceeds the 2,764 hectares already degazetted by the authorities in the past four years. Besides, the Orang Asli stand to lose even more land since those settlements which are already gazetted (some with as much as 100 hectares per household) will now be replaced with smaller areas with individual titles (about 2.5 hectares per household). The call has therefore been for the authorities to grant permanent title to the existing Orang Asli areas, with an option for the community itself to grant individual usufructuary rights according to their tradition.

Environmental Destruction and Continuing Poverty

1996 also saw the Pos Dipang mudslide tragedy. After three days of heavy rain, a torrent of mud and debris washed down on a *Semai* settlement on the slopes of the main range, killing thirty-nine Orang Asli and destroying homes and other property. Despite old logging stumps being seen among the debris, the authorities disclaimed any connection with past logging activities in the area. Not long after, in Kampung Tisong, also in Perak, the Semai village was flooded after a heavy rainfall. Logs were also seen floating in the river. Again, the authorities disclaimed any connection with logging activities upriver.

Socio-economically, nevertheless, the situation of the Orang Asli remains depressing. Official statistics revealed by the Department of Orang Asli Affairs (JHEOA) show that 80% of the Orang Asli live below poverty level (compared to 8.5% nationally); 50% are among the very poor (compared to 2.5 per cent nationally); and 66% of the Orang Asli are illiterate. Also, only 0.2% of Orang Asli have title to their land, and only 30% of Orang Asli in the re-groupment schemes have electricity and water (compared to 90% nationally).

Health-wise, according to a review by Dr. Dee Baer, the Orang Asli are reported to be generally worse off than the national population. Like the incidence of tuberculosis, the crude death rate for Orang Asli was also twice as high as the national average. The corresponding infant mortality rate for Orang Asli was more than three times the national average.

Malnutrition is also common in many Orang Asli localities, while diseases of affluence are rare. According to a 1995 study, Orang Asli women are the most malnourished adult group in West Malaysia, with 35% of them having protein-energy malnutrition. For Orang Asli children, recent studies find 23% to 68% are underweight while 41% to 80% are stunted in their growth. And, distressingly, 60% of all mothers who die in childbirth are Orang Asli.

Needless to say, the Orang Asli remain the poorest and most marginalised sector of Malaysian society today.

Sarawak

In January 1997 the Swedish-Swiss Asea Brown Boveri company (ABB) started construction of the gigantic Bakun hydroelectric power plant at the Balui River in Sarawak. The planned dam, with a height of 205 metres and a length of 740 metres would flood 696 sq

km of indigenous peoples' land, mostly rainforest rich in animal and plant life and harboring more than one hundred endangered species protected by Malaysian law. 9,500 people from 16 communities belonging to the *Kayang, Kenyah, Kajang, Ukit* and *Penan* indigenous peoples would lose their land. They have, however, joined their forces in defence of their rights and organised themselves in the Bakun Region's Peoples' Committee, which is supported by a coalition of 40 Malaysian environmental and human rights organisations.

In June, 1996, The Malaysian Supreme Court decided that the environmental impact assessment did not comply with legal requirements. However, the appellate court reversed the decision in February this year. An international campaign aimed at convincing ABB not to sign the contract, initiated and coordinated by the Switzerland based Berne Declaration, was supported by 204 organisations from 30 countries, but apparently with little success.

Even in economic terms, the Bakun dam project is more than questionable. Of the US\$ 5.4 billion construction costs, three-fourths are needed for the transmission lines needed for bringing the electricity across the Karimata Strait to the industrial centres of the mainland. Scheduled to come into operation in 2003, the Bakun power plant will produce the most expensive electricity in Malaysia.

As the result of Malaysia's economic liberalisation policy, Bakun will not be operated by the government but by a private corporation, the Bakun Hydroelectric Corporation. It tries to raise the necessary capital on the private capital market by issuing shares on Kuala Lumpur's stock exchange. The British investment consultancy firm Delphi International recently evaluated the potential profitability of the Bakun project. The report concludes: 'We are advising investors, who are considering direct participation in the capitalisation of the project through the Bakun Hydroelectric Corporation, to reconsider the matter ... returns on investment are a long way off and will be inadequate, especially in view of the risk involved'. And the *Financial Times* remarks that the 'financing of the dam could prove to be more difficult than its construction'. The Malaysian Government, however, seems to be determined to push the project through - against all economic common sense, against ecological considerations, and, once again, against the rights of the indigenous peoples.

The indigenous peoples in Sarawak are still constantly being harassed and mistreated by the government's security forces and

the paramilitary units of private companies because of their opposition to the continuing logging activities on their ancestral land.

In March, 1996, paramilitary members frightened women and children of Ulu Baram by pointing their machine guns at them. They handcuffed Stanley Lajo and beat him. Two days later, when the Penan demanded that a bulldozer be withdrawn from a part of their forest area, they were again threatened by members of the paramilitary units. Shortly afterwards, Lieutenant Anthony Besar arrived on the scene and ordered his men not to be hostile toward the Penan. But when he drove away, the paramilitary shouted to the Penan that if they had any courage, they should come out and fight. They fired thirteen shots at the Penan. Fortunately, no one was injured.

Five Penan men and a Penan woman were arrested in Long Sayan on 9 August while participating in a blockade against logging, and on 19 October, seven Iban men were arrested and detained for a week in Rumah Bungah because of their opposition to the operations of Limbang Trading Co. The logging company belongs to Minister Datuk James Wong.

Four Penan men: Pusu Bujang, Beripin Wan, Jangin Jalong and Wan Musong were arrested by the Malaysian police on 13 March this year while trying to negotiate with the logging company Samling near their village at Long Kerong. The four Penan were held in the Miri Divisional police station. After two nights, they were sent to the Marudi district police station.

According to press reports dated 16 March, 1997, the four Penan were arrested on accusation of thefts and mischief during anti-logging protests at timber camps in upper Baram. It was also mentioned that the Penan allegedly turned aggressive and tried to attack the Police Field Force (PFF) with hoes and blow pipes cum spears.

They were charged for unlawful assembly by the Marudi Magistrate Court on 20 March. No pleas were taken from the four Penan men when the charge was read out and explained to them before the magistrate. They were released on bail with one surety. However, in the afternoon the four were rearrested and remanded again by the police, allegedly for theft.

In a press statement released on 22 March, three relatives of the detained Penans strongly denied the allegations and statement by the police. They said they were at the protest site when the PFF

came in three land cruisers fully armed with machine guns, tear gas and knives. The police shot into the air several times, talked rudely and tried to maltreat the Penans with their hands, machine gun butts and with knives. The Penans denied having acted aggressively in any way. According to the three relatives of the detained Penan, 'there were seventy Penan men, women and children at the Segita River when the police came to meet them. We went there to forward a letter to urge the logging company to stop logging within the area which we have set aside for our community's needs.' They added that 'nineteen other Penans (men and women), were assaulted or beaten by the PFF using their machine gun butts and also kicking with their boots'.

It is believed that the four Penan people have been exposed to violence at the Miri Police station. A presumed eyewitness saw Jangin Jalong taken away with a bleeding nose. It is believed that two of the persons are reportedly sick. Their relatives and lawyer have requested for medical examination of the four arrested, but the police still have not responded to this request. The families have been denied access, and food brought by relatives has been turned away. The alleged illegal assembly case would come up for Court mention on 11 November, 1997.

On 23 April, nine *Iban* were arrested by Malaysian Police Field Force personnel for protecting their native customary land from encroachment and destruction by the oil palm plantation developers, Land Development Custody Authority (LCDA) and Nation Mark Sdn. Bhd. They were order by the Magistrate's Court Miri to execute a bond of peace for six months. The Court released them on RM 3,000 bail in two sureties each.

When the *Iban* were brought before the magistrate on the morning of 23 April, they were not given the opportunity to explain their case. The public prosecutor just read the allegation against them and requested the Magistrate to give order so that the nine *Ibans* enter a bond of peace for six months. The magistrate did not question the nine *Ibans*. Upon the prosecutor's suggestion, the magistrate made the order straight away.

Six of them have been released. However, another three (Headman Riggie Ak Beluluk, Ungkok Ak Ata and Gengga Ak Timbang) were dissatisfied and disagreed with the order made by the magistrate. When met by their relatives at the Magistrate's Court, they told their relatives that the decision made by the magistrate was

very unfair. They said that such an order is only for those who committed criminal offences, and that they are only protecting their ancestral land and their life. The three were sent to the Miri Central Prison on 24 April.

Sabah

In Sabah the struggle by indigenous communities to maintain integrity and control over their resources as well as gain recognition as indigenous peoples continued. To many indigenous communities, the laws and policies which put importance on the development of high-tech industries, the exploitation of resources for agriculture, timber, fisheries, tourism and mining, and the fast rate of growth in rural and urban areas are unsustainable. However, many - especially those who live in urban and suburban areas - find themselves in conflicting situations under the impact of consumerism and other cultural influences.

Those who live in rural areas and continue to practise their traditional way of life experienced hardship and threats to their lifestyle as they encounter conflicting world-views on development. Encroachment on native customary land, exploitation of resources and laws affecting indigenous or native customary land which were introduced by the British (particularly the Sabah Land Ordinance, 1930) and those subsequently introduced by the state government (various enactments of government statutory bodies) are defective, and in many instances, directly in conflict with traditional land adat.

Sabah's development policies are guided by the Second Outline Perspective Plan (1991 - 2000) which hopes to make Malaysia into a progressive industrial nation. Its focus is on liberalisation and corporatisation of the economy.

The Plan, which at the same time aims to eradicate poverty, restructure society and create a society of entrepreneurs, especially indigenous communities, has already shown stark contradictions. It threatens the core values of society in general and particularly indigenous peoples through encroachment on their customary land and exploitation of other resources. Policies to open and grant land to government agencies and corporations for oil palm and tree plantations, building of dams, industrial parks, logging and mining also continue to threaten or cause many indigenous communities to lose their customary land.

Plantations

The privatisation of the Sabah Land Development Board (SLDB) in 1996, one of the biggest government statutory bodies granting land to be developed into oil palm plantations meant that customary land once owned by indigenous peoples is now in the hands of individuals. The *Rungus*, *Tambonuo* and communities in the Bengkoka Peninsular found that the promise of better economic status through resettlement and jobs in plantations was not true. In 1996 operations for the Acacia Mangium trees by the Sabah Forest Development Authority (SAFODA) were cut to a minimum. Many settlers had to look for land to plant padi to supplement their reduced income. Indigenous communities who fought to defend their land managed to get some areas for padi cultivation, but they have a hard time adapting to the change from growing hill padi to wet padi. The plantation also resulted in reduced area for a diversified form of agriculture and reduced biodiversity which in turn has an impact on the peoples' culture and food security. Indigenous communities complain about the difficulty to obtain traditional medicines, food and building materials due to the changed and monotonous environment.

Forestry and Conservation

The impact of logging continues to be one of the main issue for many communities in the interior, northern as well as the Sandakan region, in terms of destruction of traditional land and livelihood, traditional medicines and spirituality. Nevertheless, the government continues to play down the negative impact of logging on indigenous communities. With increasing public awareness and pressure on countries to reduce destruction of the environment, the blame is instead placed on rotational agriculture or the increasing incidence - but still negligible compared to licenced logging - of illegal logging. The most blatant denial came in December, 1996, when the worst flood disaster hit Keningau in the interior region of Sabah, where there is active logging in the area. Log and mud debris carried down by the swollen Pampang River killed 230 people and washed away more than 100 houses.

Although the commitment by the government through the Forestry and Wildlife Department in conserving biodiversity in the state is commendable, the traditional approach to gazette more areas for parks and wildlife sanctuaries has worked against indigenous communities. One example is the implementation of the

Lower Kinabatangan River Wildlife Sanctuary in 1996. It covers an area of 28,000 hectares, which means that the *Orang Sungai* communities from more than 7 villages can no longer continue to use the forest. Most of the villagers have asked the government to replace this forest area which they consider as their traditional forest. It has been their source of livelihood and spiritual and cultural continuity.

Industrial Parks

In 1996 the state government pursued the opening of the Kota Kinabalu Industrial Park (KKIP) at a breakneck pace. Work to implement the KKIP only started in 1995 as part of a promise by the National Front government when it came into power. The pace in which change is taking place has thrown many indigenous communities living in the area into a state of chaos. The project covers an area of approximately 3,700 hectares in the Telipok area, about 30 km from Kota Kinabalu, and will consist of several zones such as a Free Trade Zone, Industrial Zone, Business and Commercial Centre, Residential Area, Tourism and Recreation, and Nature Park.

Among the many villages affected by the opening of the KKIP are Kampung Norowot and Sukoli which has an area of about 4,000 hectares. They have their own native title to their traditional land. These two villages have fertile agricultural land, populated mostly by Dusuns and a small number of Bajaus. While the majority of those affected are farmers, there are a small number who work outside besides working their land. The main crops cultivated are paddy, rubber and fruit trees.

Realising the futility of their protest against the government's intent to start KKIP, the villagers have filed a court case to demand fair compensation for the land, crops and houses as well as an alternative site for their ancestral graves. They further want to be provided some 80 hectares of land to resettle, preferably near the site of the Malaysia University-Sabah Campus. The government has promised to set aside a resettlement area for these two villages and adequate facilities including houses and basic amenities such as electricity and water. These are all the facilities which the villagers are enjoying in their village now. However, without land, the prospect of earning a living outside is gloomy, especially for women, the aged and those who have worked and lived close to their land; it will be an alien life to lead.

Identity: Culture and Language

Another issue which has brought mixed feelings among indigenous communities recently is the question of culture and language. On the one hand, the concern about the declining use of several indigenous languages which prompted a campaign by several quarters to introduce vernacular language as a school subject has finally paid off. In April, 1997, fifteen schools will start as a pilot project to introduce POL, Pupil's Own Language, as a subject.

However, the commercialisation of culture - another important aspect of indigenous identity - showed an ever-increasing trend. The government and some indigenous groups themselves appear to have some misguided understanding that this is one of the ways to preserve culture and at the same time promote indigenous identity. While this may in some ways indeed promote indigenous identity and consciousness, many indigenous communities have instead felt cheated by a false sense of control, as experienced by the Rungus communities due to the impact of ecotourism.

Official statistics quoted a startling population figure for the 39 different ethnic groups. The population of indigenous peoples rapidly declined from more than 80% in 1980 to 54.3% of Sabah's population of two million in 1996 (this includes 506,900 non-Malaysian citizens, predominantly from the Philippines and Indonesia). The 1980 census report lumped all indigenous communities under one category, 'Pribumi', but calculations based on the 1970 census figures which gave a breakdown of all the indigenous communities estimated the total population of indigenous peoples at 84.8%. Although seemingly unimportant, indigenous peoples are in the majority and may have an impact on the overall number of indigenous peoples in Malaysia, where gaining attention from the government is crucial.

Indigenous Peoples Network

The campaign by the Indigenous Peoples Network of Malaysia to gain recognition of their rights to land and their identity as indigenous peoples continued with a series of workshops on land in seven different districts in Sabah. During the workshops, villagers discussed rights to land in terms of use, ownership and boundaries according to their traditional laws or adat. This was compared to the sections on Native Customary Land Rights in the Sabah Land Ordinance, 1930, in terms of protection for indigenous land rights. A

number of activities involving discussions on indigenous culture and identity were also held in preparation for a National Conference on Indigenous Land Rights and Identity to launch the campaign.

The specific objectives of the National Conference, which was held in September, 1996, were to enable indigenous peoples and the governments to hold a dialogue on land rights and identity; to identify government policies related to indigenous land; and to determine mechanisms and methods to be used in improving cooperation between the government and indigenous peoples on the issue of land rights and identity. More than 150 people attended the Conference including about 100 indigenous representatives from Sabah, Sarawak and Peninsular Malaysia, representatives from several state and federal departments and a few non-governmental organisations.

THE PHILIPPINES

The population figures of indigenous peoples of the Philippines have always been a guessing game. Attempts by some observers to classify them into major groupings are also problematic. It is estimated that they comprise 14 % of the population and number more than forty separate and distinct groups. The government agency that is tasked to monitor and provide services to these diverse peoples has placed the number of groups at 73, which includes the *Bangsamoro* people, out of the more than 140 ethnolinguistic groups spread throughout the Philippine archipelago. They are referred to as indigenous cultural communities under the 1987 Philippine Constitution.

General assumptions about the indigenous peoples are the following: that they are primitive, upland dwellers, continue to observe traditional beliefs and practices, wear colourful clothing with matching beads and adornments, and are either fierce head hunters or are timid and afraid of strangers.

Colonisation and proselytisation created a cultural divide between the diverse Philippine population: a Christianised lowlander, the Islamised *Bangsamoro* and the pagan hill people. The former became the cultural majority of which some became the native political masters and economic elites, while the latter two resisted or retreated into the interior, opposing various designs to integrate

them into the mainstream culture and thus become the minority. They were able to preserve their way of life while the Christian lowlanders assimilated the colonial culture and lifestyle.

Recent political developments have bound some of these indigenous groups together, transcending cultural barriers and differences. In the forefront of these developments are the various Cordillera peoples who are now referred to as Igorot. In Mindanao, the non-Islamised and non-Christian groups are known by the Bisayan term *Lumad* (native), while in Mindoro the group ascription of the six indigenous peoples on the island are called the Mangyan. There are also indigenous peoples that are lumped together on the basis of their areas of concentration, such as the Negros-Panay or Bisayan group (Panay Bukidnon, *Negros Bukidnon* and Ati), the Sierra Madre region (Bugkalot, Kalinga, Alta, Agta and Remontado) and Palawan (Tagbanua, Pala'wan, Batak and Molbog). The Ayta people who are widely distributed all over Luzon (Aeta, Agta, Alta), Palawan (Batak), Visayas (Ati) and Mindanao (Mamanua) have organised in terms of local area group; one example is the one in Central Luzon. Others have become part of regional groupings like the Mamanua who are considered Lumad.

A large number of their settlements are located in marginal areas, practising diversified subsistence strategies or a mixed economy of swidden agriculture, hunting and gathering, trading forest products, wage labour, and, in many areas very recently, permanent agriculture.

In 1997 issues affecting the Philippine indigenous peoples can be summed up in terms of recognition of ancestral domain, development aggression, environmental destruction and unsolicited social intervention.

Recognition of Ancestral Domain

Central to the existence of indigenous peoples is recognition of their cultural and resource base, termed ancestral domain. This refers to all lands and natural resources occupied or possessed by the indigenous communities.

The land concept of the Philippine state and the indigenous peoples is poles apart. For the latter, it is equated with the maintenance of their way of life and is seen that without this recognition, their efforts toward self-determination will be in vain. Their identities as indigenous people are deeply rooted in these lands.

In the Philippines the overall philosophy guiding the ownership of all natural resources is based on the *Regalian Doctrine*, which presumes that all land belongs to the state and private ownership or titles emanates from the former. Native Title is not recognised by the state despite that such ownership claims were not completely obliterated by our legal doctrine. The 1987 Philippine Constitution (Art. II, Section 22; Art. XII, Sec. 5 and Art XII, Sec. 6) provides an explicit recognition of the existence of indigenous peoples in the Philippines and mandates the protection of their rights which includes their claims to ancestral lands. However, there is still a pending congressional enactment and approval of laws regarding this.

PD 410 or the Ancestral Land Law, enacted by the Marcos regime on 11 March, 1974, declared that ancestral lands occupied and cultivated by the cultural communities are alienable and disposable. The law gave the ceiling of 30 years prior occupation before the approval of the decree.

The DENR Department Administrative Order No. 2, Series of 1993 (DAO-2) provides the 'Rules and Regulations for the Identification, Delineation and Recognition of Ancestral Land and Domain Claims'. Under DAO-2 the indigenous communities can file their ancestral domain claims through the DENR by submitting documentary proof of their claim over identified territory. This includes anthropological data, maps, photos and testimonies of elders, etc. that will directly or indirectly attest to the 'possession or occupation of the area since time immemorial by such indigenous cultural communities'.

The rights of the indigenous peoples to ancestral domain is also reiterated in the new law on the country's 1.6 million hectares protected areas, Republic Act No. 7586 (National Integrated Protected Areas System Act of 1992). The new law stresses the importance of peoples' participation in the implementation of programmes inside the protected areas, a large part of which encroaches on the ancestral domain of various groups.

The Ramos administration is endorsing a legislative bill on ancestral domain as part of its Social Reform Agenda (SRA). However, both the Congress and Senate have still to reconcile House Bill No. 33 and Senate Bill No. 1728. Considering there is only less than a year before the election of May, 1998, a true miracle is needed to enact this into law.

The Philippine indigenous peoples have resisted and vigorously criticised these various legal requisites for recognition of their ancestral domain. They have declared, among other things, that they have been living on these lands even before the establishment of the government. These are seen as inadequate because they do not render full recognition of the indigenous peoples' rights to the ancestral domain. Besides, the government track record on management plans, community participation and programme implementation leave much to be desired. On the other hand, some feel that they can be utilised tactically to gain control of the area, to protect the remaining resources and to prevent further incursions there. The DENR reported that as of the first quarter of 1997, a total of 1,057,895 hectares of Certificate of Ancestral Domain Claim (CADC) have been issued to seventy-five groups of indigenous peoples.

Development Aggression

Development projects such as the building of dams for energy and irrigation, mining exploration and tourism infrastructures construction have been cited as a major cause for concern by indigenous peoples. Not only are they usually within claimed ancestral domain, measures to mitigate the socio-economic and cultural impacts of the said projects are normally not considered in the projects' implementation. And worse, promises of the government on resettlement and compensation generally remain unfulfilled.

In the Cordillera, the *Ibaloi* people are resolutely opposing the US\$ 880 million San Roque Multipurpose Dam. The project will be constructed in San Manuel, Pangasinan downstream of the Agno River. It is touted as Asia's biggest dam and is expected to generate 345 megawatts of electricity, irrigate 87,000 hectares of agricultural land and reduce flooding in Pangasinan.

The *Ibaloi* opposition to the San Roque Dam is not without basis. The Cordillera is also host to Ambuklao and Binga dams, whose affected population in the 1950s still bitterly remember the hardships and unfulfilled promises of the government. The Agno River is also heavily silted by mine tailings from the open-pit mines of Benguet Mining Corporation. An additional seven other small hydroelectric projects in the Cordillera are planned by the Philippine Government. Five potential geothermal plant sites have also been identified.



Threatened with dislocation by the planned San Roque Dam: Ibaloi communities who have lived as farmers and small-scale gold panners along the Agno River for centuries (Benguet province, Philippines). (Photo: Chris Erni)

The Casecnan Transbasin and Diversion Project (CTDP) in the Sierra Madre range is another controversial project that will severely affect the *Bugkalot* people in Nueva Vizcaya. A number of *Igorot* resettled in the area by the construction of the Ambuklao dam in the Cordillera will also be affected. Originally supported by the World Bank, the CTDP is now being developed under a 20-year build-operate-and-transfer (BOT) agreement between the government and the C.E. California Water and Energy Co. The *Bugkalot* with the support of the Nueva Vizcaya Catholic clergy and non-government organisations continue to oppose the project despite fragmentation in their people's organisation and local government support of the project.

The Mining Act of 1995 (R.A. 7942) resurrected the moribund Philippine mining industry. It allows a 100 % foreign owned corporation to operate in the country under a Financial and Technical Assistance Agreement (FTAA). The firm is assured of 81,000 hectares of land for twenty-five years and renewable for another twenty-five years for a minimum US\$ 50 million investment. As of early this

year, there are already 100 FTAA applications covering 8,253,543 hectares. Two are already approved: one in Mindanao for the Australian firm Western Mining Corporation (WMCP) and the other in Kasibu, Nueva Vizcaya for ARIMCO. Also, as of early 1997, 46 out of 150 applications for Mineral Production Sharing Agreements (MPSA) have been approved covering 67,369 hectares.

The FTAA of WMCP was signed in March 1995; however, it has been conducting explorations for more than five years now. It was originally granted access to 89,669 hectares in southern Mindanao, traversing four provinces: South and North Cotabato, Sultan Kudarat and Davao del Sur. About 7,000 *B'laan* people from 14 villages of Columbio, Sultan Kudarat are at risk to be displaced by the mining and exploration activities.

In northern Palawan, Shell Philippine Exploration B.V. and Occidental Philippines (Oxy) are planning to build a 480 kilometer long offshore natural gas pipeline from its Malampaya field that goes all the way to Batangas passing either on land or under the sea off the coast of Mindoro. The *Tagbanua* of Coron and Tara Islands who are subsistence fisherfolks and Nido (bird's nest) gatherers are opposing the project. They only use small non-motorised boats in their fishing activities. The Shell-Oxy project will limit their access to a large area of the sea where the offshore pipeline is situated. With the assistance of the Philippine Association for Inter-cultural Development (PAFID), the *Tagbanua* have delineated their ancestral domain using the global information system (GIS) and have submitted this to the DENR for recognition.

Despite the Strategic Environmental Plan for Palawan Act which stipulates that core zones should be free from any commercial activity such as mineral extraction, the Palawan cement project by the Canadian firm Fenway Resources, Ltd. and the Central Palawan Mining and Industrial Corporation have been favourably endorsed by local government units of Espanola and Quezon in Palawan. They believe that the more than US\$ 323.8 million project will contribute not only in terms of taxes but also employment opportunities. The *Pala'wano*, the indigenous people who will be dislocated by the project think otherwise.

The 15,000 hectare limestone quarry of the project will encroach on the Domadoway Tribal Foundation which has a twenty-five year Certificate of Stewardship Contract Agreement (CFSA) on the area that covers 2,530.66 hectares, close to 50% of which are virgin forest.

Around 2,000 *Pala'wano* families are directly affected. Various Palawan social development agencies led by the Palawan NGO Network (PNNI) are coordinating with the communities to stop the project.

Tourism

In Palawan, the arrival of tourists has opened new opportunities and availability of some goods for the *Batak*, *Tagbanua* and *Pala'wano*. Tourist establishments are utilising the indigenous peoples as guides. Baskets, mats and other cultural materials produced by indigenous peoples of Palawan are popular merchandise as souvenirs. Sacred sites have been commercialised and indigenous practices have been trivialised.

Boracay Island in Panay was recently hailed as one of the best beaches in the world. However, the dislocation of the *Ati* in the island has been ignored.

The *Ati* and Palawan experience is something that has been going on for other indigenous peoples, including in the Cordillera and among the *lumad* in Mindanao.

Environmental Destruction and Biodiversity Loss

The forest continues to be most important ecological zone for indigenous peoples. Their resource utilisation is the product of a deep understanding of and relationship with their environment. Most of them believe that this is the abode of deities and spirits that govern the existence of the community. Swidden fields are carved in the mature or secondary forest. The clearings are also used for secondary dwelling sites and gardens. The interior provides plants and tubers in time of scarcity and medicinal cures; serves as hunting grounds; and provides honey and other forest products for trade. The river and streams are sources of fish, crustaceans and shells, while its banks supply some edible plants.

The unhampered and ceaseless destruction of the Philippine forest and eventually biodiversity loss has had grave repercussions among the indigenous peoples. In 1903 total forest cover of the Philippines was said to be 70% while in 1994 the only remaining forest cover is 18.95%. Among the consequences are decreasing number of game, loss of edible plants and eventual destruction of habitats. Resources that were important and utilised as food, ritual and medicinal articles, and technological wealth are becoming depleted and rare.

Forests and marine resources are only seen as inventory of extractable and commercial wealth but for indigenous peoples, the receding forest may mean the need to travel longer distances from their settlements to forage and transport commercial forest products to the market.

Despite a number of state environmental policies and programmes, upland migration and encroachment on their traditional territories remain unchecked. It not only altered their traditional subsistence pattern resulting in wide-ranging effects on their culture, but worse, these acts more often than not led to dislocation from their ancestral lands.

In Central Luzon the aftermath of the Mount Pinatubo eruption resulted in the dispersal of the *Zambales* and *Pampanga* Aytay people in various cramped resettlement programmes, where they subsist mainly on relief goods and small plots allotted to them.

The inability of some indigenous peoples to adapt to these imposed new conditions, has put a strain on their environment which resulted in widespread poverty due to fluctuating and dwindling yields. Thus, in some areas, the *Mamanua* of Surigao, Ati of Panay and Igorot are forced to become ambulant vendors in the town centres, selling their bow and arrows, and medicinal and magical paraphernalia. Cases of begging are also becoming a more common sight. This is a situation which, if not arrested, might cause not only environmental tragedy but also an ethnocide.

Social Intervention

Among the most marginalised in the Philippine society, the indigenous peoples not only do not have access to the development opportunities of the mainstream society, but their very existence is in danger of being eradicated. Most development efforts by both government and non-government entities have vacillated between 'preserving' them or railroading them into the so-called modern age.

Since colonial times whenever state planners talk about development and the indigenous peoples, such development is usually measured by their degree of integration and acculturation to the societal mainstream. Programmes and projects for the indigenous peoples are centrally administered, with the purpose of 'Christianising', 'civilising', or 'modernising'.

It is not also surprising that different churches have dispatched a number of missionaries to turn the 'pagans' into god-fearing Chris-

tians. The Summer Institute of Linguistics (SIL) and the New Tribes Mission, to name just two, are very active in linguistic studies and bible translation of indigenous groups.

Resettlement programmes induced by the 1992 Mt. Pinatubo eruption and development projects have restricted the indigenous peoples' mobility and economic activities. This is aggravated by their dislocation due to the ongoing military campaigns by the government against the National Democratic Front in the countryside.

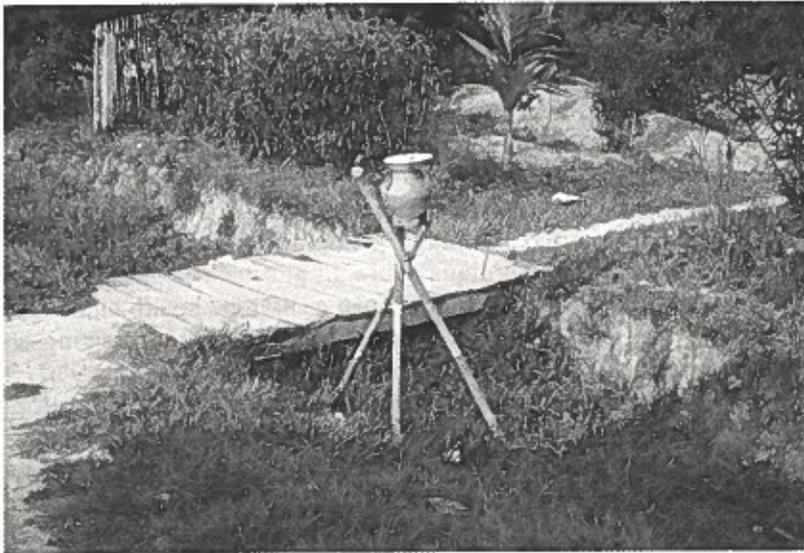
Social intervention programmes such as literacy, health and socio-economic projects have not yet manifested overall and lasting effects on the culture of their target beneficiaries.

Progress in livelihood is often measured in terms of a development ladder as a result of a narrow interpretation of social evolution. This means that a society is expected to move upward from one stage to another, evolving into a different kind of system. There are implications here on how development is to be measured. Based on this premise, the indigenous peoples are at the lower end of the ladder and have to accept modernisation in order to 'develop'.

There are several instances wherein the assistance provided by development projects to the indigenous peoples is not appropriate. This may be caused by a misreading or lack of understanding of the specific characteristics of the indigenous peoples, or be due to the fact that programmes are too often implemented by lowlanders. Instead of helping them, such assistance runs roughshod over their beliefs and cultures, and hastens their integration into the market economy and the destruction of their indigenous social and political relations.

INDONESIA

Indonesia's political life during the year 1996-97 was characterised by increasingly frequent violence that also involved indigenous peoples (*masyarakat adat*). In most cases, the victims in the confrontation between indigenous peoples and the state or state-supported national and multinational investors were the indigenous peoples. A case in point is the unrest in 1995 that involved the Indonesian army and cost the lives of at least sixteen people of the *Amungme* tribe in Timika, Irian Jaya (West Papua). The government, however, has stated that the army operation was necessary given the state's



Marker of ethnicity and symbol of war: clay pot with ritual accessories in front of Dayak home near Anjungan, District of Pontianak (Kalimantan, Indonesia). (Photo: Hilario Holsapple)

duty to protect and grant the security of the respective American mining company, Freeport Indonesia Inc. (FIC).

However, it is also true that it is the indigenous people themselves who perform violent acts in self-defence against the state's violence or simply to remind the state of their existence that has so long been forgotten in politics and economic development. One example of a violent act perpetrated by indigenous people, clearly the biggest in terms of human casualties (according to the official account below 300, according to unofficial sources ten times as much), took place between 30 December, 1996, and the end of February, 1997, in the northwestern and central part of the province of West Kalimantan, involving approximately a dozen *Dayak* subtribes there. The case shows how structural violence by the state arouses violent reactions on the part of the indigenous peoples.

Various cases during the last several years show that conflicts between the state and indigenous peoples over natural resources are virtually endemic throughout Indonesia. There is a widening and increasing trend of protests and fights that involve physical action by various indigenous peoples' communities - especially

outside Java - against forest concessionaires, industrial plantation concessionaires, mining companies and transmigration projects.

This phenomenon of violence is something that arises abruptly and by itself. It is more an accumulative result of society's disappointment regarding the development policies during the thirty years of Soeharto's New Order regime that emphasise economic growth and are implemented hand in hand with a repressive security approach in dealing with political dynamics. The indigenous peoples have been victimised by the New Order's political decisions, that is by the implementation of natural resource-based industrial development. The phenomenon reflects the frustration and anger of indigenous peoples towards the centralisation of political power in the hands of a tiny political elite and economic power in those of a few business conglomerates which are the clients of the political elite. It is obvious that the Government of Indonesia has relied on force and ideological manipulation rather than on legitimacy, and that the interests of indigenous peoples have no space in the current political system and structure of Soeharto's New Order. In this view, the biggest challenge to indigenous peoples in Indonesia in the near future will be institutional empowerment in order to secure their involvement in local, national and international political processes. For the state government currently in power, the reality of ethnicity and the existence of indigenous peoples is still viewed as a threat for 'development' and a cause of national disintegration. This view, ironically, is not in line with the country's foundation '*bhinneka tunggal ika*' or 'unity in diversity' that was put in place by the nation's founding fathers. The development policy only stands for the interests of capital owners - Indonesian and foreign - and the political elite. The idiom of development and progress that serves so elegantly to hide the profane material interests of these two groups has been used by the state to legitimate many national policies that violate the rights of indigenous peoples.

Cases from many localities in Indonesia reported here show that conflicts between indigenous people's communities and the state are not related to race or issues of ethnic domination as often perceived by foreign journalists and observers. The main issue is the centralised development processes anchored entirely on the political power of Soeharto's New Order government. This interpretation would explain the fact that the physical conflicts are intensifying in terms of casualties and are more difficult for the government

to control. The case of the Dayak communities in West Kalimantan clearly bears this out. Traditionally, 'Dayak' is not a relevant category of social identification for indigenous peoples in Kalimantan, rather it is a collective name for approximately 450 different ethnolinguistic groups dwelling in the interior of the island. But in the process, the term Dayak has been transformed into a strong political identity with a common interest of solidarity. The reason for this is the fact that the people realised that they shared the same fate as victims of the thirty years of exploitative national development policies, including encroachment on customary and 'adat' forest by logging companies, the destruction of biological diversity and community-based systems of resource management by plantations and large-scale industrial timber estates; on top of it, they have to cope with the massive invasion of immigrants from the inner islands through transmigration projects and the exploitation of mineral resources.

Another tendency which is made glaringly obvious by the various violent conflicts as of late is the incapability of the state to contain conflicts which involve bigger and more determined masses of restive people. Armed forces sent to stop the war between the Dayak and Madurese communities in West Kalimantan have failed to perform their task effectively. Higher echelons in the government have also failed to rebuild trust and broker a peace treaty between the two parties. This ineffectiveness of the security forces has also become obvious during the last two years of unrest in Java. Without any doubt, these phenomena indicate the deepening frustration and distrust among wide circles of the population (in particular the Dayak community in West Kalimantan) toward the government and the armed forces.

In contrast, when commenting on these violent conflicts in various localities, the Government of Indonesia used to provide statements to the effect that these conflicts are only local and insignificant to the day-to-day running of the country.

Civilian and military officials released statements through the state-controlled mass media in which they insinuated that the conflicts in question were 'purposely blown up by' or 'part of the provocative scheme of' certain parties that were opposing development. Beside that, as made evident by the case of the mining exploration in Haruku Island, the indigenous peoples' protest has been answered by various types of direct intimidation by civilian and military officials. For relatively big cases, like in West Kali-



Graffiti warfare: destroyed Madurese house with Dayak slogans reading 'No wonder Madurese are getting rich fast' (left) and 'Madurese equals Communist Party' (right). (Photo: Hilario Holsapple)

mantan, the government will probably dispatch a fact-finding team which will make conclusions that stand in outright contrast to statements previously released by higher military officers; these senior officers have in the wake of the riots conceded that serious problems existed that needed to be addressed. Such government reactions show the insensitivity of the government to the interest and rights of indigenous peoples in Indonesia.

Beside the various negative developments described above, the last two years have also seen several positive developments with a view to the indigenous peoples' struggle in Indonesia for recognition and enforcement of their rights.

First, there has been significant public awareness - especially in NGOs, among social scientists and, though not many, some journalists - of the problems faced by indigenous peoples. The term 'masyarakat adat' in Indonesian has been widely accepted and used in many official meetings or government conferences, especially relating to conservation and sustainable natural resource management issues. However, this does not mean that the government has fully accepted the concept of indigenous peoples in its political, cultural,

historic, economic and religious dimensions. For example, within the State Ministry of Environment, some higher officials have already accepted the term 'masyarakat adat', but it is translated into English as 'local communities' or 'traditional peoples'. For them, the term 'indigenous peoples' is reserved for oppressed and colonised communities like the aboriginal peoples in Australia and the Indians in America.

Secondly, there is growing respect for and recognition on the part of the international public of the outstanding contribution of indigenous peoples in Indonesia in conservation and sustainable natural resource management, as evidenced by the 1997 Goldman Award to the leader of the *Bentian Dayak* of East Kalimantan, L. B. Dingit. The award was presented for his years of struggle to preserve the rattan stands in their customary forest from invasion by an industrial timber estate.

Thirdly, local institutions and organisations based on indigenous peoples' communities in various localities in Indonesia with the capacity to accommodate and channel the aspirations and interests and thus empower the people have been strengthened and multiplied. Through these various institutions and organisations, many critical educational activities, as a basis for self-determination and defence against external interventions, have been developed and propelled action, as shown in the Haruku case.

West Papua

At present, nobody really knows how many indigenous peoples will be affected by the planned Memberamo Mega Project in West Papua (Indonesia's Irian Jaya province). Yet, the project, which has been initiated and is controlled by Indonesia's powerful Science and Technology Minister, B.J. Habibie, through his Technology Assessment and Implementation Body (Badan Pengkajian dan Penerapan Teknologi-BPPT), is now being carved out of the indigenous peoples' territories. A presentation for investors was held in early April, 1997. The megalomaniac scheme of the Memberamo Mega Project includes the construction of a 12,000 megawatt hydroelectric power plant to support methanol production (located in Natuna, Western Indonesia), metal, petrochemical, liquid gas industries, as well as oil exploitation, mining operations, forestry, and agricultural industries¹, in short the planned 'growth center' of Eastern Indonesia.

The mega-project has been planned without any concern for the local people. Even worse, their mere presence is being ignored.

During the presentation, DR. Habibie stated that there are no humans in Memberamo Basin. The leader of BPPT's Memberamo Study Team, when asked by journalists, stated that the community has expressed their 'happiness' regarding the coming project - just the usual statement of the Government of Indonesia on such an issue.

There are reasons to believe that until now there has been no widely accepted survey and socio-economic research among the communities living in the affected region, not to speak of an effort to consult them and promote their participation. Actually, there exists hardly any information about the indigenous peoples in the Memberamo Basin. What little knowledge we have is that there are at least six distinct ethno-linguistic groups: the *Kawera*, *Namuna-weja*, *Anggreso*, *Manau*, *Bauzi*, and *Dani*², with a total population of 10,000 people³. Other authors report a population of somewhat less than 50,000⁴. Virtually all of them are highly dependent on hunting, fishing and gathering of wild plants for a large part of their subsistence needs. Mythologically, those indigenous peoples regard the Memberamo River as 'womb-mother'. From the Melanesian indigenous point of view, all land in West Papua is owned by one or the other of the hundreds of indigenous peoples living throughout the island. There is no 'no man's land' in West Papua⁵.

We are also still lacking basic data on the natural resources of the region. Covering some 1.7 million hectares (the river stretched 650 kilometers long), the Memberamo Basin is of extremely high biological importance, with unique swamp forests, the province's largest river and a full spectrum of ecosystem types with a rich, largely unidentified flora and fauna⁶.

Drawing on experiences with the Government of Indonesia in planning and implementing mega projects, this Memberamo Mega Project should be confronted with great caution. Lessons should have been learned, for example, from the conflict between the *Amungme Komore* people against the Freeport Indonesia Company. This conflict, which began in 1971 and is still going on, was caused by the fact that the Erstberg Mountain is in fact the 'head of the mother' of the Amungme people. When the Amungme realised that their 'mother' was being destroyed and raped by Freeport's giant industrial machines, while they had for a long period of time been feeling that their indigenous rights had been violated by outsiders, they stood up and started to fight. A 'cultural war' has been going on ever since⁷. This is exactly what will happen in

Memberamo if the Government of Indonesia keeps on employing such an approach and paradigm for development: a paradigm that provides no space for community participation, and no understanding of and concern for the indigenous peoples.

What is badly needed now is an effort to propose an alternative vision for development in the region, one that does not involve razing and drowning vast tracts of virgin forest, displacing at least 10,000 traditional indigenous forest-dwellers and turning northern Irian Jaya into a giant oil palm estate and aluminum smelting centre. A new paradigm of development is needed, one that implies: 1) the involvement of indigenous people in Memberamo from the very beginning of project planning; 2) the recognition of the customary rights of indigenous people as their assets or shares in the project; 3) a transparent process throughout the project; and 4) recognition and empowerment of indigenous institutions and local leadership to represent indigenous people's interests and needs in negotiations and bargaining with other parties (government, private companies, etc.).

Haruku Island, Central Molucca

In early March, 1997, shocking news became public from a 'Negeri' (best described as an indigenous autonomous unit, consisting of several hundred families occupying a certain territory) in Haruku Island, Central Molucca. The news is about ongoing mining exploration activities by Aneka Tambang Inc., and Ingold Inc. The case is considered very serious because in 1985 the citizens of Haruku were given the most prestigious award in Indonesia for environmental management, the Kalpataru Award. Employing the customary management system, law (*sasi*) and enforcement body, the members of the Negeri have proven their ability to conserve marine, land and riverine natural resources.

Since 1995 the peacefulness of Negeri Haruku has been stirred by a state-owned mining company, Aneka Tambang Inc., working jointly with a Canadian company, Ingold Inc. The mineral resources found have posed a threat to the small island's ecosystem. The island has two river systems. One of them, the Wai Ira River, which runs to the Learisa Kayeli River has turned into a mud flow because of erosion caused by the companies' drilling operations.

The ecological impacts and the sudden presence of mining companies, without prior consultation of the indigenous people who

own the land, have forced the Kewang Institutions to write a Letter of Concern to the Governor of Molucca (dated 11 May, 1996). The local government then instructed the companies to close all holes and canals.

Although the companies have officially closed the drilling holes, their workers kept on drilling and digging new ones. Tons and tons of mineral 'samples' have been transported away from the island, without consultation of the communities. The Wai Ira River showed greater turbidity in the rainy season of late 1996. The indigenous people of Negeri Haruku then once again wrote an open letter asking for an explanation to the local parliament of Molucca Province on 21 January, 1997, signed by 359 people. Unfortunately, the open letter has only led to more direct pressure, intimidation and violent threats from local civilian and military officials. This has been most clearly shown by the Sunday Morning Service incident, late January, 1997. It so happened that the local officials openly threatened the community in a Sunday Morning Service in the church, stating that writing such a letter is a method of the Indonesia Communist Party (PKI). Such an accusation is not to be taken lightly in the context of Indonesia. The accusation is oftenly used by civilian and military officials for intimidation purposes.

The situation is worsening for the indigenous people of Haruku because the acting Official Chief of Village, chosen by the District Head, has been completely against the community's position. The acting Chief of Village, supposedly acting as 'king' of the Customary Territory Negeri Haruku, has even taken an active part in the intimidation.

It has been known that, like other local officials, the responsibility of the Official Chief of Village is to implement and enforce national policies, in this case the Exploration Permit issued by the Directorate General for General Mining, the Department of Mining and Energy, Jakarta. The fact that the government has put in place a leader unacceptable to the people is evidence of the government's attempts to weaken the community and to initiate the disintegration of the society or the indigenous people's collectivity. Such strategies are part of the national policy to forge uniformity in the village administration structure throughout Indonesia, in order to control the society even in the most remote places.

Knowing that their political aspirations and interests have failed to be channeled through the local parliament, let alone accommo-

dated by the government, on 26 January, 1997, some members of the indigenous people expressed their opposition by taking out the project's marking poles and cutting electric cables stretched across their land. These actions were followed by writing a second letter to the provincial parliament demanding protection of their customary rights on the Negeri territory and for the parliament to accommodate the aspiration of the indigenous people and help them to prevent open conflict involving physical violence.

To the day of the writing of this report, the conflict between the indigenous people of Haruku and the government-owned-and -backed mining companies, with further support from local military units, is intensifying. And there are no signs whatsoever that the aspiration and interests of the indigenous people of Haruku will be accommodated within the existing political system.

Central Sulawesi

For the *Behoa* people living in Lore Lindu National Park in Central Sulawesi, the forest is of critical importance both to their subsistence economy and to their spiritual life.

But the inhabitants of Central Sulawesi, and especially the *Behoa* People, have become victims of the government's conservation programme, under which a conservation area was established without taking into account the rights of indigenous people to their customary land. The establishment and management of conservation areas is in principle similar to commercial forest concessions (HPH), which imply the transfer of ownership, management and control of the communities' customary land to the state. The National Park's zonation system does not take into account indigenous peoples' rights to the forests.

The consequence is that the *Behoa* people are now forbidden to enter the 'Pandulu' area (virgin/deep forest) and 'Kakau' area (secondary forest), which in their customary rights concept are part of their traditional land. This is the source of severe conflicts between the *Behoa* people and the government, in this case the management unit of the national park and security forces under the *Tim Pengamanan Hutan Terpadu* (Joint Team for Forest Security). The activity most opposed by *Behoa* people are arrests for 'trespassing', not taking into account that the forest products being harvested by the local people are for fulfilling basic economic needs and not for commercial purposes, like those exploited by urban based companies.

The situation of the *Behoa* people is getting worse with the threat posed from the development of the Palu-3 Lore Lindu hydro-power project, partly funded by the Asian Development Bank. Part of the project's site is in the area of Lore Lindu National Park. The hydro-power plant will drastically change the region ecologically and economically and will threaten the integrity of *Behoa* culture in future.

Faced with the threat of extinction of their culture, the *Behoa* people sent their indigenous chief, G. Samba'a, to meet the Governor of Central Sulawesi in May, 1994, to ask for redrawing of the Lore Lindu National Park boundaries. But this effort has so far had no result. The *Behoa* people entering their customary land within the Lore Lindu National Park are still punished as 'forest encroachers' and 'wood thieves'.

West Kalimantan

Throughout 1996 and the first half of 1997 there was fresh evidence of just how fragile Indonesia's social and ethnic cohesion is. The riots that rocked Jakarta last 29 July had their origins in the government's attempt to wrestle leadership of the opposition PDI (Partai Demokrasi Indonesia) from Megawati Sukarnoputri, one of the most popular challengers to President Suharto. Against all evidence, the regime tried to lay the blame for the protests at the door of the pro-democracy movement which has become ever more active over the past years. The series of violent communal clashes that followed in October and late December, again in Java, had all the trappings of religious and ethnic trouble, pitting, as they did, Moslem mobs against the generally more wealthy Christian and Chinese minorities. Independent analysts, however, would either see the clashes as an expression of the growing despair on the part of the country's economically disadvantaged, or even presume them to be instigated by the military. By manufacturing religious clashes or portraying unrest as such, they argue, the regime hopes to drive a wedge into the inter-ethnic pro-democracy movement. Quite convincingly, NGO circles hold that by focusing attention on other factors - notably the danger of national dissolution - the government avoids addressing the underlying economic and political problems and tries to posit itself as the sole guarantor of national unity and ethnic peace.

However, the worst instance of communal unrest that Indonesia has witnessed so far outside the notoriously rebellious territories of

Aceh, East Timor and West Papua involved indigenous peoples. Following a brawl between Muslim and Dayak youth on 30 December, thousands of Dayak in the province of Kalimantan Barat rose in arms against the presence of the immigrant community from Madura, a small, infertile island on the eastern tip of Java. Although the *Madurese* make up but 2,5% of the province's total population of some four million, they are said to be involved disproportionately often in violent disputes and have acquired a reputation as hot-blooded troublemakers also outside of Kalimantan. Still, Dayak organisations caution that to reduce the conflict to ethnic terms, as the government has done, misses the point. More aptly put, they stress, ethnicity and tradition have recently emerged in a crucial role in the Dayak's ongoing resistance to economic and social marginalisation.

Disputes between the Dayak and Madurese date back to the 1960s when large numbers of Madurese were called in by the government for roadbuilding in the interior. This development led to the loss of much Dayak land, often for little or no compensation. The Madurese, being especially aggressive settlers, were among the most visible beneficiaries of the dispossession of the indigenous inhabitants of Kalimantan Barat, and they made enemies through what the Dayak consider their particular disrespect towards the local communities and culture.

The latest feuding eclipsed earlier skirmishes both in geographical scale and ferocity. The purpose of purging the province from Madurese habitation united maybe a dozen Dayak subtribes - among them *Kanayatn*, *Menyuke* and *Sekayan*, and *Ibanic* groups -, as no event during living memory had done. During eight weeks of blood-letting, an estimated 3,000 people died, of which the huge majority (2,000 to 2,600, according to different sources) were immigrants. Thousands of houses (official figures, as a rule too low, speak of 2,500) were destroyed, and as much as one fifth of the Madurese population fled their homes, probably never to return. As a result, the Dayak warriors confined Madurese settlement to between 30 and 50 km from the cities of Singkawang and Pontianak, as well as the coastline between them, in striking similarity to the events of exactly 30 years ago when a violent Dayak uprising had flushed the Chinese out of the interior.

Although the Indonesian army flew in 3,000 troops - among them elite batallions - as reinforcements, it was unable to do much more than defend itself and the terrified Madurese refugees who

had sought shelter at local army posts. Lacking anti-riot equipment and often panicking, military troops had their share in the slaughter when they massacred Dayak crowds on at least two occasions. For a fortnight in February, the roads in the interior were controlled by Dayak warriors armed with mandau (the traditional Dayak sword), spears, blowpipes and homemade shotguns, and warriors came down by the truckloads to attack Pontianak proper, the province capital. As of the second half of March, wide areas in the interior of Pontianak, Sanggau and probably also Sambas Districts remained in a latent state of war, in spite of grand peace ceremonies staged by the military.

The first wave of rioting had started when two Dayak youth were stabbed following an argument with Madurese youth in the town of Sanggau Ledo, some 150 km north of Pontianak, on 30 December. As the news spread, some 5,000 Dayak attacked Madurese houses in villages around that town, setting them on fire and killing an unknown number of men, women and children. During four days of violence, more than 6,000 people, mostly Madurese, were evacuated to the coastal city of Singkawang. A hastily-called agreement on 8 January, involving leaders from both communities, was supposed to restore peace to the area, and for a while it seemed as if the trouble had been successfully contained.

However, in the early hours of 29 January, hooded men attacked and all but burned down a catholic school and student dormitory in Siantan, a predominantly Madurese part of the city of Pontianak. Although the attack failed, the news of the raid spread quickly as the school was run by Pancur Kasih foundation, a symbol of Dayak cultural resurgence and economic emancipation. At about the same time, two Dayak employees of a city supermarket suffered stab wounds in an attack on their sleeping quarters. Madurese retaliation, however, reached its height when mobs erected checkpoints on the coastal road at Peniraman, some 32 kilometers from Pontianak, where they beat up or outrightly killed Dayak passengers. Thus, on 30 and 31 January, three Dayak men were hacked to death after being pulled out of buses and private vehicles, with others only surviving because they were protected by the driver or fellow passengers. In Pinyu, further up the coast, some Dayak houses went up in smoke.

When news of the deaths spread to the interior, thousands of Dayak mobilised for war. Since two of the three Peniraman casual-

ties and the injured saleswomen had been from districts that were so far not directly involved in the violence, the issue was no longer the private affair of a few subtribes somewhere in Sambas. Through the laws of blood vengeance, local communities within a radius of some 250 kilometers were drawn into the conflict, including, for the second time, Sambas, the epicentre of the first wave of violence. What made Dayak unity easier was the fact that by attacking Pancur Kasih, the catholic foundation, the Madurese had actually taken on a symbol of Dayak identity that transcended existing tribal divisions.

For mobilisation, the Dayak fell back on a traditional mechanism which involved the passing of a red bowl (*mangkuk merah*) along with a set of ritual accessories, signifying the resolution to enter war, from village to village. According to Dayak informants, this ritual device for forging intertribal alliances has been used over the centuries whenever the Dayak were facing a powerful external threat. The Dayak warriors were in the large majority young and middle-aged men from rural and partly even backwater areas who obeyed no central command, but were under the control of local-based war leaders (*panglima perang*) who seem to have been mostly traditional elders. The few city-based Dayak NGOs had no part whatsoever in what was going on. It seems that each village acted basically on its own in calling their spirit aides and conducting the necessary ritual preparations for war. The movement thus defies the theories soon circulated by the military that referred to a ploy by a few intellectual ringleaders with possibly secessionist aims.

Military reinforcements landed overnight on 5 February, whilst neighbouring Malaysia closed its border to Kalimantan for fear that the unrest would spill over and pit the warlike Bidayuh and Iban against Sarawak's own Madurese minority. Nevertheless, reports had it that numbers of Sarawak tribesmen joined the fighting at the side of the Kalimantan Dayak, bringing with them guns and war magic. Pontianak was cut off from the interior by military roadblocks and a night curfew imposed on the city. Accounts of the events that followed the Madurese reprisals at the end of January are confused since the authorities imposed a news blackout on the province. As the local hospitals filled with casualties inflicted by all sides - the military included -, access to them was denied and people were kept from travelling to the interior. Still, the rioting spread eastwards and soon involved dozens of mixed communities in Pon-

tianak and Sanggau districts. All sources unequivocally stress the fact that featuring prominently among the Dayak raiders were warriors from hinterland areas like the Kapuas Hulu district and the northern border regions of Sambas, Kab. Pontianak and Sanggau, notably places with no record of Madurese settlement.

During the first week of February alone, hundreds of Madurese were killed and their houses razed in attacks on villages near Salatiga, Mandor, Pahauman and Ngabang along the road to Sanggau, as well as in the hinterland stretching towards the border at Entikong. Thousands of Dayak patrolled the main roads, stopping vehicles and killing any Madurese passengers. Furthermore, in a tragic turn of events, several hundred Madurese civilians who had fled the interior during the first round of violence, were killed in Sambas and Sanggau Districts after the military had prematurely ordered them to return to their villages in the wake of the first peace accord. And for a while in mid-February, Dayak forces threatened an assault on the provincial capital itself with its large concentration of Madurese residents and refugees. According to some reports, Dayak war leaders pleaded with the military to be given 'seven hours' so they could 'solve the problem' in the city 'once and for all'.

The army's involvement at times bordered on full-scale war. As often encountered in frontier situations, indigenous peoples - in this case the Dayak - are credited with frightening magical powers that are strangely at odds with their social standing and political influence in frontier society. The Indonesian army proved to be particularly fertile ground for phantasmagories of Dayak war magic and barbarism. Terrified troops repeatedly opened fire on Dayak crowds to stop them from laying their hands on Madurese refugees. In one incident on 3 February, seventeen Dayak were shot dead or killed by land mines when they tried to break through an army roadblock at Sungai Pinyuh near Anjungan, 55 km north of Pontianak. The mostly adolescent Dayak attackers had set themselves on the march following rumours that a community leader arrested by the army had been abused or even died in custody in the Anjungan military camp. The scenario repeated itself in Sanggau Kapuas, where eight trucks full of Dayak demanded access to the local garrison, asking the soldiers to hand over the Madurese that were hiding there. Five Dayak died and some fifty were gravely injured when the troops opened fire at a checkpoint. A third massacre, so far unconfirmed, is reported to have taken place on 4 February, again at Anjungan,

when troops apparently foiled an attack on one of their roadblocks by shooting at the tires of two approaching trucks manned with Dayak youths, causing the trucks to turn over. Survivors were finished off with machine gun fire. It is said that at least a hundred Dayak died in this incident. It is surprising to note that these military killings seemingly did not provoke retaliation on the part of the Dayak of the scale and intensity that Madurese actions had done. Partly, the military strategy of suppressing information on casualties and isolating those injured in military hospitals seems to account for this; for the other part, however, Dayak leaders themselves - as happened in the case of the first Anjungan encounter - ruled out the necessity for revenge by declaring that the Dayak combatants had violated previous agreements by the elders with the local commanding officer.

The chronology of violence continues until 28 February when the last known attacks were carried out against Madurese settlements in Subah, Sambas, but local sources conceded that unreported violence might still have occurred as late as the second half of March and into April. Apart from several smaller events in the villages, the military staged three large and well-publicized peace ceremonies in Sanggau Ledo (8 January) and Pontianak (on 18 February and 15 March), during which they made hand-picked community representatives read solemn pledges to renounce violence and settle remaining differences peacefully. Yet most Dayak villagers, when queried, maintained that peace was unconceivable as long as any Madurese were remaining in the province. Furthermore, the prevailing sentiment in the villages was that the leaders, chosen by the military to represent the Dayak side in the peace accords, were illegitimate, as they were mainly city-based business-people with no following in the rural areas. And finally, few villages had as of the second half of March performed the prolonged rituals necessary to return the *kamakng* ancestor spirits (which are said to have participated in the violence with devastating results) to their abodes in the spirit realm. Given all the blood that was spilled, normality is not likely to return to the province in the near future. Nobody dares to predict what will happen once the national parliamentary elections (on 29 May, 1997) are over, an event that is usually preceded by two months of tight security in the provinces. In the wake of the influx of some 15,000 Madurese refugees, the capital city of Pontianak itself has become a powderkeg, and the

same holds for the Javanese cities of Jogjakarta and Jakarta, where hundreds of Dayak students could easily become the target of Madurese extremists.

Military and government authorities were quick to assert that the violence was motivated by a mixture of religious zealotry and material jealousy. Yet ominously, the Dayak raiders were careful not to touch mosques and *madrasahs* (Muslim schools) which, as religious symbols, are 'owned' by a variety of immigrant Muslim groups. If anything, religion was brought in as a factor by the Madurese side in their attack on a catholic school and dormitory at the end of January, and aborted attempts to raze mosques and have the Dayak take the blame for it. Material jealousy, on the other hand, can be discarded as a motif as the Madurese are sharing the bottom rung of the economic ladder with the Dayak. If material grudges were an issue, it would have made a lot more sense to attack the wealthier Chinese, Malay, Javanese or Buginese communities, whose lives and homes were spared throughout the riots. And yet there can be no doubt that economic, social and political marginalisation have played a crucial role in motivating the upheaval. The Madurese then would appear as some kind of surrogate victims who had to pay the price for pent-up Dayak frustrations over the inequities of the predatory economy and clientelist politics of this frontier province.

The Dayak have suffered enormous land loss from at least a century and a half of unrestrained resource exploitation, a process that has picked up speed over the last thirty years with the expansion of plantation agriculture. As a consequence, land for shifting cultivation, the Dayak's traditional mode of production, has become scarce. In many parts of the province swidden cycles had to be shortened to five years and soil fertility therefore has dramatically decreased. Huge stretches of land are infested with *alang-alang* (imperata grass) and as such are no longer suitable for traditional methods of cultivation. Unsurprisingly, there were (although peaceful) protests against plantation schemes all over the province in the 1980s and at least three more recent, violent ones between 1994 and 1996. What is more, the land problem of the Dayak has been aggravated during the past three decades by government-sponsored transmigration, an angle the authorities carefully avoid in their analysis of the recent riots. Transmigration is inextricably linked with the palm oil industry which has the biggest share in the

process of the dispossession of the Dayak, with transmigrants being given the land and the jobs. At present, Kalimantan Barat receives the third-biggest share of transmigrants of all Indonesian provinces, after Central Kalimantan and Irian Jaya. Sambas, with its long chronology of tensions between Madurese and Dayak, was in the 1970s the province's leading transmigration area; in 1980, 15 % of its total population were official transmigrants, compared with an average of only 3.4 % in other areas.

Transmigration thus contributed significantly to heightening land-related tensions in the province; it does not, however, explain why the bloodshed involved the Madurese, because they typically have come as spontaneous migrants, not as part of the official transmigration programme. Dayak sources insisted that there was occasional friction with other transmigrants, too, but that they were minor in comparison, owing to the less violent ways of these migrant groups. The Madurese in contrary were pictured as insidious land-grabbers who did not honour agreements and with whom even small arguments were bound to turn into a matter of life and death.

In addition to the awareness that their landbase is fast eroding and their livelihood threatened - albeit mostly by forces beyond their reach - the Dayak feel deeply frustrated about the fact that they are excluded from the province's political life and without access to employment in the civil service. As one observer remarked, even West Papua, subject to a virtual occupation regime, has more indigenous civil servants than West Kalimantan. In spite of a large reservoir of Dayak professionals and university graduates, all but one of the seven district heads (*bupati*) are presently outsiders, and except for an interlude of six years in the 1960s, the province has always had non-Dayak governors. Only rarely are Dayak admitted to administration jobs, and if so, never to high-ranking ones. But then again, high politics and even civil service are not the domain of the Madurese, either. If anything, it is their pronounced ethnic solidarity and the ability to engage in the communal pressure politics that flows from it which has earned them the reputation of being bent on 'taking over the province' and 'doing whatever they want to do'.

Therefore, what has actually spelled doom on the Madurese was that they have chosen a particularly aggressive way of competing in this frontier arena, involving the shedding of Dayak blood and thereby triggering off a feuding mechanism. Even the Dayak would not dispute that they have not solved their problems by 'cleansing'

the interior from Madurese settlements. The real culprits behind the large-scale dispossession of the local indigenous peoples are either too powerful or not visible enough to be taken on by means of a neo-traditional indigenous war. However, knowing the tenacity of clientelist habits and the stubborn refusal of political and business elites to mend their ways - here as elsewhere -, it must be doubted that the lesson has been learned.

Sources:

Bulletin JATS. No. 01/Thn I/1997. 'Eco Fascism' di Kawasan Konservasi:

antara Lore Lindu dan Morowali. Jaringan Advokasi Tanah Sulawesi.

Kompas, 3 April 1997. 'TPHT Sulteng Menyita Ratusan Balok Diduga dari Taman Lore Lindu'. Newspaper clip.

Notes:

1. 'Seminar Pengembangan DAS Memberamo, 7-8 April' in *Suara Pembaharuan Daily Newspaper*, 3 April 1997.
2. Studi Pengembangan Sumberdaya Pertanian Daerah Aliran Sungai Memberamo by Shafiq Prayitno. Direktorat Pengkajian Ilmu Kehidupan, Kedeputian Bidang Pengkajian Ilmu Dasar dan Terapan, Badan Pengkajian dan Penerapan Teknologi. Jakarta. 1995. 25 p.
3. 'BPPT dan Uncen Teliti Persiapan Megaprojek PLTA Memberamo Irja' in *Suara Pembangunan Daily Newspaper*, 24 October 1996.
4. 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997.
5. 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997.
6. Petocz, Ronald G. 1987. *Konservasi dan Pembangunan di Irian Jaya: Strategi Pemanfaatan Sumber Daya Alam Secara Rasional* translated by Slamet Soeseno from *Conservation and Development in Irian Jaya, A Strategy for Rational Resource Utilisation* by Switzerland: WWF/IUCN, 398 p.
7. Most of this is cited from 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997. Account on Amungme Tribe-Freeport conflict is published on *The Indigenous World 1995-96*, IWGIA. Copenhagen. 1996. p 163-164. [viii] Cited from 'Membangun Bersama Masyarakat: Melalui Megaprojek Memberamo, Irian Jaya', a paper by DR. Benny Giay presented in Seminar and Workshop on the Development of Memberamo Basin: as one of Growth Center in Eastern Indonesia, 7-8 April 1997.

EAST TIMOR

East Timor was invaded by its neighbour Indonesia on 7 December, 1975. Since then, at least 200,000 people, almost one-third of the population, have died as a result of war, starvation and disease. But Indonesia's annexation of the former Portuguese colony has never been recognised by the United Nations, and in East Timor itself there is still resistance against the Indonesian occupation.

An Australian Report

On 16 October, 1996, the East Timor Human Rights Centre based in Australia issued a report covering the first nine months of 1996. The report, which is titled *Continuing Human Rights Violations in East Timor*, opens with a quote from a visitor to the territory in 1996: 'East Timor is an occupied country. There is no rule of law, no court of appeal, no freedom. Power is in the hands of extra-judicial bodies who control life and liberty at will.'

The report focuses on seven separate areas where civil and political rights were violated during the period in question: 1) Large numbers of East Timorese are attempting to leave East Timor, either by boat to Australia or by seeking refuge in western embassies in Jakarta. 2) Extra-judicial executions have continued, some of which have not been investigated by Indonesian authorities. 3) There has been a high level of arbitrary arrests, particularly of young East Timorese, and systematic torture of those arrested. 4) Riots in Baucau, which are believed to have been provoked by an Indonesian soldier insulting the Catholic religion, resulted in the arrest of approximately 165 East Timorese, many injured and up to three East Timorese killed. 5) Unfair trials led to East Timorese being convicted to terms of imprisonment. 6) Unrest in prisons led to the death of one East Timorese and many others injured. 7) There is an atmosphere of fear with people being regularly subjected to intimidation, beatings, rape and other acts of repression by the Indonesian authorities.

The centre adds that the 1996 violations 'follow the numerous violations which occurred in 1995 which the US State Department described as one of the worst years for violations in East Timor'. The centre concludes that there was 'no improvement in 1996 and that serious and systematic abuses of fundamental rights continue'.

Amnesty International

Throughout the year, the human rights organisation Amnesty International based in Great Britain issued a large number of *Urgent Action* appeals on behalf of persons from East Timor. The subjects were: arbitrary arrest, fear for safety, fear of torture, health concern, legal concern, possible disappearance and possible prisoner of conscience.

Amnesty International also condemned the intimidation and threats of mob violence that forced the abandonment of the second Asia Pacific Conference on East Timor (APCET II) held in Kuala Lumpur, capital of Malaysia, in November, 1996.

'It is appalling that the authorities stood back as alleged members of the ruling coalition's youth wing forcefully broke up the conference in order to prevent the discussion of the human rights situation in East Timor,' Amnesty International said in a press release.

Suspicious that the Malaysian authorities had sanctioned the attack were strengthened by reports that police did not intervene until an hour after the protestors had stormed the conference room. The Malaysian Government had earlier made clear its opposition to APCET on the grounds that it might damage Malaysian-Indonesian relations, but the conference organisers said the meeting constituted a legal gathering because it was by invitation only and not held in public.

In 1994 Indonesia tried - but failed - to stop the first Asia Pacific Conference on East Timor (APCET I) held in Manila, capital of the Philippines.

A Trial in Britain

In July, 1996, four British women were acquitted of plotting to damage a Hawk jet fighter bound for Indonesia. Although all four admitted involvement in the case, a Liverpool jury found them not guilty of causing damage to the plane.

On 29 January, 1996, Lotta Kronlid, Andrea Needham and Jo Wilson cut through the fence around a British Aerospace aircraft plant in northern England. After videotaping themselves damaging the plane's fuselage and high tech electronics with hammers they draped banners over the wrecked jet, left a videotape in the cockpit and called the police, singing peace songs while they waited. A fourth activist, Angie Zelter, announced her intention of continuing the action and was also arrested.

During the six-day trial in July, 1996, the women said they were disarming the Hawk, not vandalising it, claiming the action was justified because the plane was going to be used against the civilians of East Timor.

The jury took just five hours to reach its verdict of not guilty, which Jo Wilson called a 'victory for justice' and a 'victory for the people of East Timor.' Angie Zelter added, 'We think we have a very good case to prove that British Aerospace is aiding and abetting murder' in East Timor.

A Canadian Film

On 1 December, 1996, a documentary film about East Timor had its premiere in Canada: *Bitter Paradise: The Sell-out of East Timor*, written and directed by the Canadian photographer Elaine Brière who is also a co-founder of the Canadian solidarity committee, East Timor Alert Network.

The film covers many aspects of the conflict. We hear about the past and the present: what is the reason for Indonesia's invasion of 1975? And what is the current situation more than twenty years later? We also get the local and the global perspective: what is happening in East Timor? And how is the rest of the world responding to the conflict?

Elaine Brière is a Canadian. Therefore it is only natural that she should focus on this country: what is the nature of Canada's relations with Indonesia? And what is Canada's role in the East Timor conflict? These questions are highly relevant.

Canada is known as a peace-loving nation which often contributes to United Nations peace-keeping operations around the world. But this is not the whole truth. *Bitter Paradise* demonstrates that Canada has close political and economic ties with Indonesia in spite of an international human rights campaign to force Indonesia to withdraw its troops from the former Portuguese territory.

Elaine Brière says her film has three aims: first, it is the story of 'one people's struggle for survival in a world dominated by the search for raw materials and new markets'. Secondly, it is the story of 'Canada's shameless, ongoing support for a predatory military regime'. Finally, it is the story of her 'personal political journey from the villages of East Timor to the halls of the United Nations, from political innocence to political activism'.

The Nobel Peace Prize

On 11 October 1996 the Norwegian Nobel Committee announced its decision to award the Nobel Peace Prize for 1996 to Carlos Filipe Ximenes Belo and José Ramos-Horta 'for their work towards a just and peaceful solution to the conflict in East Timor'.

Belo has been the Catholic bishop of East Timor since 1983. He is one of the few persons who can openly criticise the Indonesians without being jailed or killed for doing so. But he knows he must be careful, and therefore he always talks about humanitarian and not political problems.

Ramos-Horta has been a spokesman for the East Timorese resistance movement in exile since the invasion of 7 December, 1975. He has been working within the United Nations system, taking part in conferences and meetings all over the world, and writing books and articles about the conflict.

Indonesia's response to the decision of the Nobel Committee was divided into two: on the one hand, Indonesia talks to Belo and congratulated him officially on being awarded the prize. On the other hand, Indonesia hardly ever talks to Ramos-Horta and stated that he was unworthy of the prize.

Both Nobel Laureates came to Oslo to receive the award on 10 December, 1996. In his official presentation, Francis Sejersted, Chairman of the Norwegian Nobel Committee, said:

The Conflict in East Timor has been called "the forgotten conflict". It has not, however, been completely forgotten, having figured on the international agenda, with varying degrees of prominence, throughout those twenty [one] years. But it has so to speak never caught on. There have been so many other interests and regards to attend to, and East Timor is so small.

Rarely has the cynicism of world politics been more clearly demonstrated. The numerous considerations of "Realpolitik" have enabled an exceptionally brutal form of neocolonialism to take place. Of a population of between six and seven hundred thousand, nearly two hundred thousand have died as the direct or indirect result of the Indonesian occupation. And the violations are still taking place today.

Many are the countries which have given higher priority to their "Realpolitical" cooperation with Indonesia than to regard for East Timor. This is the apparently hopeless situation in which our two Laureates have so untiringly striven for a just and peaceful arrangement for their people.

The Peace Process

In his official speech, Bishop Belo focused on the peace process:

Let it be stated clearly that to make peace a reality, we must be flexible as well as wise. We must truly recognise our own faults and move to change ourselves in the interest of making peace. I am no exception to this rule! Let us banish anger and hostility, vengeance and other dark emotions, and transform ourselves into humble instruments of peace.

People in East Timor are not uncompromising. They are not unwilling to forgive and overcome their bitterness. On the contrary, they yearn for peace, peace within their community and peace in their region. They wish to build bridges with their Indonesian brothers and sisters to find ways of creating harmony and tolerance.

Mutual respect is the basis of compromise. Let us start by making a sincere effort to change the very serious human rights situation in East Timor. The Church has played its part. We have formed a Justice and Peace Commission that is always ready to cooperate with the authorities to address problems.

Independent human rights officials have repeatedly visited East Timor and have recommended what needs to be done. As a first step, the release of East Timor political prisoners has to be given urgent attention, in accordance with the section on Humanitarianism in the Panca Sila, The Five Principles of Indonesia's State Ideology. Such a step would help create an important opening on the road to peace.

Imprisoned in Jakarta

In his official speech Ramos-Horta mentioned the leader of the East Timorese resistance movement, who was captured by Indonesian soldiers in November 1992 and is now imprisoned in Jakarta:

This speech belongs to someone else who should be here today. He is an outstanding man of courage, tolerance and statesmanship. Yet, this man is in prison for no crime other than his ideas and vision of peace, freedom and dignity of his people.

Xanana Gusmao, leader of the people of East Timor, remains *incommunicado* in a prison thousands of miles away from his country. His trial in 1993 was universally condemned as a charade and was no more valid than the Dutch imprisonment and trial of the late President Sukarno, founding father of the Indonesian Republic.

I bow to Xanana and through him to my good friends Nino Konis Santana, David Alex, Tahir Matan, Ruak, Fernando Araejo and all

East Timorese prisoners of conscience in jails in East Timor and Indonesia, to the thousands of victims of torture, widows and orphans. I bow to the memory of Salabae and the thousands of dead.

Through Xanana, I bow to my people with profound respect, loyalty and humility because they are the martyrs, the real heroes and peace-makers.

Three Separate Phases

Ramos-Horta took the opportunity to restate his Peace Plan of April 1992 which is divided into three separate phases:

Phase One - Humanitarian phase: This phase, which should take up to two years to be fully implemented, would involve all three parties [East Timor, Indonesia and Portugal] working with the United Nations to implement a wide range of 'confidence building measures', (CBMs) but would not deal with the core of the problem which is the issue of self-determination.

These CBMs must include release of all prisoners, end of torture and summary executions and a drastic reduction in Indonesian troop presence in the territory.

These are some of the ideas which I believe could be implemented immediately without loss of face for Indonesia. Its international standing would improve significantly and its presence in the territory would be less resented, thus relieving a very tense situation...

Phase Two - Autonomy, 5 years: Phase two, lasting between five to ten years, would be a period of genuine political autonomy based on ample powers vested in a local, democratically elected Territorial People's Assembly.

At the end of the second phase, the autonomous status of the territory could be extended by mutual accord.

The East Timorese people, having enjoyed a period of peace and freedom without the presence of the most hated symbol of the occupation, the army, might accept to continue this form of association.

Conversely, the changing generation, attitudes and perception in Indonesia might result in Indonesia accepting as natural that East Timor becomes independent.

Phase Three - Self-determination: If all parties agree that Phase Three should enter into effect immediately, then the United Nations begins to prepare a referendum on self-determination to determine the final status of the territory.

The International Community

Next, Ramos-Horta talked about the role of the international community:

We are as determined as we are optimistic about our future. To Indonesia and our other neighbours in the ASEAN we are offering a hand of friendship and appealing to them to help us bring peace and freedom to East Timor.

The European Union, working with the United States, Canada, Australia, New Zealand, Japan and Indonesia's partners in ASEAN, can accelerate the ongoing dialogue under the auspices of the UN secretary-general and give it some impetus and real substance.

The U.S. Administration is the only major power that has adopted some concrete measures to encourage changes in Indonesia and East Timor. I express here our sincere appreciation to President Clinton for his actions on East Timor and I appeal to him to lend his youthful energy and compassion towards a permanent resolution of the conflict which he once described as "unconscionable".

Finally, Ramos-Horta commented on the western democracies and their role in international arms sales:

We are not asking that Indonesia be punished with comprehensive economic sanctions. We believe that economic engagement with a country can at times foster positive changes through the development of a democratically conscious class.

However, we find it repulsive that the Western countries that more loudly make rhetorical speeches about human rights are the ones that manufacture most weapons that have killed more than 20 million people in the developing world since World War II.

Land mines, torture equipment, cluster bombs and chemical weapons are weapons designed to inflict pain and death on human beings. Most victims are civilians, women and children. How can arms manufacturers, weapons designers, plant managers and politicians, who have families of their own whom they love, be so insensitive when it comes to the suffering of other human beings?

A Big Surprise?

The decision of the Norwegian Nobel Committee came as a big surprise for many. However, during recent years there were several signs that the case of East Timor was under serious consideration: Bishop Belo was nominated for the prize in 1994 and 1995. In 1993

the Norwegian Rafto Prize for Human Rights was awarded to the people of East Timor, and Ramos-Horta travelled to Bergen to receive it on behalf of his people. Thorolf Rafto's Prize was established in 1987. In 1990 it was awarded to the Burmese politician Aung San Suu Kyi, who won the Nobel Peace Prize the following year.

In 1995 a part of the so-called alternative Nobel Peace Prize, the Right Livelihood Award, was given to Carmel Budiardjo for 'holding the Indonesian Government accountable for its actions and upholding the universality of fundamental human rights'. Carmel Budiardjo spent three years in detention without trial as a suspected communist in Indonesia. After her release in 1971 she returned to London. For more than twenty years she has been the editor of the newsletter *Tapol Bulletin*, published by the Indonesia Human Rights Campaign. In 1996 she published a book about her experiences in Indonesia: *Surviving Indonesia's Gulag*.

The Nobel Peace Prize is an important moral support to East Timorese living under Indonesian occupation; to East Timorese living in exile; to the Government of Portugal which is trying to ensure a peaceful decolonisation; and to the numerous activists all over the world who tried for years to talk about East Timor while most mass media and politicians refused to listen.

The Prize means renewed international attention to the conflict and an increased legitimacy for the case. It makes it harder to dismiss the demands of East Timor as a hopeless dream. But the Indonesian government did not give any immediate concessions, and at the beginning of 1997 it seemed that there was still a long way to a just and lasting peace in East Timor.

Sources:

Books and reports

Carmel Budiardjo 1996. *Surviving Indonesia's Gulag: A Western woman tells her story*, London: Cassell.

East Timor Human Rights Centre 1996. *Continuing Human Rights Violations in East Timor*, Fitzroy, Australia: ETHRC.

José Ramos-Horta 1996. *Towards a Peaceful Solution in East Timor*, Sydney: East Timor Relief Association.

Rebecca Winters & Brian Kelly 1996. *Children of the Resistance: The current situation in East Timor as seen through the eyes of two Australian tourists*, Darwin: Australians for a Free East Timor.

Articles

Rizal Mallarangeng & R. William Liddle February 1996. 'Indonesia in 1995: The Struggle for Power and Policy,' *Asian Survey*.

Stephen Sherlock September 1996. 'Political Economy of the East Timor conflict,' *Asian Survey*.

Lars S. Vikør December 1996. 'The Nobel Peace Prize 1996 and Its Implications,' *NIAS nytt, Nordic Institute of Asian Studies*, No. 4.

Special Journals

East Timor: It's time to talk, British Coalition on East Timor, PO Box 2349, London E1 3HX, United Kingdom.

The East Timor Estafeta, East Timor Action Network, PO Box 1182, White Plains, NY 10602, USA.

Tapol Bulletin, Indonesia Human Rights Campaign, 111 Northwood Road, Thornton Heath, Surrey CR7 8HW, United Kingdom.

Timor Link, Catholic Institute for International Relations, Unit 3, Canonbury Yard, 190A New North Road, London N1 7BJ, United Kingdom.

Documentary films

In Cold Blood: The Massacre of East Timor, by Max Stahl (pseudonym), Yorkshire Television, UK, 1992, 50 minutes.

Death of a Nation: The Timor Conspiracy, by John Pilger, Central Independent Television, UK, 1994, 70 minutes.

Bitter Paradise: The Sell-out of East Timor, by Elaine Brière, Snapshot Productions, Canada, 1996, 57 minutes.

Nobel peace prize speeches

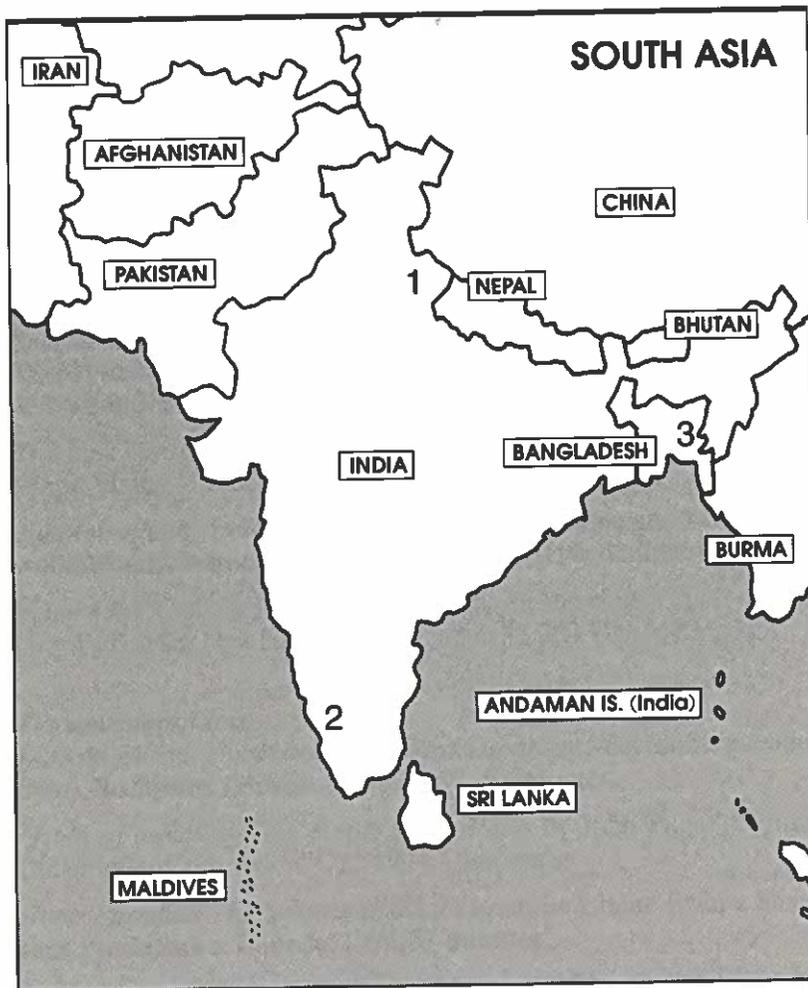
The official Nobel Peace Prize speeches of Francis Sejersted, Carlos Belo and José Ramos-Horta are quoted by permission. *Copyright (c) The Nobel Foundation, Stockholm, 1996.*

Contact address

East Timor International Support Center, GPO Box 2155, Darwin, Northern Territory, Australia 0801; phone +61 8 8985 5678; fax +61 8 8985 5622.

Errata

In the very last paragraph of page 189 in last years *The Indigenous World 1995-96* reference is made to the National Socialist Council of Nagaland, followed by an acronym (NPMHR). The acronym should rightly be NSCN. We apologise for any inconveniences this mistake may have caused, and want to stress that the NPMHR - which stands for Naga Peoples' Movement for Human Rights - has no relation whatsoever with the aforementioned Council.



1. Van Gujjar and Jaunsari
2. Jenu Kurubo, Betta Kuruba, Hakki-Pikki, Soliga, Yerava
3. Jumma

SOUTH ASIA

INDIA

The Scheduled Areas and Panchayat Raj

Article 40 of the Constitution of India states that the State shall take steps to organise village *Panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. After a long wait of 42 years, the Constitution was amended through the 73rd and 74th Amendments regarding panchayats and municipalities respectively. These amendments had the clear injunction to exclude the V and VI Schedule Areas (constituted under Article 244(1) and (2) of the Constitution) besides the states of Nagaland, Meghalaya and Mizoram, the Hill areas of Manipur and the Gorkha Hill Council Area for which the Parliament was to make separate enactments. The V Schedule Areas are those tribal majority areas notified by the President in 1950 in the states of Andhra Pradesh, Orissa, Bihar, Maharashtra, Madhya Pradesh, Rajasthan, Gujarat and Himachal Pradesh. The VI Schedule Areas include the North Cachar Hills district and Karbi Anglong district of Assam, the Khasi, Jaintia and Garo Hill districts of Meghalaya, the Tripura Tribal Areas district and the Chakma, Mara and Lai districts, all in the North-East. The schedulings are ostensibly for better governance of tribal areas. But the Parliament failed to enact suitable laws for the areas left out in the 73rd and 74th amendments.

In November, 1993, the National Front for Tribal Self-Rule was initiated by Bharat Jan Andolan (Indian Peoples' Movement) - a coalition of struggle-based movements, mostly *Adivasi* movements, with the slogan of self-rule at the village level. Under pressure from the National Front, a 22 member committee was constituted on 10 January, 1994, by the government of which 16 were *Adivasi* Members of Parliament (MPs) belonging to various political parties headed by Dilip Singh Bhuria, an *Adivasi* MP from Madhya Pradesh - the state with the largest tribal population. The Committee was assigned the task of recommending guidelines for the law

regarding Panchayat Raj (73rd Amendment) for the V Schedule Areas taking into consideration various specific provisions in the Constitution. The Committee (popularly known as Bhuria Committee) submitted their recommendations on 17 January 1995. The recommendations themselves fall short of the aspirations of the struggling Adivasis. Still, the Parliament refused to follow up on the recommendations.

Pressing for the enactment of legislation in Parliament on the lines of the Bhuria Committee Recommendations before 15 August, 1995, with the structure in place before 2 October, the National Front called for the beginning of a civil disobedience movement in tribal areas of the country and for the declaration of self-rule. Widespread rallies and protests were organised to take the issue further. Meanwhile, many states, in violation of the Constitution, announced the holding (and in some states held) of Panchayat elections in the V Schedule areas of the respective states. Elections were stayed in the states of Andhra Pradesh and Bihar by the High Courts. An indefinite fast by thirty Adivasi leaders of the National Front commenced in February, 1996, at the capital, New Delhi, and on the 13th day of the fast the then Prime Minister, Narasimha Rao, sent an emissary promising immediate consideration of the demands. However, nothing happened and the country was due for parliamentary elections in June 1996. A number of political parties banded together to form the United Front and incorporated the promise to enact legislation on the lines of the Bhuria Committee recommendations in their Common Minimum Programme.

Towards Self-Rule: Legislating Local Self-Governance

The National Front did not wait for the government to draft the law but instead prepared a draft and submitted it to the government for consideration. The government continued its slumber. In September about fifty Adivasi leaders came to New Delhi and met the tribal members of Parliament and the Central Ministers. They were given assurances that a bill would soon be tabled. The National Front called for a political blockade of all government officials who would be declared persons non grata and not allowed to enter tribal areas from November 1996. The Bill No. LVI of 1996 named 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Bill' was introduced in the Rajya Sabha (the lower house), passed on 13 December was adopted in the Lok Sabha on 19 December.

With the President of India signing the Bill on 24 December, it became law.

The Bill accepts two important premises viz. (i) the community is the basic building block of the system and (ii) a formal system can be built on the firm foundation of the tradition and customs of Adivasis. The community, comprising of all persons in a habitation or a group of habitation and managing its affairs in accordance with traditions and customs, assumes the status of *Gram Sabha*. The Gram Sabha is endowed with the necessary powers to safeguard and preserve the traditions and customs of the people, cultural identity, community resources and the customary mode of conflict resolution.

The administrative arrangement at the district level is to follow the pattern of the provisions under the VI Schedule of the Constitution as in the North-East. The Assemblies of the eight States having Scheduled Areas have now to enact legislation incorporating the provisions of this Act within one year, i.e. by 24 December 1997.

The Bill makes a significant departure by recognising 'community' and conferring specific powers giving legitimacy to participatory democracy. This law can turn the tide of injustice and colonisation. The current Bill unfortunately neglects many important recommendations of the Bhuria Committee, yet a beginning has been made. The Bill is not applicable to Adivasi areas that are not notified as Scheduled Areas. The states of Kerala, Tamilnadu, Karnataka and West Bengal have not scheduled any Adivasi areas. Many Adivasi habitations in the 8 states where large areas are scheduled remain unscheduled. The National Front has now demanded the scheduling of all tribal areas and called upon the Adivasi peoples to declare their villages 'Village Republics' on 26 January, 1997, which was carried out ceremonially in thousands of villages. The passing of the Act is a shot in the arm increasing the determination of Adivasi movements to further intensify their struggles.

Uttar Pradesh

Momentous Year for the Van Gujjar Indigenous People

The Van Gujjars indigenous people live in the forests of the low altitude Siwalik range of mountains during the winter months and in the Himalayan highland pastures during the summer. Their transhumance is a result of their being pastoralists who tend buffaloes. This has been their means of survival for hundreds of years. In the

forests these buffaloes forage on lopped fodder leaves and in the high land pastures on the rich succulent grass.

Their indigenous lifestyle and worse still their very existence were severely threatened when the government of the state of Uttar Pradesh declared its intentions to convert the 820 square kilometres of the forests which have been their homeland into a national park. This conversion would by necessity have to be under the provisions of the Wild Life Act of the country which does not permit any human presence in such a park. In its haste to make the Van Gujjars vacate these forests, the forest department blissfully ignored the fact that India is signatory to the Rio Declaration on Environment and Development wherein the states must recognise and duly support indigenous identity, culture and interests, and enable their effective participation in the achievement of sustainable development.

The Rural Litigation and Entitlement Kendra (RLEK) intervened on their behalf and in a very participatory exercise between it and the community, India's first Community Forest Management Plan for Protected Areas (CFMPA) was developed wherein the Van Gujjars demand that the management of the proposed Rajaji National Park be handed over to them to make it the first People's Park. This draft of the plan was discussed, analysed, modified and approved by a panel comprised of forty-two experts in the fields of forestry, the environment, social science, anthropology, law, social activism, etc. Most importantly, heads of peripheral villages and Van Gujjar leaders interacted with these experts during this three-day workshop. Mr. P.N. Bhagwati, former Chief Justice of India and present Vice-Chairman of the United Nations Human Rights Commission wrote the preface to the plan which was given wide coverage by print media agencies. This fact was taken up in the Rajya Sabha (the upper house of Parliament) and the government is on record for assuring the House that it was in the process of changing the Forest and Wild Life Acts to give forest dwelling communities more say in the management and protection of forests.

The objectives of the CFMPA are to protect the ecosystem of the Siwaliks, conserve biodiversity and protect and support endangered species; to protect and support the traditional rights of the Van Gujjars so that they can permanently live in the protected area in an environmentally and economically sustainable manner; to protect and support the traditional rights of villagers living in border areas



Van Gujjar forest guards now use wireless communication for effective protection of their forests (Uttar Pradesh, India). (Photo: RLEK)

to use minor forest resources within the protected area in an environmentally sustainable manner; to increase the documented knowledge base about the Siwalik ecosystem through a partnership between the local peoples and external scientists and researchers; and to ensure and promote ecologically and culturally responsible tourism and education under the supervision of the community forest management structure.

It is a fact acknowledged even by the forest department that the Van Gujjars' knowledge of silviculture is even better than theirs. However, what they lack are administrative and management skills. To this end RLEK formulated a training module for them which would include the topics: Why Conservation?, Life Support System and Environmental Security, Fundamentals of Policy and Law, Need for a Change, Community Forest Management in Protected Areas, The Van Gujjar Forest Guard, Micro-planning Activity, Wireless Communication and Team Building.

One hundred and fifty Van Gujjar forest guards are being trained for an initial pilot area both within and beyond the proposed park boundaries. These forest guards are being trained in a broad range of activities including patrolling patterns, reporting procedure of illegal activities and violations, guards and community members, forest protection during summers and, most importantly, wireless communication.

Communication has always been a great problem in the management of forest areas and thus natural calamities like floods, forest fires, epidemics, etc. are not reported in time so that relief measures may be effective. Similarly, the reporting of health emergencies, tree smuggling, poaching, etc. are also not reported. To this end, RLEK sought for and was granted two commercial radio frequencies (spots 167.525 and 167.725 MHz) by the Ministry of Telecommunication, Government of India. Each Van Gujjar forest guard is thus being trained in wireless communication and given a wireless set.

For the Van Gujjar indigenous people who only a short while back were facing severe threats of expulsion from their forests, the year 1996-97 has indeed been a momentous one.

The Indigenous Kolta Community of Jaunsaris

The Kolta indigenous people are the original inhabitants of the hill region of Jaunsar Bhabar in northern Uttar Pradesh (UP). They are a peace loving people who were easily subjugated by the later

arriving landlords from the plains. Their exploitation was to such an extent that 19,000 of them were forced into bondage which in many cases included the wives and the children of these bonded labourers. Before the Abolition of Bonded Labour Act, 1976, came into being, Rural Litigation and Entitlement Kendra (RLEK) interceded on their behalf and moved the courts of law to put an end to their slavery. The government of UP was entrusted with the task of rehabilitating them and obtaining their rights and entitlements for them.

However, its agencies showed a complete lack of will and commitment and this indigenous people remained destitute. Further compounding their misery and crushing whatever little self esteem they still retained was the fact that instead of being granted the status of a Scheduled Tribe, they were deemed to be a Scheduled Caste.

With the advent of the 73rd Constitutional Amendment pertaining to panchayat raj (local self governance) wherein a minimum of 33.33 per cent of all seats have been reserved for women and proportionate seats for Scheduled Tribes/Scheduled Casts and Dalits, their hopes of becoming controllers of their own destiny were raised. However, for one reason or another, elections to the panchayats were continually deferred by the government of Uttar Pradesh. This was also the case in other states such as Himachal Pradesh, Tamil Nadu, Orissa and Bihar.

These states have a large tribal and indigenous population. RLEK took this matter up with the Supreme Court of India under a public interest writ petition on the grounds that the continuation of the old panchayats beyond their stipulated tenure of five years was in violation of the constitution and, further, it deprived women, SC/ST and Dalits, for whom seats have been reserved, of their rightful place in government. Such was the reluctance of the state governments to permit the devolution of power to the grassroots that in the case of Orissa the legislative assembly itself passed a unanimous decision to not hold elections. In Bihar, elections were last held eighteen years ago and the old order had made their panchayats their personal fiefdom. The Supreme Court examined the petition and issued orders to hold elections forthwith. All the states have since held elections to the panchayats and Bihar has recently been ordered to dissolve the old panchayats and to hold new elections.

This has enabled a number of *Jaunsari* women and men to take their place in the governance of their panchayat. In the two Jaunsar

blocks of Chakrata and Kalsi, two Jaunsari women have become the block chairpersons and a large number of them have become village 'pradhans'. RLEK trains these elected persons in the functioning of panchayat raj, and a large number of them have become village pradhans. RLEK further educated them in the functioning of panchayat raj institutions and their authority, duties and responsibilities in them. A large number of economic development and social justice programmes have been transferred to the panchayats under the new Act. Thus, after hundreds of years the indigenous community of the Jaunsaris are becoming masters of their own destiny.

The Government of India has recently passed the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996'. These scheduled areas have almost a one hundred per cent population of tribal and indigenous people. One hundred per cent of the seats for chairpersons in these territories have been reserved for the Scheduled Tribes at all levels in the three-tier system of panchayats.

Maharashtra

The tribal people, numbering 7,318 million, according to the 1991 Census, constitute 9.27% of the state's total population and 10.80% of the country's tribal population, surpassed only by Madhya Pradesh. There are forty-seven tribes in Maharashtra of which seventeen are numerically and ethnographically important. The principal scheduled tribes are the Bhils, Gonds, Mahadeo Kolis, Warlis, Korkus, Malhar Kolis, Gamits, Thakars, Dhor Kolis, Pardhis, Andhs, Pradhans and Dhankas, while the Katkaris, Kolams and Madia Gonds are also classified as 'primitive tribes'.

Maharashtra has the distinction of being a state where extremes co-exist. While the state boasts of being the most advanced industrialised state in the country, the poverty of the tribals in Maharashtra is abysmal. A state claiming one of the highest standards of living in the country has to contend with thousands of deaths due to starvation and malnutrition. While recalling a rich history of social reform, the exploitation of tribals in the region was bad enough for the Symington Commission to call it a blot on the administration¹. The state which boasts of the success of its land reform also carries the stigma of extreme tribal land alienation. The vast chasm which separates the tribals from the rest of the population of Maharashtra warrants very serious examination. There appears to be a direct co-relation between intensification of tribal land alienation, restric-

tion of access to land-based survival resources, loss of habitat and survival resources due to displacement, rapidly growing tribal impoverishment and the general economic advancement of the state². The complex nexus between these four parameters which define the tribal situation raises grave concerns about the very survival of the tribals in Maharashtra.

A problem that distorts analysis of the situation and is a cause for alarm is the 'rapid' growth of the tribal population in the past two decades. The 1971 census reported the Scheduled Tribe (ST) population at 2.95 million accounting for 5.85% of the 50.41 million persons in the state, but the 81 census reported 5.77 million STs representing 9.2% out of 62.78 million inhabitants. Notwithstanding starvation deaths and infant mortality, the tribals had inexplicably increased by 96%. In the next decade the population shot up to 7.31 million or 9.27% of 78.92 million in 1991. This steep increase by more than 195% between 1971-81 and 27% between 1981-91, and in real terms by 148% in the two decades since 1971 is mainly due to the questionable inclusion, for political gains, of a number of economically advanced groups among the backwards in the list of STs. The increase in numbers, while it distorts the demographic picture, has more disastrous effects. The real tribals are irretrievably pushed down in the 'access or claim ladder'. Without going into the debate whether reservation policies and the development programmes adopted by the state have resulted in real development of the tribals or not, the inclusion of the hitherto 'non-tribal groups' depresses the impoverished tribals further and inevitably pushes them out of the development process altogether. Resources allocated for tribal development are spread more thinly, but, more significantly, the new entrants, otherwise relatively more economically advanced, corner the lion's share of both resources and opportunities for education and social and economic advancement and other welfare measures. The new section also appropriates lands belonging to the depressed tribal groups, but these land transfers are 'legal' as they are considered intra-tribal. The depressed tribal groups, alienated from development resources, are condemned not only to stagnate at starvation levels but are also losing access to survival resources at a very rapid rate.

A major issue is tribal land alienation, a pivot of tribal life. Traditionally, individual rights of enjoyment of land-based resources were embedded in communal systems of access and management of

resources. The loss of land is the basis for alienation as the individual or community are uprooted from the concrete articulation of their consciousness and are progressively pushed into anomie. It is related to role dissonance in economic, socio-political and cultural milieu³. The land reform has been dismal as land laws were rooted in the matrix of the colonial land practice which placed the tribal landless and the landlord on the same legal footing, legal presumptions and procedures, also of colonial origin, and negated the intention of land reforms. Distortions introduced by the colonial government were accepted as the crucial elements of the legal framework for implementation of policies and programmes in the tribal areas. Paper laws of the colonial dispensation were prioritised over the laws by which people lived. An alarming indicator is the 1971 census data, which reports that the number of tribal cultivators fell by 22.65% from 725,000 in 1961 to 561,000 in 1971, precisely when the implementation of land reform was at its peak. Where tribals gained possession of their lands under the law,⁴ alienation of lands continued apace either through illegal entries into registers or permission given by Collectors for land transfers to non-tribals⁵. Today, almost all tribals are small peasants possessing uneconomic holdings or cultivators cum tenants cum labourers. They practice the most 'primitive' yet ecologically friendly technology. They are heavily indebted and are alienated from the land which they have been ploughing for generations. Even when attempts have been made to provide the tribals with land, in many cases the land passes into the hands of non-tribals in spite of legal prohibition against such transfers. Advantage is taken of the honesty of the simple and innocent nature of the tribals by unscrupulous elements in society⁶. By implication, the tribals constitute the poorest section of society with a significant proportion below poverty level. High infant mortality, pervasive malnutrition of women and children and starvation deaths of children - indicators of poverty levels in the community - are fairly widespread and an annual feature, though the enormity of this human catastrophe has become public knowledge only recently. The incidence of starvation deaths, however, are not confined only to the inaccessible and backward areas of the state but occur with regularity even in Thane district which is immediately adjacent to the state capital and the financial and industrial center of Bombay.

Perhaps the greatest threat to tribal civilisation is the post-1947 path of nation-building. Notwithstanding Nehru's lofty principles of

Panchsheel, the onward march of independent India has pushed the tribal people to the brink of survival. Building the nation as an economic and industrialised giant has broken the backs of the tribals. The state has been the single largest agency of tribal land alienation in the post-independence era. Mines, industrial estates, hydro projects, urban centres and planned population transfers bear the mark of internal colonisation. The call for a socially homogeneous country, particularly in the hindi-hindu-hindustani paradigm have suppressed tribal languages, defiled cultures and destroyed civilisations. The creation of a unified albeit centralised polity and the extension of the formal systems of governance have emasculated the self-governing institutions of the tribals and with it their internal cohesiveness. The creation of administrative regions has not only fragmented organic integral tribal regions but, still worse, have reduced the tribals to marginal peoples in most areas. More than 10 million tribals have borne the burden of nation-building and have been condemned to live their lives as ecological refugees in conditions that approximate ethnocide⁷. What is true of the whole, is true of its part, and Maharashtra is no exception.

A unique phenomenon in the tribal areas of Maharashtra in the last two decades is the emergence of the non-party left formations. Disillusionment with the party political process motivated many youth to choose a new option, to go to the oppressed and marginalised groups and creatively invest themselves in processes of their articulation, assertion and autonomy⁸. The thrust of their involvement ranged from facilitating poverty alleviation programmes, enhancing participatory development and mobilising for entitlement, to creating spaces for people's action and widening everyday forms of struggle, to political mobilisation to confronting established power relations⁹. A number of action groups, political groups, non-party political formations and support groups began to emerge from the late '60s, particularly post-emergency¹⁰.

Perhaps the most important event in tribal India in the past few months is the law enacted by Parliament ensuring the tribal people the right to self-governance. The 73rd Amendment to the Constitution on local self-governance was not automatically extended to tribal areas. Without noting the constitutional ban, several states made laws for tribal areas in line with the amendment. This was challenged by tribal organisations in Andhra Pradesh, Maharashtra and Bihar and struck down as unconstitutional, leaving a constitu-

tional vacuum in tribal areas. Seizing the opportunity, the tribals of the country came together under the National Front for Tribal Self Rule to bring pressure on the government to enact a law. A High Level Committee of Tribal Members of Parliament under the chairmanship of Dileepsingh Bhuria was appointed and submitted its report. Tribal leaders went on an indefinite hunger strike in February, 1996, to demand the law which received the President's assent on 24 December, 1996. For the first time, the organic tribal community has been recognised and empowered to protect its culture, identity, common resources and customs. The community is empowered through direct participative democracy to monitor the resources for development and approve of development plans and expenses incurred in their implementation. The community is empowered to manage its water bodies and minor minerals. It is also empowered to protect itself against exploitation whether through the market, land alienation, money lending or alcohol vending. The community also has the power to monitor both government personnel and other social functionaries within the precincts of the village. For the first time in history, the community is empowered and the law also ensures that higher authorities cannot curb the power of the people. Implementation of this law is the challenge facing tribal peoples in the coming years.

Starvation stalks the Korku People in Melghat

A total of 3,821 *Korku* children below the age of six died in the last four years due to malnutrition and starvation. According to government statistics, 926 children in 1993, 894 in 1994, 926 in 1995 and 1075 in 1996 of the *Korku* who inhabit the forests of the Melghat region in central India died due to starvation. Even these figures, which are reportedly underestimates, do not include older children, mothers during pregnancy and adult men. If urgent remedial measures are not taken immediately, it is expected that there will be more deaths in the coming monsoon.

Most of the reported deaths have occurred in a cluster of twenty-two villages located within the Melghat Tiger Reserve in the state of Maharashtra, inhabited by approximately 21,000 *Korku* families.

The root cause of the problem according to local people is the restrictions and denial of access to traditional sources of subsistence in the forests. The *Korku* people were settled in the area in 1857 by the British as captive labour for timber logging operations.

They were given some land but had no legal status either as landowners or as residents of the area. In 1973 the area was declared a Tiger reserve and the twenty-two villages were asked to vacate their homes and since have been treated as non-existent as far as rights to forests and access to drinking water facilities and other government facilities are considered. Thus, the *Korkus* were faced with not only a loss of access to their traditional sources of livelihood, on the one hand, but non-availability of government benefits on the other. Most of them who had slogged for years on timber logging and small-scale cultivation had no other means or skills to survive. Since then there has been a steady distress migration and the 21,000 families who still live in the area are there because they have no skills and do not know how to survive outside the forest.

In response to a public interest petition filed, the Maharashtra State High Court directed the government to take immediate steps to provide relief and monitor the situation in Melghat. But such measures like providing food, medical facilities, etc. will only offer immediate relief: they do not address the basic issue that the *Korku* will have to be given their rights to their forests so that they can reconstitute their lives and livelihood all over again. Melghat is not the only region reporting starvation deaths. Adivasi people of Kalahandi-Bolangir regions of Orissa and Palamu in south Bihar have reported a severe shortage of food and death due to starvation in the last three years. The fact that not only have starvation deaths been reported regularly from Kalahandi and Melghat, but that the figures are on the increase, shows, despite much publicised government schemes to alleviate the situation, that the situation is very serious in these areas and that government response has not made an impact because the reasons for the deaths due to starvation lie elsewhere.

According to the Central Planning Committee of the Government of India nearly forty-one districts with significant Adivasi populations are prone to death by starvation, which are not normally reported. In the case of deaths by starvation in Kalahandi-Bolangir the Orissa government denied that there were any and refuses to accept that something drastic has to be done to prevent a continuation of the same. Even the relief operations to be implemented in Melghat will not address the basic underlying causes in the long-term perspective.

Karnataka

The state of Karnataka has a scheduled tribe population of 1.9 million as per the 1991 census, though it is widely believed that less than half are Adivasis. 75% live in the Western Ghats, mainly the *Jenu Kuruba*, *Yerava*, *Soliga* and *Paniya* recorded as having been living in the region from the 7th Century A.D. as per the Madras Census Report of 1891.

Colonisation of Nagarhole: The World Bank and the Taj Group of Hotels

The World Bank (WB) aided US\$ 67 million eco-development project in seven sites all over India is expected to take off in 1997 after having been approved by the International Development Association (IDA) and Global Environment Facility (GEF) on 5 September, 1996. In January, 1995, in response to the Government of India's request, the WB provided a US\$ 2 million Project Preparation Facility Advance. The project is slated to meet the expenses for project preparation, improved protected area management, village eco-development, education and awareness, impact monitoring and research, overall project management and preparation of future biodiversity projects. The Project was drawn up by the Indian Institute of Public Administration in November, 1993, and the agreement was signed on 28 July, 1996. The seven sites are located in West Bengal (Buxa Tiger Reserve), Gujarat (Gir National Park and Sanctuary), Bihar (Palamau Tiger Reserve), Madhya Pradesh (Pench Tiger Reserve), Kerala (Periyar Tiger Reserve), Rajasthan (Ranthambore Tiger Reserve) and Karnataka (Nagarhole/Rajiv Gandhi National Park).

In Karnataka's Nagarhole/Rajiv Gandhi National Park, the total population of the project area was estimated to be 72,652 (1981 census) of which 6,888 are Adivasis who along with five non-Adivasi families live inside the Park while the rest live in a five km radius in ninety-six revenue villages.

Nagarhole, the former royal hunting preserve was constituted as a sanctuary on 2 July, 1955, with an area of 57,155 ha. The Government of Karnataka declared 180 sq km as Nagarhole Game Sanctuary in 1972. The process of reclassifying the sanctuary into a national park commenced on 1 April, 1983, and increased in size to 643.39 sq km. It is rich in animal life and part of the 4,500 sq km Nilgiri Biosphere Reserve.

Having lived freely on the forests before, the Adivasis were reduced to wage labourers by the Forest Department for growing teak and keda operations. Two decades ago non-Adivasis commenced encroachment and have managed to get title-deeds for about 100 ha. There are fifty-eight Adivasi settlements inside the park with a population of 6,888 belonging to the *Jenu Kuruba*, *Betta Kuruba*, *Hakki-Pikki*, *Soliga* and *Yeravas* and five non-Adivasi families cultivating about ten hectares. The outrightly colonial Wildlife Protection Act of 1972 provides for the extinguishing of all rights of local inhabitants in national parks, in effect prohibiting habitation itself, with the resultant eviction.

Before 1972 the people were exploited and became forced labour for the Forest Department, shifted from one place to another according to their needs for labour. Since 1972 about 6,000 people have been driven out mercilessly. The remaining people in Nagarhole are seen as illegal encroachers. They have become labourers in estates or bonded labourers; their lands forcefully prevented from cultivation in over forty of the fifty-four hamlets and instead planted with teak, bamboo and eucalyptus; trenches dug up by the officials cutting across their fields and paths, constantly harassed for utilising forest resources for meeting their basic needs; and are denied of development programmes meant for Adivasis, resulting in death from hunger and malnutrition. In the name of forest offences, attempts are made to hound the Adivasis out of their habitation by the forest department officials. This will add to the 500,000 Adivasis out of the 600,000 displaced persons in the country consequent to the setting up of seventy-five parks and 421 sanctuaries all over the country.

The proposal is to resettle 843 families living in twenty-seven hamlets falling in the Kodagu part and another 506 families in twenty-four hamlets falling in the Mysore part of Nagarhole in four sites - Beerathammanahalli, Muddanahalli, Sollepura and Veerana-hosahalli in an area of 1220 ha. The majority of the people have already experienced displacement more than once when the area was declared a sanctuary and major dams were constructed across the Kabani, Tharaka and Nugu rivers.

The Bank's Operational Directive 4.20 on Indigenous People (IP) is to ensure that indigenous peoples do not suffer adverse effects, that there is informed participation and that they benefit. Directive 4.30 on Involuntary Resettlement provides guidelines

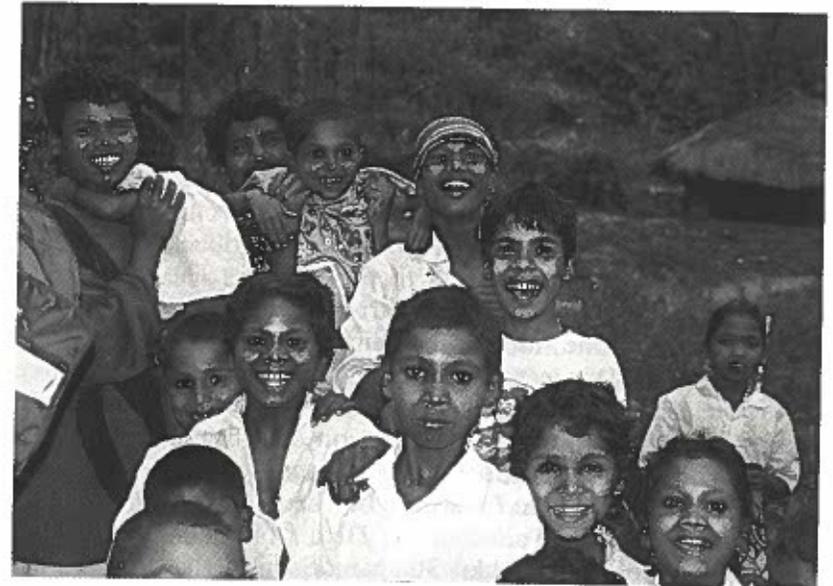
and principles governing relocation so that it improves or at least restores minimum economic living standards, and includes involvement of the project in resettlement and a compensation package.

The Karnataka government confirmed that since the November, 1994, preappraisal they have not initiated any activities that could be considered as implementation of a resettlement plan that has not been reviewed and approved by the Bank. Violation of this assurance by the Orissa government led the Bank to exclude the Simlipat Tiger Reserve from the Project. The Karnataka government had in fact planned to relocate the 1,550 families currently living inside the Park between 1993 and 1996 itself, even before the agreement with the Bank. The Forest Department prepared a proposal to relocate 6,145, i.e. all the people living inside the Park according to their estimates, which was approved.

With the prospects of the WB eco-development project bringing a bounty in millions of dollars, pressure to force the Adivasis to abandon their land was stepped up. But organised resistance from the people and support from various quarters made this most difficult. Moreover, it was obvious that strong-arm tactics which the forest department are adept at and used to could no longer be kept hidden from public scrutiny like in the earlier days. The neo-colonial character and interests of the WB project naturally strengthened the arms of the state and the forest department against the original inhabitants of Nagarhole.

With increased stake, newer stakeholders began ganging up for the total colonisation of Nagarhole. With over 30,000 visitors to this high density wildlife Park, the liberalisation of the economy and with the highly lucrative tourism industry being given favourable terms on a priority basis by both the centre and state, the Taj group of hotels decided to corner this mostly untapped (eco-)tourism potential even before the inhabitants could be pushed out with assured support from the Bank - typically the World Bank, State and the private sector coalition coordinating the expropriation of resources from the people unto themselves.

The sawmill at Village Murkal in Nagarhole that was handed over to the Karnataka State Forest Industries Corporation Limited in 1975 was transferred to Karnataka Forest Plantation Corporation (KFPC) in 1987 for establishment of a reception centre with related facilities like cottages, resorts, quarters for staff, open-air dining hall, viewing platform, etc. This covers an area of 22.56 ha.



Treated as illegal encroachers on their ancestral lands: residents of Nagarhole Hadi, a Jenu Koruba community in Nagarhole National Park (Karnataka, India). (Photo: Diana Vinding)

Though construction began in 1985 to encourage wildlife tourism and further expansion by KFPC, KFPC was unable to run it, which is not surprising. KFPC called for tenders for running the complex in 1989. With Oberoi Hotels withdrawing their offer in 1991, the Hotel complex (Wildlands - India) was approved to be handed over to Gateway Hotels and Gateway Resorts Limited of the Taj Group on an eighteen year lease on 25 June 1994.

With the issue of self-rule spearheaded by the National Front for Adivasi Self-Rule spreading in the Adivasi belts of the country in 1995-96, the campaign and protests against the WB eco-development project in Nagarhole intensified from early 1996. While the impending agreement with the WB for the eco-development project by mid-1996 threatened to hasten the displacement of Adivasis of Nagarhole, the commencement of the so-called 'renovation work' in the existing buildings at Murkal in February, 1996, for high bracket tourists exemplified the gross injustice in stark contrast. The Adivasis responded with protests against the Taj Group blocking the construction in August, 1996. Taj was, however, determined

to go ahead with the construction. The state home department directed the Kodagu police to stop construction by the Taj Group to avoid further tensions and possible conflicts until the issue is sorted out. The general guideline that forest land should not be alienated for non-forestry purposes under the Forest Conservation Act, 1980, was given a go by. Discouraging the setting up of hotels, resorts and other industries inside and near national parks has in this case also been discarded. With Taj reviving the construction at the end of December, the people resolved to prevent this. The authorities' decision to back Taj has led to mass arrests beginning on 23 December when twenty-one Adivasis including women and children were arrested. Seventy-six were arrested on 23 December, twenty-three were arrested on 24 December, seventy-two were arrested on 25 December and another twenty-three on 26 December. This was followed by a total blockade (bundh) of Nagarhole on 29 December when the six roads to the Park were blocked.

In the writ petition filed in the High Court at Bangalore by Nagarhole Budakattu Hakku Sthapana Samithi (Nagarhole Adivasi Rights Restoration Forum) and others, the High Court judgement of 20 January, 1997, declared that the assignment of a portion of forest land to the Taj Group was in gross violation of the Wildlife Protection Act, 1972, and the Forest Conservation Act, 1980. Both the state government and the Taj Group have violated these laws. Hence, Gateway Resorts Limited of the Taj Group was ordered to immediately stop all its activities on the forest land in question and hand over its possession to the State Government.

Tamilnadu

With the change of government in the state in June, 1996, a small step was taken towards possible identification of the culprits in the infamous incident of atrocities against Adivasis including the rape of two women in Chinnampathy in Coimbatore on 11 June, 1994, by the Special Task Force (STF) constituted from the police and paramilitary forces to capture Veerapan - a famous outlaw and sandalwood smuggler operating from the forests of western Ghats - and his gang. Earlier, the Commission headed by Additional District Judge Ms. Bhanumathi had indicted STF and ordered payment of compensation to the victims in May 1995 (see *The Indigenous World*, 1995-96). The Commission also recommended proceeding against the STF officials. Finally, the wheel of justice moved just a bit

more with over sixty personnel of the Tamilnadu STF being brought in for an identification parade held on 20 January 1997.

In the adjacent district of Periyar, the Tamilnadu Pazhankudi Makkal Sangam (Tamilnadu Indigenous Peoples Organisation) filed a petition on 14 March, 1996, before the Chief Judicial Magistrate, Erode, the Designated Human Rights Court constituted under the Human Rights Act of 1993. This petition was returned on the basis of lack of clarity on the scope and jurisdiction of the Human Rights Court itself. The Peoples' Union for Civil Liberties (PUCL) took up the matter with the High Court which is now in the process of attempting to bring clarity to the existing ambiguity in the Act with regard to the functioning of the Human Rights Court.

In the case of yet another incident of atrocities by officials on 20 June, 1992, at Vacchathi - a small village in Dharmapuri district - which led to widespread protests, the Central Bureau of Investigation (CBI) filed a charge sheet in the Court of The Judicial Magistrate of Coimbatore on 24 April 1996. The incident was a sequel to an attack by the villagers on the Forest Department officials when they raided the village to recover illegally felled sandalwood and beat up an Adivasi earlier on the same day. In retaliation, 267 officials of the Forest, Police and Revenue Departments attacked the villagers in which eighteen Adivasi women were raped, many were assaulted brutally, over fifty houses were destroyed, thirty-three including sixteen children were held under illegal detention and the adults were tortured. The officials again raided the village the next day and several houses were destroyed. False cases were registered against five men and twenty-six women. This was followed by fact-finding missions by PUCL, media exposure and agitations. The Communist Party of India (Marxist) appealed to the High Court who on 24 February, 1995, ordered a CBI enquiry. The CBI, after enquiry, filed a charge sheet on 4 April, 1996, indicting the officials and the case is now being heard in the Court.

The Kolli Hills of the Eastern Ghats fall under the jurisdiction of the Salem and Trichy districts known for its rich flora and fauna. There are over 3,000 Adivasi families living in more than 250 hamlets depending upon the forests for their subsistence. The twenty MW Kolli Hills Hydro-Electric Project with a capital investment of Rs. 800 million proposes to construct six dams and threatens to displace or severely restrict the rights of the people. The survey for the project which requires cutting of trees for making a path was

opposed by the Kolli Hill Action Committee who went to the High Court. The Green Bench of the High Court observed that the Tamilnadu Electricity Board had not obtained environmental clearance from the Ministry of Environment and Forests and ordered it to cease work.

Kerala

With the passing of the Kerala Scheduled Tribes Amendment Bill 1996 on 23 September, 1996, by the Kerala State Assembly, the Adivasi land issue became the major political issue of the state. This Bill seeks to amend the original Kerala Scheduled Tribes Act (Restriction on Transfer of Lands and Restoration of Alienated Lands), 1975 (KST Act, 1975).

The Amendment, in effect, proclaims that all transactions of Adivasi lands during the period 1960 to 1986, which were termed as invalid in the original KST Act, are valid and legal and hence need not be restored. Instead, an equivalent land and Rs. 25,000 would be provided. All transfer of lands from Adivasis to non-Adivasis stands restricted from 24 January, 1986, instead of 1982 in the original Act.

First of all, the KST Act, 1975, itself does not in any significant manner address the true dimension of land alienation simply because it addresses only those lands alienated for which proof of prior ownership is available. Most lands alienated are those traditionally enjoyed for which no records of enjoyment have been conferred by the state. Of over 8,000 applications filed, over 3,000 have been rejected for want of adequate proof of ownership of land by the applicant. Hence, it is just a case of about 5000 applications. As the Act came into existence in 1975, all lands transferred since 1975 and not 1982 should have been declared invalid as that was the cut-off year in the original Act itself. The Amendment talks of providing alternate equivalent land. But in a state known for having very little surplus land, it is suspected that 23,000 ha of land acquired by the government under the Kerala Private Forest (Vesting and Assignment) Act, 1972, which by that law are to be distributed amongst landless Adivasis (again yet to be implemented), would be used for the purpose. Adivasi organisations have demanded that the settlers be given alternate lands and financial assistance instead. This exposes the discriminatory approach when it comes to Adivasis.

The Amendment was sent to the President of India whose approval is mandatory. The protests against the Amendment spread throughout

the Adivasi habitations of the state as well as from non-Adivasi sections who felt that a gross injustice was being perpetrated against the Adivasis. The protests had their support from other groups outside the state and a campaign was instantly launched in support pressuring the President to reject the Amendment.

Matters further came to a head, when on 4 October, Dr. W.R. Reddy, the Palakkad District Collector was taken hostage by four youths claiming to belong to an unheard of Marxist-Leninist group called 'Ayyabjaki Pada' (Ayyankali Force) demanding the withdrawal of the Amendment. The nine hour tense drama, the first such incident in the state, ended when the hostage takers were allowed to go free after releasing the Collector. This event shook the government and the land issue itself began to be the focal point of political debate and hectic activity. Speculation on more such militant activities was sufficient for the state to launch intense policing and vigilance of activists and supporters. The fear is that the struggles which have been peaceful thus far could turn violent despite the strong condemnation of hostage taking by Adivasi organisations and Adivasi Ekopana Samithy. The anger and protests against the Amendment further intensified and spread. So too did the land grab by Adivasis.

In December a delegation of Ministers and leaders of various political parties led by the Kerala Chief Minister E.K. Nayanar of the Communist Party of India (Marxist) met the Prime Minister, central Ministers and the President in New Delhi to impress upon them the need to approve the Amendment. Protests against the Amendment were held in Delhi by various groups in which the Adivasi leaders from Kerala also participated. Given the raging controversy on the desirability of the Amendment, it is widely reported that the central government intends to sit on it for the time being without passing it on to the President or rejecting and returning the Amendment resulting in a loss of face for the Kerala government.

Notes:

1. D. Symington 1938 Report of the Aboriginal and Hill Tribes of the partially excluded areas in the Bombay Presidency. Bombay: Central Government Press (official).
2. A graphic illustration combination of these four factors and their combined result being death by starvation and malnutrition of tribal children who

form the weakest link in the survival chain, was first seen in Vavar-Vangani region of Mokhada Taluka and next in the Chalni region of Dahanu Taluka of Thane District, the most advanced district in the state. The deaths of children in Akalkua and Akrani Talukas of Dhule district and in the Melghat region of Amravati district only confirmed the same in a far more grotesque manner.

3. Chairman B. K. Roy 1987. Burman Report of the Study Group on Land Holding Systems in Tribal Areas. New Delhi: Government of India (official). The anomie that follows the loss of land was reflected immediately in the very high incidence of 'suicides' among the displaced tribals in the Dapcheri Milk Project in Thane. The explanation that was forwarded by most of the tribal people without exception was: 'What happens to a tree when you cut its roots? It dies. The same is happening to the older people of the village. They prefer death to the debilitating anomie.' This concept has been explored at some length in Prabhu, P. and V. Suresh 1986. *Transience and Transition in Tribal Societies*, Madras: ISISD.
4. The overall progress indicates that in only 33% of the recorded tenancy cases did the tenants become owners of their land. In the Central Provinces the percentage was still lower at 11.8%. While these percentages refer to the general tenant population, the percentage in the case of the tribals would be a fraction of even these percentages. 'Land Reforms in Maharashtra. An Empirical Study', op cit p.24. Also see Chairman H. G. Vartak 1972. Report of Committee to Examine Difficulties Experienced by Scheduled Tribe Land Holders/Cultivators in respect of their lands in the Working of Certain Acts. Bombay: Government Press (official).
5. For an extensive treatment of the subject of tribal land alienation in Maharashtra, see Prabhu P. D., *Land Alienation, Land Reforms and Tribals in Maharashtra* (forthcoming).
6. This is a very important observation that has been made by the Governor of the State. The fact that land alienation takes place is not only admitted, but by inference, the responsibility for the land alienation can be laid squarely on the shoulders of the state administration. Mehra O.P., Governor of Maharashtra, in Foreword to Gare G.M. and M.B. Aphale *The Tribes in Maharashtra*. Tribal Research Institute, Pune: Government of Maharashtra, p. 37.
7. Commissioner for Scheduled Castes and Scheduled Tribes, XXVIIIth and XXIXth. Report, New Delhi: Government of India.
8. Kothari S, *Social Movements and the Redefinition of Democracy* (awaiting publication) elaborates on this area in some detail.
9. Prabhu P, *Redefining Political Space -Review of Fifteen Years*, Kashtakari Sanghatna, (unpublished document) explores this area in some detail.
10. Ganshyam Shah 1988. *Grass Roots Mobilization in India's Democracy*, ed. Atul Kohli, Princeton, N. J.: Princeton University Press, pp.262-304 and Action Groups and Social Transformation in India, Lokayan Bulletin, Vol. 6 No. 5, Delhi, Lokayan, have looked at popular mobilisations by party and non-party groups.

CHITTAGONG HILL TRACTS

The situation in the Chittagong Hill Tracts in south-eastern Bangladesh remains volatile. Peace talks between the *Parbatya Chhattagram Jana Samhati Samiti* (United Peoples' Party of the CHT) and the government have been resumed; however, the law and order situation in the Chittagong Hill Tracts (CHT) has not stabilised and reports of human rights abuses continue to filter through. The Hill Tracts is closed to foreigners, including diplomats posted in Bangladesh, unless written permission is obtained from the Special Affairs Division of the Prime Minister's Cabinet; this demonstrates the sensitivity of indigenous issues in Bangladesh. The area remains under military control with a marked absence of fundamental rights including freedom of expression and of association.

Negotiations

The present round of negotiations between the government and the Jana Samhati Samiti (JSS) which had begun in 1992 under the previous government of Begum Khaleda Zia continue. Three rounds of talks have been held between the JSS and the National Committee on the Chittagong Hill Tracts representing the government: in December, 1996, January, 1997 and March, 1997. The venue for the last two meetings was changed from the Hill Tracts to Dhaka, and analysts see this as an indication of the increased attention on the peace process and the need to bring this into the political mainstream of national consciousness. In addition, a negotiated settlement to the CHT issue was a part of the Awami League's election campaign, as reaffirmed by the Prime Minister soon after her party came into power.

Although the last meeting in March is reported to have ended on an amicable note, five years after this round of talks began (1992-1997) an agreement has yet to be reached. The JSS has modified its earlier demands and envisages the following framework as the only remedy to have a serene, peaceful and stable CHT, where the Jumma people are 'secure from all aggressions'.: (i) regional autonomy for the CHT through an elected regional body (Regional Council); (ii) constitutional recognition of the ethnic identity of the indigenous hill people; (iii) restitution and recognition of the land rights of the indigenous *Jumma* people to the CHT region and a ban on outside settlement; (iv) withdrawal of all armed forces from the CHT; and (v) withdrawal of plains settlers to areas outside the Hill Tracts.

Although there is reported to be a certain degree of agreement on some matters such as the establishment of a regional council, a separate ministry for CHT affairs and the establishment of a land rights commission, further discussion is required to agree on the specificities of the major issues. The major stumbling block is reported to be the government's contradictory approach to the question of transfer of power; on the one hand, it is not opposed to transferring some degree of authority to the indigenous people; on the other hand, it does not wish to relinquish its control and attempts to retain ultimate authority in the hands of non-indigenous administrators and other officials. For example, within the context of a proposed land commission to settle land disputes, the government proposes that this be supervised by a retired judge. Whereas land is a central issue in indigenous struggles here as well as elsewhere, the JSS view it as absolutely essential that any proposed land rights commission include indigenous participation such as their traditional leaders (in particular the Chakma and the Bohmong Rajas) and elected representatives e.g. Hill District Local Government Councils and Regional Council.

The two issues which are the most problematic are (1) demilitarisation and (2) withdrawal of the settlers:

(1) Demilitarisation. To place the matter in its proper context it is relevant to note that according to military sources the total number of security forces in the CHT is around 50,000 to 52,000, of which approximately 19,000 to 20,000 are military personnel. The current population of indigenous hill people in the CHT is 558,187 persons as per the 1991 census; thus for every eleven indigenous persons there is one member of the security forces.² The government does not wish to withdraw the permanent installations' which include the three cantonments at Dighinala, Ruma and Alikadam and the Brigade Headquarters in the three District Headquarters.³ As this would be tantamount to continuing the state of military siege to which the CHT is currently subjected, the JSS has demanded that all cantonments be withdrawn from the CHT, and that the number of armed forces in the area be substantially reduced. The issue remains unresolved.

(2) Withdrawal of the Settlers. This has emerged as the most contentious issue in the ongoing peace talks. Between 1979 to 1984, an estimated 500,000 settlers were brought into the Hill Tracts by a

government-sponsored population transfer programme. This policy was implemented in secret without consulting with or informing the indigenous people. In addition, the plains' settlers were illegally allocated indigenous lands, facilitated by the use of force and often with the cooperation of the security forces, and the indigenous peoples were dispossessed of their lands and farms in an arbitrary manner with total disregard for due process of law. Many are internally displaced within the Hill Tracts, while over 50,000 sought refuge in neighbouring countries, in particular India. This population transfer policy - aimed on the one hand at taking over the lands of the hill people, and more insidiously, at altering the ethnographic composition of the Hill Tracts and converting the indigenous peoples into a minority in their own land - has been the major cause for the violence in the CHT.

In recognition of this fact, the European Parliament amended its 1997 economic assistance to Bangladesh to include a specific provision for '...the repatriation of Bengali settlers in the Chittagong Hill Tracts (CHT) back to the plains.' (Budget Line B7-3010: Economic Cooperation with Asian Developing Countries). The European Parliament emphasised that it believed this to be necessary as '...one of the main human rights violations concerning the Chittagong Hill Tracts (CHT) people is population transfer (of Bengali settlers coming from the plains into the Hill Tracts), which is the main cause of conflict in the region.' The Bangladesh Government claims it is willing to repatriate the Bengali settlers if funds are provided⁴.

However, there has been opposition to the peace talks by some segments of the opposition political parties who view the negotiations as threatening national independence and sovereignty. There have been demonstrations against the peace talks in the CHT, and during a national conference on the CHT in Dhaka on 25 April, 1997, participants expressed their resistance to any measures to move the plains settlers (Bengalis) or the army from the CHT. The meeting was convened by Mr. Ferdous Ahmed Quereshi, a central leader of the main opposition Bangladesh Nationalist Party (BNP), and attended by members of different political parties including the BNP, the Jamaat-e-Islami, the Khelafat Majlish and the Jatiyo Ganotantrik Party (JAGPA).⁵

In response, thirty-six leading intellectuals and politicians issued a press statement expressing their support for the ongoing peace negotiations between the government and the JSS. They called for a

peaceful and negotiated political settlement of the CHT problems and warned that vested interests were attempting to derail the talks. Noting that the two outstanding issues were land rights and the presence of the government-sponsored settlers, the signatories urged the parties to bring about the relocation of the settlers to areas outside the CHT in a proper manner.⁶

Human Rights Violations

Reports of human rights violations including torture and rape continue to be documented including at the UN and other international fora. The chief perpetrators are almost always the security forces as noted by the UN Special Rapporteur on torture and other inhuman or degrading treatment or punishment: 'The continuing flow of information about abuses committed by the army in the Chittagong Hill Tracts suggests that the government should establish effective and independent means to monitor the army's counter-insurgency methods in that area.'⁷

Violence against Women

There are numerous reports of rape and abduction of indigenous women, including young girls⁸. On 17 March, 1997, a 14-year old girl (Tungyapudi Chakma) was raped by a settler in Pujgang, Khagrachari District and this is one case out of many.⁹ In another well known case, Ms. Kalpana Chakma, Organising Secretary of the Hill Women's Federation was abducted on 12 June, 1996. Amnesty International reports that '[s]ix or seven security personnel in plain-clothes, believed to be from Ugalchhari army camp, are reported to have entered the home of Kalpana Chakma in New Lallyaghona village, Rangamati District in the early hours of 12 June. Kalpana Chakma and her two brothers were forcibly taken from their home, blindfolded and with their hands tied. At some distance from the house the brothers managed to escape despite being shot at by the security personnel¹⁰.' It is alleged that an army officer, Lt. Ferdous of the 24 Infantry Division was involved in her abduction.

Kalpana Chakma's abduction is believed to be linked to her campaign work during the parliamentary elections which took place in Bangladesh on 12 June. To date there is no news of her whereabouts although her family filed a case with the police (police case no. 12/6/96 No. 2), and a number of demonstrations and other public demands were made for her release including one on 27 June,

1996, during which a 16 year-old student named Rupon Chakma was shot dead, reportedly by a Bengali settler using a police gun.

On 25 July another demonstration was organised, this time in Dhaka, by the National Committee for the Protection of Human Rights, the CHT Hill Students Council and the Hill Women's Federation. In response, the government created a three member inquiry commission which submitted its findings to the Ministry of Home Affairs on 27 February 1997 (as reported by Sangbad, a Dhaka newspaper (6 March 1997). However, the report has not been made public, and its contents remain unknown.

In her report to the Commission on Human Rights, the UN Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy stated that she had communicated her concerns to the Government of Bangladesh over the case of Kalpana Chakma and stated that numerous discrepancies existed between what was originally reported to the police and the police report actually filed. She requested the government to provide clarifications on the case... 'which could potentially involve violations of the right to liberty and security of person and due process of the law, in accordance with articles 4 and 9(1) of the International Covenant on Civil and Political Rights, as well as article 1 of the UN Declaration on the Elimination of Violence Against Women¹¹.'

The next rounds of talks which were earlier scheduled for 30 April have been postponed to 11 May. There is a cease-fire in place which has been extended to 30 June 1997.

Land Rights

A continuous process of dispossession of the indigenous Jumma peoples has been going on for centuries under successive administrations. A recent study¹² details this issue including a summary of case studies of persons who have been illegally dispossessed of their lands. In addition, the study identifies the major policy approaches which have been instrumental in drastically reducing the land area to which the indigenous peoples have both individual and collective rights of ownership and of access. Government enactment of an order to demarcate a further area of 60,000 ha as reserved forest (May 1992) remains in force. When implemented this would result in the displacement of a large number of indigenous people in addition to adversely impacting their economic survival with severe consequences.

Yet one should bear in mind that many of these people had been uprooted earlier by the construction of the hydroelectric project at Kaptai which displaced over 100,000 people and once again during the government sponsored settlement programme when indigenous lands were allocated to settler families from the plains. In addition, as a result of the counter-insurgency strategies of the military and the construction of army camps and other installations, indigenous peoples have been further divested of their land and property. It is reported that the armed forces continue to acquire land for their operational activities, and that they have in some cases taken over leases until the year 2000, thus undermining current peace talks.

Repatriation of Refugees

As noted earlier, over 50,000 indigenous people fled across the border to neighbouring countries, mainly to India, as a result of violent conflict raging in the CHT. There have been a number of attempts to get the refugees to return, as both the governments of Bangladesh and India expressed the view that this undermines solidarity and cooperation between the two countries. In 1994 some Jumma refugees did return within the framework of a repatriation agreement (5,186 persons). When the Government of Bangladesh failed to fulfil the conditions of its own stipulated nineteen point repatriation agreement, including restitution of land and property, the repatriation came to a standstill, as the majority of the refugees remaining in the camps were reluctant to return without a negotiated political settlement to the CHT problem.

However, in a recently brokered twenty point agreement between the refugees and the government which include provisions for restitution of their homes and lands, as well as rehabilitation assistance, a first batch of Jumma refugees returned to the Hill Tracts at the end of March, 1997 (approximately 5,000). It is reported that a steadily decreasing supply in the refugee camps of basic necessities such as food rations and health facilities in the camps influenced the decision of refugee leaders to agree to continue the repatriation process. It has not been possible to verify whether the conditions of the repatriation agreement have been satisfactorily met, although it is reported that some families have been given their lands back. Hopefully, the repatriation will continue as this is an important component of the search for peace in the CHT.

In a related development, the signing of the repatriation accord was greeted with hostility by the main opposition political parties in Bangladesh, the BNP and fundamentalist Jamaat-e-Islami who view the agreement to be against the interests of the 'Bengali settlers'. A day long hartal (strike) was called in the three hill districts of the CHT for 12 March (during the March round of Government-JSS talks) to protest against the agreement.

International Conference on the CHT

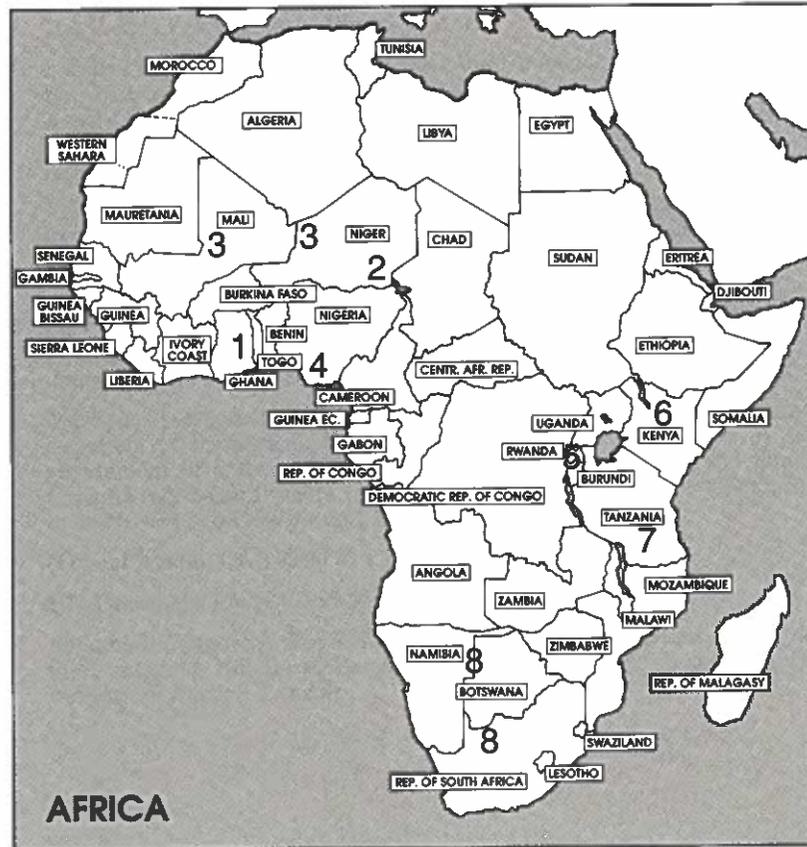
A meeting was held in Bangkok (23-26 February, 1997) to review the situation in the Chittagong Hill Tracts and to explore ways to advance the peace process. It was attended by parliamentarians such as Lord Eric Avebury, Chairperson of the UK Parliamentary Human Rights Group as well as by academics, activists, NGOs and indigenous Jummas. However, the would-be participants from Bangladesh (both Jummas and Bengalis) were not issued visas, allegedly at the instigation of the Bangladesh Government, and therefore could not attend the meeting.

The meeting adopted a Declaration on Peace in the CHT that calls for constitutional recognition of the distinct cultural and national identities of the Jumma indigenous peoples, the removal of the settlers including by means of financial incentives and/or compensatory schemes, protection of the customary land rights of indigenous peoples and a time-table for the withdrawal of the military. The conference recommended that a facilitator be invited to help the parties resolve their differences and that a joint commission be established to research, design and implement a rehabilitation programme for the plains-settlers, outside the Hill Tracts.

Notes

- ¹ From A Report on the Chittagong Hill Tracts, Bangladesh and its People, April 1994, New Delhi: Peace Campaign Group.
- ² *Militarisation and Human Rights Violations in the Chittagong Hill Tracts*, paper presented by Amena Mohsin at the International Peace Conference on the CHT, 23-26 February 1997, Bangkok, Thailand.
- ³ From a report: *Peace Talks Between the Awami League Government of Sheikh Hasina and the Jana Samhati Samiti (JSS)*, Humanity Protection Forum, March 1997.
- ⁴ Amendment No. 0873. Also see *EAIP Newsletter*, European Alliance with Indigenous Peoples, Issue 3, December 1996, p.3.

- ⁵ The Bangladesh Observer, Dhaka, 26 April 1997.
- ⁶ Excerpts from Bhorer Kagaj (*Morning News*), Dhaka, 1 May 1997. Signatories included poet Shamsur Rahman, Prof. Kabir Chowdhury, Poet Faiz Ahmed, Hasanul Inu (General Secretary, Jatiyo Samajtantrik Dal), Manzurul Ahsan Khan (national trade union leader), Saifuddin Ahmed Manik (political leader), etc.
- ⁷ Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B (*UN Document No. E/CN.4/1997/7*).
- ⁸ At the NGO Forum the Hill Women' Federation reported that over 94% of the rape cases of Jumma women in the CHT between 1991 and 1993 were by security forces, and that over 40% of the victims were young girls i.e. under 18 years of age (UN World Conference on Women, Beijing, 1995).
- ⁹ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment transmitted details of three such cases to the government in a letter dated 22 July, 1996: Kajoli Chakma and Suniti Chakma (aged 16); Jitendra Chakma and Nepali Chakma (see UN Document No. E/CN.4/1997/7/Add.1 for details).
- ¹⁰ (Urgent Action, UA 162/96 of 1 July 1996).
- ¹¹ UN Document E/CN.4/1997/47/Add.4.
- ¹² Rajkumari Chandra K. Roy 1996: Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh, distributed by the Jumma Peoples Network in Europe, London.



AFRICA

1. *Kokomba*
2. *Wodaabe*
3. *Tuareg*
4. *Ogoni*
5. *Twa*
6. *Maasai*
7. *Maasai, Barabaig, Hadza*
8. *San/Basarwa (Khwe!/Xu /Jy/'hoansi)*

AFRICA

MALI

Fire for peace in Timbuktu

On 27 March, 1996, more than 3,000 weapons were burnt in a huge Fire for Peace in the legendary desert town Timbuktu in northern Mali. The weapons had belonged to rebels from the different movements involved in what has become known as The Tuareg Rebellion. The arms had been handed over by rebels during the previous months. The disarmament was part of a demobilisation agreement between the movements and Malian authorities. During the weapon burning celebration one of the *Tuareg* leaders spoke on behalf of all rebel movements, nomad as well as sedentary, Tuareg and *Moor* as well as *Songhay*, light-skinned as well as blacks. He declared that they all had agreed to dissolve their movements on that very day.

The development of the Tuareg rebellion

The Tuareg rebellion broke out in 1990 when Mali was still ruled by the military dictator General Moussa Traoré. During the first years of the rebellion the Tuareg rebels mainly attacked military and administrative installations in the North of Mali. These were seen to represent the interests of central Malian authorities who are from southern Mali. Tuaregs were not the only ones rebelling against the oppressive regime. Moussa was overthrown by a coup d'état on 26 March, 1991, after a period of general unrest, during which the military killed many students. On 11 April, 1992, Tuareg and Moor rebel movements signed a peace treaty with the transition government. Mali's first free elections ever were held during that same year, and the historian Alpha Oumar Konaré became president. Because of the rebellion, proper elections were not carried out in the North. But Alpha officially agreed to respect the April 1992 peace treaty, and optimism was widespread.

But the rebellion was not over. In any effort at a transition to democracy there are opponents, in any peace process there are losers. In the North the Malian army massacred civilians. Rebels increased their attacks; this time they also targeted villages. In May, 1994, a movement organising sedentary peoples in the North was officially established, with strong ties to the military. One of its goals was to rid the North of nomads. A vicious circle of inter-ethnic violence grew in strength as 1994 advanced. A time came when everybody became drawn into the rebellion on one side or the other, depending on their ethnicity. It has been estimated that many of Mali's Tuareg and Moor population of about 400-500,000 left the country. The UNHCR (UN High Commissioner for Refugees) established refugee camps in neighbouring countries: Algeria, Mauritania and Burkina-Faso.

People in the North Build their Own Peace Process

It is possible that the germs towards a solution, not only the increasing violence, can be traced to ethnic relationships. Sedentary and nomad populations have lived together in northern Mali for centuries. Their histories are interwoven. On the one side there have been wars, competition, domination and suppression. On the other side there has been co-existence and complementary relations. Nomads have dominated cultivators and been ruled by their rulers. Complex relationships of exchanges of labour, cereals and animal products have been developed between the groups. Markets were meeting places where the products of each type of lifestyle were exchanged, for the best of all parties.

Co-existence has also created ties that obscure any pure cleavage of the population into ethnic groups. Of the numerous Tuaregs of slave origin many are cultivators and many are black. Their ties with other villagers are strong. Still, they share their language and many of their customs and values with other Tuareg. Schooling and job situations create new networks exceeding ethnic affiliations. Marriages occur across ethnic boundaries. During 1995 the devastating effects of social insecurity and violence made the populations in the North see that the war did not benefit any of them. The feeling that 'we are destined to live together' started to grow. It was nourished by a courageous few, who risked their lives to re-establish inter-ethnic ties that had been severed by the rebellion. The incentive to mend communication and renew material exchanges through

inter-community meetings and the re-opening of markets came from Northerners themselves.

The peace process got a certain financial support from different donor countries, and the weapon burning in Timbuktu was made possible through UN engagement. But what is important for the possible sustainability of the peace process, is that it first and foremost is built by locals in northern Mali who want peace.

The first important steps towards a durable peace have been taken. But many challenges lie ahead. Northern Mali has lived through a war during the first five years of Alpha Oumar Konaré's reign. 1997 is election year again. During the first democratic period, Mali has gone through a period of rapid decentralisation. The limits of new local administrative units have been drawn. This has been done while a significant proportion of the population of the North lived in refugee camps outside the country, without the possibility of influencing these decisions. Mali's second round of elections will probably be carried through while a proportion of its population still has not returned.

The UNHCR has decided to close all refugee camps before the end of 1997. Many are still hesitant to go back, distrustful of their government and of their former neighbours. The question of compensation for losses inflicted during the rebellion is, as elsewhere, very complicated and may easily destabilise the peace process. The demobilisation of 3,000 rebels and their reintegration into the Malian army and paramilitary forces seems successful. The programme for the 12,000 rebels who are enrolled in different programmes for reinsertion into social and economic activities has met with problems. There is little to reinsert rebels into. Some former rebels have started to steal vehicles again, selling them in Mauritania. Such thefts prevent NGOs and others from restarting their activities in the North. They demoralise those having accepted losses to achieve peace. On the other hand, communities and kinship groups have organised to prevent their members from participating in clandestine actions, thus increasing the feeling of joint responsibility for the peace process. The situation is difficult but not disheartening.

NIGER

Marginalised Nomads of the Sahel: The Wodaabe

The *Wodaabe* are an indigenous people who still live off extensive pastoralism, migrating very far every year in search of pasture and water for their animals. They inhabit the open semi-desert landscape in the Sahelian zone in west Africa and the northern Savanna zone. There are around 125,000 Wodaabe in all, most of whom live in the Niger Republic (65,000 persons). Some live in northern Nigeria (especially Borno State); the southwestern part of The Republic of Chad; northern Cameroon and the Central African Republic. A few Wodaabe extended families migrate into Burkina Faso and even northern Ghana from time to time, in search of pasture.

'Wodaabe' means 'People of the Taboos', and they are more 'traditional' than other *Fulani*. Wodaabe respect many taboos in their culture; that is what distinguishes them from the rest of the Fulani, who inhabit 16 countries in Africa, and with whom they share the language Fulfulde.

The situation of the Wodaabe in West Africa is somehow similar to the situation of the *Maasai* of East Africa. Both Maasai and Wodaabe are pastoralists and they have a culture very distinct from the settled farmers of the same countries.

Wodaabe continue their north-south migrations every year. In the rainy season they migrate north within Niger Republic, and in parts of the dry season they are forced to cross the national boundary and go into northern Nigeria or Cameroon or other countries south of the Sahel to search for pasture, simply in order to survive. In years of drought they are forced to migrate even farther than in better years in order to save their animals (cf. Bovin 1990). They have recurrently suffered severely from drought, hunger and death, especially between 1969 and 1984. Droughts may have forced them to sell animals, but they have not changed their culture and way of life.

Squeezed from Four Sides

Nowadays, Wodaabe pastoralists are marginalised: they are squeezed from the North, the South, the East and the West. They face a difficult future. From the North there is the threat of desertification of the Sahel. From the South approaches the 'agricultural colonisation' by *Hausa* and *Kanuri* farmers in southern Niger and northern Nigeria. In the West there are the Tuareg, and in the East there is the



A Wodaabe camp-site in the bush of Niger (Photo: Mette Bovin)

constant threat of the *Tubu* nomads. Tubu rebels from the Republic of Chad (Hissène Habré's old troops and other Tchadiens) roam about the bush of eastern Niger Republic where the Wodaabe live. There are Tubu in northern Nigeria (Borno State) and on Lake Chad. It is extremely difficult to distinguish between Tubu rebels and Tubu bandits, who make use of the instable situation and even murder in order to steal and eat. All this is causing the death of many Wodaabe and their animals. But since this is just a 'minor tribal war' the world media does not take notice of it.

The Tubu, who started the Tubu Rebellion in 1994, have somehow calmed down in 1996-97. But since 1994 the Wodaabe - who had always used bows and poisoned arrows to hunt antelope and to defend themselves if attacked - have been forced to buy Kalashnikov guns to defend themselves when attacked by Tubus, who are often armed with guns. So the bush is becoming an increasingly unsafe place in the four countries around Lake Chad.

The strategy used by Wodaabe has been pacifism. 'We hide behind a bush' if something dangerous occurs, they say. Wodaabe have not - like the Tuareg and Tubu - engaged in any rebellion so far. And the Wodaabe do not have their own organisation like, for instance, their cousins, the *Mbororo* of northern Cameroon.

Marginalisation of Nomads in the Sahel

Wodaabe are squeezed from many sides, threatened ecologically, economically and politically. As a consequence of the increasing environmental degradation and economic insecurity in the Sahel the impoverished nomadic groups started fighting each other. In Département de Diffa and Borno south of the Niger-Nigeria border, Tubus kill Wodaabe. They are in fact both suffering from the same basic socio-economic and political changes. The increase in population density in poor countries like Niger and Chad intensifies the pressure on land.

This pressure comes above all from the farmers in the South, who are in the majority, and who form the governments. Although the Sahel is only marginally suited for agriculture, they increasingly encroach upon the pastoralist nomads' land. In Niger the farmers often close the cattle paths leading south during the difficult dry season. In some places farmers make badly sown 'trap fields' to get money from nomads who have to pay fines if their animals enter a field. But the opposite - farmers paying nomads for taking their pasture or closing their traditional cattle paths - never happens, as government members and civil service employees belong to the settled, farming populations.

On top of these problems, the peoples of the Sahelian states are suffering from the structural adjustment programmes (SAPs) which the World Bank and the IMF force the African countries to take up. The SAP is very hard on a country like the Republic of Niger. Former President Mahamane Ousmane from the first democratic government in Niger worked hard to convince the population to adjust to the SAP. Many salaries were cut down by 5-20% in Niger, and the number of publicly employed persons was reduced considerably. The military coup of Mainassara in January, 1996, in Niger put an end to the new and fragile democratic government. For the Wodaabe nomads in the bush, the most important issue is that the bush is free of rebels: 'We wish a peaceful bush, that is all'.

The Threat from Uranium, Oil, Gold and Diamonds

The situation for the Wodaabe nomads is not made easier by the fact that uranium, gold, diamonds and now oil are found in the Sahelian zone. This again means that pastoral nomads will not (in the long run) be allowed to migrate freely as they do now, in the areas near Lake Chad. The interests of the large companies will, in

collaboration with the governments of Niger, Nigeria, Cameroon and Chad, mean that nomads will slowly be squeezed out of their traditional grazing areas. The Tuareg Rebellion can be understood in this context, in connection with the interest of mining companies in the areas where Tuareg camel herders traditionally migrate.

Wodaabe Ways of Resistance

The Wodaabe often say: 'We Wodaabe dislike ("refuse") Government power very strongly!' By that they mean that they dislike authorities like the military, gendarmerie, police, customs personnel and other civil servants, who use (and often misuse) their power when meeting nomads like Wodaabe. Additionally, in northern Nigeria there are armed robbers who kill people and steal the cattle of the pastoralists like the Wodaabe. And there is nobody to enforce the law and protect them. The military regime of General Abacha would never dream of helping bush nomads.

Wodaabe refuse to attend schools since these are all for settled people's children, not for nomadic children. If there were nomadic schools which their children could attend in combination with animal herding, they would not refuse schooling. Wodaabe believe that it is better to keep their children in the bush: 'Our children will never get the good jobs as civil servants, etc., they'll just be thrown out of school, and thereby just end up as unemployed youngsters smoking cigarettes on street corners in towns. So what is the purpose of schooling for us?' Wodaabe are stigmatised, called 'primitive bush people wearing pagan clothing (leather trousers)' by settled farmers in villages and by urban West Africans.

Most Wodaabe react to the stigmatisation by holding their head high - and deliberately showing their 'exotic' culture to others: through their dances, ethnic clothes, facial painting and tattoos, etc., retaining their cultural autonomy. But their culture is often abused in advertisements for attracting tourists to Niger or to sell everything from mobile telephones to coffee in Europe.

Wodaabe are not yet organised in the defence of their rights, and they also have no lobby: no lawyer, no politician, nobody who represents their interests in the governments or who defends their land rights.

So far, the Wodaabe have chosen a different survival strategy: they refuse to settle down; they refuse to take up agriculture; they refuse to sell their cattle at markets and keep cattle as milking animals in the first

place. They insist on retaining their subsistence economy in the face of the market economy. So it is no wonder that Wodaabe nomads are unpopular with most governments in the Sahelian states.

Sources:

Woodhead & Bovin. 'The Wodaabe'. 16 mm film, 55 minutes. Produced by Granada Television of England, Manchester & London. Anthropologist: Mette Bovin, director & producer: Leslie Woodhead. 1988.

Bovin, Mette 1984. 'Nomades 'sauvages' et paysans 'civilisés': Wodaabe et Kanuri au Borno', in: *Journal des africanistes*, Paris: Musee de l'Homme.

Bovin, Mette 1990. 'Nomads of the Drought: Fulbe and Wodaabe Nomads Between Power and Marginalisation in the Sahel of Burkina Faso and Niger Republic', pp. 29-57 in: *Adaptive Strategies in African Arid Lands*. Eds. M. Bovin and L. Manger, Uppsala, Sweden: The Scandinavian Institute of African Studies.

GHANA

Discrimination of the Konkombas

In February, 1994, a tribal war broke out in Northern Ghana between two groups with different social structures: The indigenous and acephalous (chiefless) *Konkombas* on the one side and the 'allied' chiefly tribes including the *Dagombas*, the *Nanumbas* and the *Gonjas* on the other. The conflict exposed serious tensions between these ethnic groups concerning ownership of land. The Northern Conflict, also known as 'the guinea-fowl war', because it started as a quarrel over this animal, was barely registered in Africa let alone the world. However, the war was far more complex than its farcical origin suggests. It set Ghana's internal stability, its democratic development and reputation abroad at risk. The official number of dead was 4,000 while unofficial estimates are as high as 10,000.

The indigenous Konkombas live a hidden life, scattered in the bush in northern Ghana, and the problems that the Konkombas have been facing, and now are facing, can best be described in terms of isolation. During the war their homes and storage bins were

burnt and their livestock slaughtered by Task Force soldiers. They sought refuge deeper in the bush where they now are completely self-sufficient and more isolated than ever. Their isolation has made development work and service provision even more difficult. They now have difficulties moving about and cannot pass through administrative centres for risk of being killed. They have no access to any of the important services offered by such centres: hospitals, schools, banking, housing, piped water and electricity, postal services, telephones and fuels. Nor did they receive any refugee aid.

Since the war in 1994 hardly anything has been done to better their situation. However, due to the ethnic discrimination of the Konkombas the German development organisation GTZ (Gesellschaft für Technische Zusammenarbeit) decided to cancel or postpone a large-scale development programme devoted to the rebuilding of the health and hospital sector in The Northern Region. Their own organisation KOLADEP (Konkomba Literacy and Development Programme) is now trying to reorganise their activities including the transfer of their head office from Tamale, the regional capital, to their main city Saboba, since they can no longer operate from Tamale.

The hostility between the warring groups dates back to events around the early sixteenth century, when the chiefly groups came as warriors - as raiders and slave hunters - to northern Ghana.

Until the beginning of the seventeenth century the warriors concentrated their raiding activities mainly in the central and northern part of today's northern Ghana. In this early period the Konkombas were expelled from their traditional areas in the centre of northern Ghana. They fled to the Oti River and plains, an area noted for its flooding each year. They tended - as they still do today - to occupy land difficult to access. After having bled the population to the west of the Volta of slaves and booty for almost four generations, three of the four chiefly groups: the Dagomba, the Nanumba and the Gonja, looked eastwards for richer opportunities, and they now moved to the area around the Oti River, the heart of the Konkomba settlements. Here they founded their kingdoms in Yendi, Bimbilla and Salaga. A war between the chiefly groups and the *Ashanties* heavily increased the demand for slaves and it was mainly the Konkomba people who were subject to their raiding. Along with slavery, a well defined tributary system was imposed by the chiefly groups on the Konkombas; a relationship of superiority and inferi-

ority was founded and was to be strengthened during European colonialism.

Konkombaland was first subject to German colonial rule (from 1884 - 1914) and later to the British colonial power. Unlike the German, the British colonial administration (and seemingly also the post-colonial regimes) sided with those groups which had chiefs, 'states' and centralised political power. The chiefs served as agents of the British power and they allowed the chiefly groups to dominate the acephalous Konkomba by implanting chiefs in Konkomba territories. During the colonial era the chiefs continued to rule the Konkombas through the European powers, and in some cases their power was greatly extended: the former slave hunters became tax hunters. The overlordship of the chiefly groups was legitimised, through 'indirect rule' and the Konkombas could hardly distinguish between their rulers. The Konkombas were 'troublesome' to the colonial regimes and in fact neither the Germans nor the British succeeded in 'pacifying' them: no peaceful dialogue was ever created.

When Konkombaland belonged to the German protectorate, which had its seat in Lome in Togo, it was a time when a great number of people from the other tribes in northern Ghana migrated for paid work in the south. The British concentrated all their commercial activities in goldmines and plantations in this region. As the only ethnic group in Northern Ghana, the Konkombas did not join in this migration. They continued the migration patterns that were common for all tribes in the north before the colonial power: when the exhausted soil could no longer feed the growing population they looked for virgin bushland to cultivate. This migration pattern increased the tension between the chiefly groups, who consider themselves to be the owners of land (by conquest) and masters over the indigenous Konkombas.

A contribution of factors including the invasion of chiefly tribes, slavery, colonialism, lack of contact to the outside world due to limited opportunities in the labour market and geographical and environmental difficulties have all contributed to the deep political, economical and cultural isolation of the Konkombas.

NIGERIA

The Tribulations of the Ogoni Continue

As has been the case every year since the beginning of the 1990s, 1996 was another year marked by continuing tribulations for the half a million *Ogoni* people of south-eastern Nigeria. At the centre of the continuing repression of this indigenous people are the Nigerian military government, headed by General Sani Abacha, and Shell, the Anglo-Dutch oil company that is the main explorer and exploiter of the oil reserves in Ogoniland. In 1995 General Abacha's government, with the thinly-disguised support of the international oil lobby led by Shell, attempted, 'once and for all', to solve what was described as the 'Ogoni problem' by arraigning leading Ogoni rights activists before a tribunal which, eventually, sentenced Ken Saro-Wiwa and eight others to death by hanging, in line with instructions from the military regime. The execution of the activists on 10 November, 1995, far from 'pacifying' Ogoniland, however, reignited the resolve of the people to fight for justice. For much of the period after the executions, the military junta has remained preoccupied with its campaign of violence against the Ogoni while the restiveness in the area meant that Shell could not resume its mining operations as it had expected.

Internationally, the execution of Saro-Wiwa and his colleagues prompted the imposition of some sanctions against the military oligarchy that is in power in Nigeria; it also focused attention on the activities of Shell in Nigeria and gave momentum to an international boycott campaign against the oil giant. For much of 1996, both the Abacha dictatorship and Shell, faced with worldwide opprobrium, engaged international public relations consultants with the aim of whitewashing their atrocities in Ogoniland and confusing international opinion as to the true depth of their campaign of terror against the Ogoni. Shell took international adverts in leading newspapers and magazines around the world distancing itself from the decision to execute Saro-Wiwa and the eight other Ogoni activists and listing 'development' projects which it purported to be undertaking for the benefit of the Ogoni. It also went to great expense to sponsor selected journalists to 'see for themselves' the 'true' situation in Ogoniland; in all cases, those tours were carefully guided and visitors to Ogoniland, including Nigerian citizens and foreign diplomats based in Nigeria, who were not invitees of the

military government or of Shell and had not been explicitly cleared by the security forces, were prevented from entering Ogoniland by the military and security personnel deployed to occupy the area. Shell's expensive campaign of lies and deception was severely undermined by its admission that it had purchased weapons and equipment for use in the Nigerian oil delta by the police and other security agencies. That admission provided confirmation that Shell, far from being an 'innocent' player, was a partisan financier of the machinery of oppression and repression that the Nigerian regime had put in place in Ogoniland and much of the rest of the south-east of the country.

The Nigerian Government also took out paid adverts in the international media and the aim was to portray Saro-Wiwa as a 'violent murderer' who was convicted according to Nigerian law and due process; few were convinced by the flagrant campaign of lies and calumny which the Abacha dictatorship waged throughout 1996 against the activist. In death, Saro-Wiwa clearly continues to haunt the clique of soldiers and civilians that ordered his murder in 1995. And in direct contrast to the claims of the regime that Ogoniland had become a haven of peace, the world was alerted during 1996 to the increasing flow out of the area by most able-bodied adults, male and female, into refugee camps in Benin Republic. At one point, local newspaper reports in Nigeria put the number of refugees in the camps in Benin Republic at nearly 2,000. Across the world, young Ogoni men and women driven into exile became a regular feature of the growing community of Nigerian political refugees. Theirs was a direct response to a policy of elimination sanctioned against all Ogoni old enough to keep the flame of resistance alive in Ogoniland. The military government also targeted many Ogoni employed in the civil service of Rivers State and in the federal public service for victimisation. Needless to say, membership of the Movement for the Survival of the Ogoni People (MOSOP) was a sufficient reason to be a target of physical abuse and arrest. For the Ogoni who have remained behind in the Nigerian delta, the necessity to evade the ruthless army of occupation that has taken control of the area has meant spending most of the daylight hours in the bush.

During the course of 1996, a United Nations team set up to review the circumstances surrounding the trial and execution of Saro-Wiwa and the eight other Ogoni was permitted, after a lot of

wrangling with the Nigerian military regime regarding the scope of its work, to visit Ogoniland. Ahead of the visit however, the security forces had made strenuous efforts to 'clean out' Ogoniland of witnesses who were likely to give damaging testimony against the government and military. MOSOP activists were particularly targeted for arrest and detention. Independent journalists were also severely restricted while the legal counsels to the late Saro-Wiwa and his co-accused were arrested and clamped in detention. In this way, the regime sought to ensure that the mission met only those it wanted them to meet and that its version of events in Nigeria, generally, and Ogoniland, in particular, drowned all contrary versions. For its part, Shell carried out a 'clean-up' exercise to eliminate some of the worst traces of the damages to the environment caused by its activities. In spite of all this, however, MOSOP was able, against all odds, to organise Ogoni youth and women to demonstrate against Shell and the Nigerian military during the visit of the UN team; it was the only moment when the international investigators were able to speak directly with the Ogoni about their plight. The report of the team, also published in 1996, contained direct criticism of the trial and execution of Saro-Wiwa and his eight associates.

Meanwhile, 19 other Ogoni activists who were arrested with Saro-Wiwa in 1994 and who are awaiting trial by the same kangaroo court that enacted the judicial murder of the MOSOP leader and his eight colleagues continued to be held by the military. Apart from the fact that they had been detained without trial over a prolonged period of time, reports published by the local media in Nigeria and by human rights groups at home and abroad suggested that they were the victims of routine torture and humiliation, the kinds of which were visited on Saro-Wiwa and the Ogoni eight before their eventual, cold-blooded execution. Neither family nor legal representatives were allowed access to the 19 activists; state officials, however, made routine and open threats about the punishment that was going to be meted out to them. The threat of the 'Saro-Wiwa treatment' against human and minority rights activists became a cynical instrument employed by the agents of the military regime in their effort to enforce silence and conformity across the country. Still, during 1996, MOSOP was able commemorate the annual Ogoni Day; the 1996 day of songs, rallies and demonstrations was given an extra significance by the fact that it was the first to be organised after the execution of Saro-Wiwa and eight other activists

and the organisers managed to beat the security personnel deployed all over Ogoniland before they were dispersed.

The issues for which Ogoniland has been laid waste by the Nigerian military and Shell and over which Saro-Wiwa and his associates were executed centred on the rights of the ethnic minorities that populate the Nigerian delta to share in the benefits of oil exploitation from their land and stop the environmental ruination which exploration activities were inflicting, with dire consequences for the area's ecology and the livelihood of the peoples. These issues touched directly on the manner of organisation of the Nigerian federation and the need for greater corporate responsibility by the oil giants. MOSOP championed the campaign of the Ogoni for a greater share of the oil revenues accruing to the Nigerian state so that the people could enjoy some of the basic benefits of development like potable water, motorable roads, electricity, health facilities and schools. It also demanded compensation from Shell for the environmental destruction which its activities, including oil spillage and gas flaring, had created in the area. The violent rejection by the Nigerian military government and Shell of the peaceful, non-violent demands of the Ogoni failed to stem the growing restiveness in the Nigerian Delta and, during 1996, other communities in the oil-producing south-east of Nigeria directly confronted the oil multinationals operating in their territories and posed direct challenges to the authority and methods of the Nigerian Government. As 1996 drew to a close, it was clear that what Shell and the Nigerian Government had sought to present as an isolated case of discontent limited to the Ogoni and Ogoniland was far more widespread and deep-seated. The Nigerian delta has become a veritable delta of discontent.

EQUATORIAL AFRICA

The Equatorial African region contains the largest contiguous area of moist tropical forest in Africa (estimated at around 1.7 million sq km (Sayer, Harcourt and Collins 1992) constituting 12% of the world's remaining moist tropical forest) and is home to several hundred linguistically closely related peoples numbering about 12 million people, as well as some 300,000 hunter-gatherers (Colchester 1994). Hitherto relatively unexploited, except for Cameroon, where deforestation may be as much as 3% per year (Biodiversity Support Programme 1993), these forests are now increasingly the

focus of international initiatives including development projects, commercial logging and timber certification initiatives.

Despite the severe social disruption and exploitation suffered by forest dwelling peoples in central Africa over the last two to three centuries (see Colchester 1994), local peoples have retained much of their customary systems of land rights and have clear concepts of land ownership and control, testimony to their fundamental importance to these societies.

In the process of 'nation building', Central African states have chosen to ignore, discourage or suppress recognition of ethnic differences and the collective rights of the different peoples within the state boundaries. This has contributed to a very fragile form of participation in which decisions are largely made in the cities, far from the forests and the people who live there.

Ultimately, constructive arrangements with the state and other national decision-making agencies will be needed to ensure that local community institutions can effectively secure their areas from outside pressure. Yet this relationship may prove the most difficult to establish. Some states are not willing or ready to engage in dialogue, fearful of recognising the rights of peoples within the framework of the state. However, most of the demands made by indigenous and tribal peoples for more control over their territories and their future are perfectly compatible with the requirements of a democratic structure. The assertion of indigenous and tribal peoples' rights provides an alternative to ethnic strife and opens up ways of resolving conflicts through negotiated constructive agreements between states and peoples. The aim should be to allow peoples to safeguard their future without resort to violence.

Roads

The inaccessibility of Central African forests has contributed to their relatively low level of exploitation so far. Several countries now wish to improve infrastructure and are seeking funds for road construction and road improvement schemes. While most of the international funding agencies have assessment procedures to evaluate social and environmental impacts of their lending, these measures are often inadequately applied in practice.

For example, in 1996 Cameroon received a US\$ 60 million Transport Sector Loan from the World Bank, which was pushed through under pressure from the French Government despite the lack of attention to the environmental and social consequences of the

project. The World Bank announced that the project would not include the Abong Mbang - Lomie segment in south-east Cameroon, which the African Development Bank also refused to fund on environmental and social grounds. However, while the debate about this segment was under way, it was in fact being completed with funding from the European Union. The World Bank has committed itself to carrying out an environmental screening process for each road sector rehabilitated under the Cameroon loan, which it says will 'provide opportunities for full public involvement'. The World Bank should therefore be contacting local forest communities in the affected areas for consultation. Advice from social scientists and other researchers working in these areas will help the World Bank to make its consultation process more effective.

The World Bank is planning further Transport Sector Loans for Gabon (US\$ 50 million), Central African Republic (US\$ 30 million) and Congo (US\$ 20 million). Following the experience of the Cameroon project, the World Bank says that these operations will be subject to full Environmental Assessments. These assessments should evaluate how the roads will bring about on-the-ground improvements for forest communities, without accelerating deforestation or infringing land rights and resource use.

Logging

With the depletion of forests in West Africa, logging interests are now increasingly turning to the Central African area. The main logging companies are European consortia with concessions in several African countries, for example, Danzer (Germany), Rougier (France), Thanry (France), Bolloré (France), and Wyma (the Netherlands), and with separate subsidiaries and affiliate national companies operating in the different countries. On the whole, these consortia practice selective extraction of only a few species, which requires large areas of forest to be opened up for relatively small outputs of timber. In itself, this would not inevitably lead to forest destruction, providing that timber harvesting was carried out as part of a forest management plan designed to ensure sustainability of harvests of timber in the long-term. However, there are as yet virtually no instances of good forest management in the region.

A recent development is the rapid influx of Asian-based logging companies into the area. These use more intensive extraction techniques, as they are able to market a wider range of species. The

Asian firms then, to be less tied to a concession-based system of exploitation, increasingly obtain timber by means of logging rights sub-contracted from local timber companies, with the result that their activities are less easily controlled. Although most timber is exported to Europe, principally to France, Italy and Spain, the Far Eastern markets (Japan, South Korea and China) are increasing dramatically and may soon outstrip the European market. In 1996 57% of Gabon's and 36% of Cameroon's log exports went to Asian destinations (statistics from *Tropical Timbers*, February 1997 issue).

The construction of roads and other infrastructure (schools, medical services, etc.) and the opportunities for employment may be initially welcomed by local communities, but they also stimulate an influx of people into the area, the clearance by the incomers of more forest for farms and a dramatic increase in commercial hunting, backed by local elites and officials to supply the urban centres with bushmeat. While communities may initially benefit from services provided by logging companies, when the logging operation stops, people lose their jobs and the facilities provided deteriorate. Meanwhile, the natural resources in the area have been depleted or degraded. Hunter-gatherer communities not involved in the market economy may have most to lose and least to gain from the commercial opportunities offered by the opening up of the forests through logging.

The ability and willingness of state governments to control logging activities in the forests over which they claim authority is questionable. Leaked studies carried out for the World Bank in the Congo and published by the World Rainforest Movement (Colchester 1994) show how foreign timber companies can evade national regulations and laws while ruling elites and their foreign backers become richer. Further problems are caused by the financial involvement of European political figures, for example, in Cameroonian logging companies (Verhagen & Enthoven 1993).

Forest-dwelling communities are increasingly coming into conflict with logging companies. They are particularly vulnerable to the effects of commercial forest exploitation, because their customary land rights and systems of land ownership and control, which were largely ignored by colonial authorities, continue to be disregarded by national authorities since practically all land outside urban centres is considered to be owned by the state. Customary rights are recognised to varying degrees in the different Central African countries but are anyway readily extinguished in the 'public interest',

and logging concessions are granted without considering or consulting local populations.

Oil

A multi-billion dollar oil exploitation project involving Chad and Cameroon is being planned by an international consortium consisting of Exxon, Shell and ELF. This has raised numerous environmental and social concerns, documented by the New York-based Environmental Defense Fund (Horts 1997).

The project, scheduled to start delivering oil by the year 2000, will develop the Doba oil-fields in southern Chad and transport the oil through a 1,000 km underground pipeline through the forested region of southeastern and southern Cameroon to Kribi on the Atlantic coast. This route, apparently chosen with political and military considerations in mind (Horta 1997), will have considerable impacts on forest peoples. These include the clearing of forest for project infrastructure; the health and social impacts of an influx of people seeking employment (600 jobs are envisaged) and servicing the migrant workforce along the pipeline and the port of Kribi; an increase in organised hunting; impacts on the Campo and Douala-Edea Reserves; and the likelihood of undetected leakages, particularly into rivers, of up to 2,000 gallons a day of the low quality, high-sulphur Doba oil.

The project, initiated by the private sector, hinges on public funding from the World Bank, because the consortium looks to World Bank participation as the centre-piece of its risk reduction strategy in a politically volatile part of Africa and as necessary to attract funding from export-credit agencies and commercial banks. It is claimed that the project will alleviate poverty because the oil revenues gained by the Government of Chad are to be invested in a development fund (under sole control of the government) and the royalties accruing to the Government of Cameroon (up to US\$ 60 million per year) will provide general budgetary support to the government and be used to meet the country's external debt burden. However, the World Bank itself has noted that the Cameroon government's commitment to poverty alleviation is weak (World Bank 1995), and the scope for budgetary gains to 'trickle down' and deliver benefits to the social sector, health, education and environmental protection remains questionable.

An Environmental Impact Assessment is under preparation, which under the World Bank's 1991 Operational Directive for

Environmental Assessment requires borrowers to 'take the views of affected groups and local NGOs fully into account in project design and implementation, and in particular in the preparation of (Environmental Assessments).'

The extent of consultation hitherto appears to be limited to public meetings planned by Exxon in each locality through which the pipeline will pass.

Sources:

Biodiversity Support Programme 1993. Central Africa: *Global Climate Change and Development*. Technical Report. Washington, DC, USA: Biodiversity Support Programme.

Colchester, M. 1994. *Slave and Enclave: The Political Ecology of Equatorial Africa*. Penang: World Rainforest Movement.

Horta, K. 1997. *Questions concerning the World Bank and Chad/Cameroon Oil and Pipeline Project*. New York: Environmental Defense Fund.

Sayer, J., C.S. Harcourt and N.M. Collins 1992. *The Conservation Atlas of Tropical Forests: Africa*. Macmillan.

Verhagen, H. And C. Enthoven 1993. *Logging and Conflicts in the Rainforests of Cameroon*. Friends of the Earth Netherlands and Netherlands Committee for IUCN.

World Bank 1995. Implementation Completion Report, Republic of Cameroon, Social Dimensions of Adjustment Project, 16 June 1995. Washington, DC.

RWANDA

The Twa organisations are continuing the process of self-organisation. An umbrella organisation CAURWA (Communauté des Autochtones Rwandais) has been created to coordinate work of the three main Twa groups: the Association pour la Promotion Batwa (APB), Association pour le Développement Global des Batwa du Rwanda (ADBR) and Association pour la Protection des Enfants non-Accompagnés en Detresse (APEDE). The new organisation has started a programme of capacity building and organisational strengthening with support from the Forest Peoples Programme of

the World Rainforest Movement. This involves developing systems for decision-making, financial management and administration as well as carrying out small-scale income generation projects, such as 'goat banks', revitalising the traditional pottery craft industry and cassiterite mining.

The Twa groups also organised a successful Round Table meeting in January, 1997, with support of the United Nations Human Rights Field Operation in Rwanda (UNHRFOR). This meeting brought together Twa from different regions in Rwanda, government officials and representatives of aid and development agencies. Indigenous support groups included the Forest Peoples Programme represented by Professor James Woodburn. The aim of the meeting was to present the current Twa situation and discuss how the government and aid agencies plan to deal with Twa grievances. The meeting resulted in the following resolutions.

1. Matters related to the Economy:

Land:

The Round Table noted that the Batwa have never owned land. The Government of National Unity should give them areas of land and assist them to construct houses in a context of living together in groups.

Employment:

The Round Table noted that over a long period former regimes in power never favoured the participation of Batwa in the formation of public policy. The Round Table requests that the Government of National Unity employ educated Batwa in the Administration (for example, as Ministers, Prefectures, mayors etc.).

Markets:

The Round Table requests that the Ministry of Commerce, Craft and Industry promote Batwa crafts and give the Batwa a desirable site for the commercialisation of their products, and facilitate their participation in trade fairs at both national and international levels.

Culture:

The Round Table requests that the State donate a site to the APB for the construction of a cultural centre because the site at Remera which the APB had obtained has been seized by other people.

2. Matters relating to social affairs:

a) The Social Relationships of Rwandans in the State of National Unity:

The Round Table requests that the consequences of political denigration and marginalisation of Batwa be rooted out in order to promote a culture of peace and of peaceful cohabitation.

b) National Reconciliation:

The Round Table desires that a National Conference be held bringing together all social groups (ethnic groups) in order to discuss the problems which underlie their social division and to find remedies. The Round Table requests that a system of healthy justice be sustained in the whole country. The Round Table requests that people be open and have confidence in their dealings with each other.

c) Education:

The Round Table requests that the education of Batwa children be treated as part of the general policy for vulnerable groups (survivors, orphans, etc.) in relation to matters of school fees, school uniforms, educational materials, etc.

d) Associations:

The Round Table requests the Ministry of Youth and Cooperatives intervene with different donors of funds in order for the Batwa Associations to benefit from material, financial and social aid. Batwa organisations should be helped to make contact with non-governmental organisations (NGOs) and with national and foreign associations.

The Round Table requests the Ministry of the Family and for Women's Development, and other associations working for women's development, to work with Rwandan women who are still in a state of ignorance (for example, Batwa women).

3. Matters relating to justice:

a) The Round Table requests that the judicial authorities carefully verify the investigations which have been carried out in relation to Batwa accused of genocide in order to avoid conviction of those who are not guilty.

- b) The Round Table asks the State for legal assistance (lawyers) for Batwa because they do not have the means to seek lawyers for themselves.
The Round Table asks the State to speed up the investigation of Batwa accused of being implicated in genocide.
The Round Table requests that the State avoid arbitrary and illegal arrests of Batwa.
- c) The Round Table requests that the State seek out all those who massacred Batwa during the years 1990-1994 in order to obtain compensation for the families of victims of these massacres (for example, in the case of Gitarama, Kigoma, Gahombo sector).
- d) The Round Table requests that the State protect and defend the Batwa minority as Rwanda is among the countries which have ratified the convention for the protection of minorities in accordance with international human rights.

4. Regional Networking:

The International Alliance of Indigenous and Tribal Peoples of the Tropical Forests is seeking to promote a series of regional workshops in west, central and eastern Africa, leading up to a conference of African indigenous and tribal forest peoples, to be held in 1998, and dealing with indigenous rights, sustainable resource use and forest protection. The project is being organised by the Alliance's regional coordinating bodies in Africa: the Ethnic Minority Rights Organisation of Africa, Nigeria and the Association pour la Promotion Batwa, Rwanda, in association with the KINNAPA Development Programme, Tanzania.

5. Macro-developments in the Central African region:

See separate article, to be published in the Proceeding of the Leiden Colloquium on Central African Hunter-Gatherers.

KENYA

Politics in Kenya is nearly always discussed with a tribal dimension. Following a supposed period of *Kikuyu* dominance under President Kenyatta, it is thought today that the government favours certain of

President arap Moi's *Kalenjin* grouping of *Kipsigi*, *Nandi*, *Tugen* and *Keiyo* to the disadvantage of other sub-groups and non-Kalenjin peoples. Political parties are still very much divided along ethnic lines. Recent events in Nairobi attest to Kenya's poor human rights record in the face of opposition politics. Suppression of opponents has most recently been seen in the beatings of journalists and Safina party activists and the killing of a student leader, Solomon Muruli.

Ethnic Violence

The origin of inter-ethnic clashes and gross violation of human rights in the Rift Valley, Western, Nyanza, and North-eastern provinces has been instigated by some government ministers who have used their authority to incite mobs within their Rift Valley constituencies to evict members of other ethnic groups and reclaim land they are deemed to have 'taken'. This has resulted in armed gangs raiding those regarded as non-indigenous communities and burning them out of their homes. Now again, after a period of relative peace, the prospect of further conflict has arisen. The Minister for Local Government from West Pokot district, Francis Lotodo, who is infamous for his eviction of Kikuyu residents of the town of Makutano, now claims that the *Luhya* of Trans Nzoia district are persecuting the *Pokot*. This has prompted counter-accusations that the *Pokot* are cattle thieves and murderers. *Saboti* elders support Mr Lotodo and claim that the *Nandi* are harassing the *Sabot*. These accusations inflame racial sentiments that erupt into violence between groups that have hitherto lived in relative peace.

Maasai Politics in Narok

Narok district has one of the richest county councils in the country. This is largely due to the income generated by tourist facilities in and around the Maasai Mara Game Reserve. Until recently, the Minister of Local Government, The Hon. W.R. ole Ntimama, ruled the district as his fiefdom. However, he has recently been deposed as minister and a change in senior personnel is being proposed for the Narok County Council. The implications of these changes for just resolution of the conflict over rights to the *Maasai* sacred Loita forest (Naimina Enkiyio) remain to be seen. However, greed may dictate that despite changes in authority, plans for commercial exploitation of the forest might still go ahead, contrary to the campaign and court case being brought by the Loita Naimina Enkiyio Conservation Trust.

Iloodoariak case

A campaign conducted by the Maasai of Iloodoariak section has at last brought progress in their struggle for restitution of lands acquired by outsiders during subdivision. Bending to international pressure and the threat of litigation, the Attorney General has formulated draft legislation (The Land Adjudication (Amendment) Bill) to resolve the problem for those people rendered landless by error or fraud through the nullification of the adjudication registers relating to Iloodoariak and Mosiro adjudicated sections. The Bill also addresses the whole problem of unlawfully acquired lands beyond these areas of Maasailand, and should in future restrict the potential for non-residents to dispossess residents of lands undergoing adjudication by tightening up the whole adjudication process in favour of residents. However, it is by no means certain that this bill will go to parliament, and much hinges on how the matter will finally be resolved for those directly involved. Already, a community leader has had to go into hiding for fear for his life, and in his absence had his home raided by 'bandits' that are thought to have been sent by some of those people who stand to lose out if land is returned to residents.

Trouble in the North

Escalating violence and insecurity in northern Kenya is causing suffering among residents of Moyale and Marsabit districts. They have been the victims of a security operation to repel rebels of the Oromo Liberation Movement who are being pursued across the border by Ethiopian forces. According to a recent report of The Kenya Human Rights Commission ('The Forgotten People') Kenyan forces are persecuting local people under the guise of finding collaborators. This includes murder, abduction, torture, rape and disappearances. To date, the Kenyan Government has tolerated these excesses and made no official protest to the Ethiopian Government, and indications are that senior officials in Nairobi are as unconcerned about the fate of those people with ethnic affiliation across the borders with Ethiopia and Somalia as they were at the time of the oppression and killings in Wajir in the 1980s.

TANZANIA

In the year since a new CCM government was elected indications are that democratic processes are evolving and starting to bring the rewards of greater freedom and government accountability. Signs of collaboration among opposition parties and the election of a Christian candidate from a largely Muslim constituency also reflects a growing political maturity. A crackdown on corruption and demands for greater accountability are reflected in the resignation of ministers and the suspension, retirement and demotion of senior government officials.

Test for judiciary

The judiciary is showing its authority and lack of bias by removing from parliament MPs from both government and opposition parties alike following election petitions from candidates who lost in the 1995 elections. However, it remains to be seen whether total judicial independence will extend to cases brought by pastoralist communities alleging violation of their customary land rights. For example, resolution of the Barabaig case (*Yoke Gwako & 5 Others v. NAFCO & Gawal Farm* - Civil Case No. 52 of 1988) in which they are contesting the alienation of 10,000 acres still hinges on procedural points to be heard on appeal, and the second case (*Ako Gembul & 100 Others v. NAFCO & Waret & Gidagowmod Wheat Farms* - Civil Case No. 12 of 1989) is still being heard after seven years!; the appeal by defendants in the case brought by Maasai residents of Orkesumet village (*Alameni Kambini & 14 Others v. Orkesumet Village Council, Richard Losioki, & Lemburis Leyan* - Civil Case No. 39 of 1990) in which the court ruled against the village council and non-residents who illegally acquired title to the suit land; the Naberera case (*Mary Labdaki & 8 Others v. Naberera Village Council & 12 Others* - Civil Case No. 10 of 1996) in which Maasai residents are challenging the acquisition of titles by what they term 'land grabbing', including a multinational company, has still to be heard on account of the delay in issuing summonses to the defendants; and the summary eviction of Maasai and *Il Parakuyu* residents from the Mkomazi Game Reserve (*Kopera Keiya Kamunyu & 44 Others v. Minister for Tourism & Natural Resources, Director of Wildlife, & Project Manager of Mkomazi Game Reserve* - Civil Case No. 33 of 1995) is still being heard at the High Court in Moshi.

In some cases delays have clearly been orchestrated by the defendants with the cooperation of court officers, in other cases it is the outcome of inefficient court procedures and the huge backlog of cases. However, the maxim 'justice delayed is justice denied' is most apt in this context as plaintiffs are not only expected to endure the alleged wrongs, but also have to assume the added costs and inconvenience of repeatedly attending the courts without reward. In the Orkesumet case the village Executive Officer who had offered to give evidence on behalf of the villagers has now been stripped of his post and had spurious criminal charges brought against him. Such complications on top of delays strain resolve and test the patience of donors who find it difficult to watch their funds consumed without a positive outcome and then face requests for more funding.

New Land Policy and Basic Land Law

The likelihood of just decisions in these and other cases probably still rests on the political will of senior politicians and the confidence of judges to rule against the government. Much will also depend on the interpretation and application of the new national land policy and a basic land law currently being drafted. Indications are that despite a drive for the promotion of private property there will be scope for the registration of group title to land that will have potential benefit for communal land tenure holders like pastoralists and hunter-gatherers. However, as experience in Kenya suggests, privatisation of land tends to favour powerful and wealthy interests at the expense of minorities and marginalised groups. Lawyers are accusing the government of denying sufficient time for thorough consultation and public debate about its content. There are also demands that the bill be translated into Kiswahili so that local people can understand what is being proposed and enter discussion about it. The vesting of so much authority in the Commissioner for Lands is of general concern because of the potential for the continued arbitrary allocation of land without the consent of local people.

Conflict of Interests in Ngorongoro

Reports of a boom in the tourist industry may not be good news for those Maasai who live close to areas protected for the conservation of wildlife. This is of particular concern to indigenous residents of the Ngorongoro Conservation Area who argue that the recently imposed General Management Plan is being imposed without their

consent. Implementation of the plan involves the re-imposition of a ban on cultivation despite evidence showing that it results in malnutrition amongst Maasai children and the continued denial of rights to property being conferred on residents despite the issue of leases to hoteliers. However, these issues might ultimately be resolved when residents form a single organisation to represent their interests. Prospects for this have been improved by the support of Danish aid for this initiative with the endorsement of the Tanzanian Prime Minister and the lifting of a ban on the registration of local NGOs, which was said by the Vice-President to have only been temporarily imposed to check on existing organisations and ensure that they were directly benefiting their members.

Barabaig Organisation in Turmoil

Formation of the first Barabaig organisation was made possible by agreement with KIPOC - the Maasai NGO based in Loliondo, north Ngorongoro district. By linking up with KIPOC the Barabaig were able to circumvent bureaucratic obstacles put in their way by the Hanang district authorities. The KIPOC Barabaig Programme joined PINGOs - a consortium of pastoralist NGOs. The Barabaig have now formed their own NGO, Bulgalda, and have tried to represent Barabaig interests in the district. Unfortunately, they have had little success due to factional fighting within Bulgalda. This has been compounded by selective support from donors and the activities of destructive external interests who want Bulgalda to fail so that they can benefit from the Can\$ 4 million allocated by Canada (CIDA) for community development in Hanang district after their withdrawal from the Tanzania Canada Wheat Programme. Bulgalda has split and withdrawn from PINGOs. It has failed to present itself as a viable conduit for Canadian aid and the funds have so far been withheld despite the dire needs of people in the district.

Hadza and Hunting Rights

Hunter-gatherers like pastoralists are similarly suffering land tenure insecurity. However, whereas pastoralists are primarily concerned about rights to forage, water and salt on their land, hunter-gatherers are more interested in the wild animals that their land supports. This distinction has been brought into stark relief by the conferring of hunting rights in two different locations. Like the

Maasai of Loliondo division north of the Serengeti National Park, the *Hadza* of Mongo-wa-mono village in the lake Eyasi basin have been the victims of land being allocated to hunters. Whereas the Maasai are aggrieved that Arab hunters can roam and hunt across the land of their six villages, the *Hadza* of Mongo-wa-mono have been able to acquire title to their land, but lost rights to the wildlife resource they value most. Reports from Mongo-wa-mono suggest that the hunters are killing wildlife indiscriminately and thereby eliminating the major source of food for the *Hadza*.

NAMIBIA

Ju/'hoansi of Nyae Nyae (San, Bushmen)

The Nyae Nyae Farmers' Co-operative (NNFC), representing the Ju/'hoansi of Nyae Nyae (former Eastern Bushmanland), has grown in strength over the past 3 years. The overall goal of the NNFC is to secure land rights and to improve the quality of life for the Ju/'hoansi through various means including the sustainable management and utilisation of natural resources, increasing food production and income. Over the past 11 years, in partnership with the Nyae Nyae Development Foundation of Namibia (NNDNF), an integrated rural development programme (IRDP) has been implemented. The main aim of the IRDP is for the NNFC to become self-sufficient and for all programmes to achieve sustainability in terms of funding from donors and skills needed to implement the programmes.

Currently, the NNFC is the major driving force for all of the programmes, with support, advice and training being facilitated by the NNDNF. The NNFC are emerging as equal partners in dealing with other NGOs, donors, visitors and government ministries. The NNFC is managing five main programmes, namely:

- 1) **Income Generation:** the overall aim is to generate income for and within the community of Nyae Nyae to increase self-reliance. The programme includes purchasing crafts in the villages run in conjunction with a mobile shop. The crafts are then sent to Windhoek for marketing.
- 2) **Community Based Natural Resource Management:** monitors and manages the natural resources, subsistence level agriculture and training of community rangers. The overall goal is to in-

crease food production and income, which will result in an improved quality of life for the community through sustainable management and use of natural resources.

- 3) **Village Schools Project:** the overall objective is for the children of Nyae Nyae to have access to education for the first three years in their mother tongue (Ju/'hoansi). Five 'village schools' have been established in Nyae Nyae. The main focus has been on training Ju/'hoansi speaking student teachers and developing curriculum material in Ju/'hoansi and English. The schools have been registered as one semi-private school with the idea that the schools will fall under the auspices and responsibility of the Ministry of Basic Education and Culture in the near future.
- 4) **Technical Workshop:** The main aim of the workshop is to be able to maintain the existing technical systems in Nyae Nyae and to become a viable business by offering technical services to other people and organisations. Training has included the following: basic vehicle maintenance and repairs, borehole maintenance including solar powered pumps, metal and wood fabrication, and various aspects pertaining to running a small business.
- 5) **Institutional Development:** the main aim has been to strengthen the institutional capacity of the NNFC. The NNFC Management, Board of Management and staff have received training in skills to run an effective organisation including staff management, communication, and programme/business management.

All of these programmes have a strong training component with the main aim focusing on self-reliance and sustainability.

The NNFC have a good working relationship with all the government ministries. The government has also identified and acknowledged that the San people are the most marginalised group in Namibia and need special attention.

Nyae Nyae is one of the remaining communal areas in Namibia with abundant wildlife and potential tourism sites. Historically, the communities living in the communal areas were not allowed to benefit from the wildlife, which destroyed some of their crops. In the commercial farming areas, the farmers were given the right to utilise wildlife. On 4 June, 1996, the Namibian parliament enacted a Conservancy Legislation Bill allowing for the formation of conservancies in communal areas. This will grant communities living in

communal areas the right to utilise wildlife through the formation of the conservancies and wildlife councils which will facilitate the return of economic and societal benefits derived from sustainable natural resource management to the community.

During the May, 1996, RADA meeting the community of Nyae Nyae decided to form one conservancy.

Over the past year the Ju/'hoansi staff have gained more confidence in their skills and have a good understanding of the direction of the programmes. The NNFC will continue to receive training throughout all the programmes to be able to manage their projects so that they meet their needs, implementing changes within a cultural framework and developing activities which will give the Nyae Nyae community an income base independent of donors and outside help.

BOTSWANA

In 1996 the Central Kalahari issue was brought to international attention, and in November John Hardbattle, First People of the Kalahari founder and spokesperson par excellence, died. The Kuru Development Trust was reorganised, the University of Botswana started up a Basarwa Research Programme, and a new umbrella organisation, WIMSA, emphasised the regional dimension to *Kwe* emancipation.

The Central Kalahari Game Reserve (CKGR).

The broader background to this controversy was documented fully in *The Indigenous World 1995-96*. There are three dimensions to the problem:

- 1) Are human settlement and conservation of wildlife compatible, or should the people be moved out of the Game Reserve in order to safeguard a tourism potential?
- 2) Is it economically prohibitive to provide a minimum of public services to people living within the Reserve, or must they be moved out in order to benefit from development?
- 3) What is the proper procedure for making decisions on these issues? Under what circumstances may national interest, represented by the government, override the interests of a group of people who have occupied and used this traditional land since time immemorial.

While the two first issues could be debated, and compromises could be found in terms of 1) restrictions on economic activities incompatible with wildlife, and 2) striking a balance between services provided within CKGR and services available at the outside; the third dimension places the CKGR issue right at the heart of the contemporary international debate about the rights of indigenous people. It evokes the question of land rights, and it evokes the question of justice. As long as this dimension to the problem is not recognised and addressed, sustainable solutions to the other questions will be hard to find.

The question of settlements within Central Kalahari has been raised by the Government of Botswana from time to time, but with more persistence in 1996. In February top government officials visited the main settlement, !Xade, and follow-up visits were made to this and other settlements. There are contradictory reports on what was actually said on these occasions, but it is quite clear that for the inhabitants of the CKGR the statements from officialdom were *perceived* to convey an extreme pressure to move out of the Reserve.

For this reason John Hardbattle and Roy Sesana brought the case to the international community, through travels and newspaper headlines, securing expressions of concern e.g. from the US Senate's Foreign Relations Committee and His Royal Highness the Prince of Wales, and a large number of indigenous organisations and NGOs. In March the issue was presented before the Human Rights Commission of the United Nations in Geneva.

By the end of May, the District Commissioner of Ghanzi gave assurances to ambassadors from Denmark, Norway, the USA and the British High Commissioner that the Botswana authorities had no intention of forcibly removing any inhabitants from the Reserve and that basic necessities would continue to be provided both on and off the Reserve.

Meanwhile, the planning of settlements outside of CKGR has continued. The present approach is to use a carrot, not a stick: people are approached individually and promises are made in terms of services provided and compensation in cash and kind to those who are willing to move. Naturally, for a desperately poor population, some people find the offers attractive. While the official position is that no one is forced to move, planning documents invariably refer to the government's 'decision to resettle' the people.

All available evidence suggests that the *G/wi* and *G//ana* people can demonstrate uninterrupted collective habitation, without ever

having physically relinquished, ceded or otherwise alienated their rights. According to modern international jurisprudence as codified e.g. in ILO Convention 169, they hold aboriginal title to the land.

Botswana has not ratified, and is thus in no way bound by, the ILO convention. But the basic question remains: under what circumstances may collective ties to land traditionally occupied be forfeited by individuals who receive compensation on an individual basis?

The organisation First People of the Kalahari (FPK) is presently working with the people within the Reserve, facilitating the setting up of functional groups that can adequately reflect the opinion of the people. A concept of eco-tourism is being introduced and discussed. The internationally recognised principles that should be followed in any case of resettlement are being explained by legal advisers.

Note from the editor: Shortly before printing, news reached the IWGIA secretariat that 600 people from !Xade, the largest settlement in the Central Kalahari Game Reserve, "have agreed to move out" and were resettled in New !Xade, some 68 km outside the reserve.

John Hardbattle - In Memoriam.

Central to this process has been John Hardbattle who with his unique mastery of Naro and English language and culture straddled two worlds and became an exceptionally forceful spokesperson and a translator in the widest sense of the word. He will be remembered for his visions of a better future for the N/oakwe, his dedication to the arduous task of building up an interest organisation and for his gentle manners and infectious laughter even under the most trying of circumstances.

His death leaves a gap. FPK will inevitably need readjustments to reflect on a change in leadership. But there is no indication that the determination to continue as an interest organisation for N/oakwe communities is diminished.

The government has travelled abroad to defend its policy, but so far there is no indication of initiatives for the dialogue with organisations that Hardbattle called for. Officialdom seems to direct the attention away from matters of principle more to a focus on individuals, engaging often in 'character assassination', imputing that front-figures have been working for their own economic interest, taking unjust advantage of donor money and spreading false information about government policy. The policy towards the *Basarwa* is

thus still *ad hoc*, reacting to issues as they arise, and not yet proactive.

Kuru Development Trust (KDT).

While FPK, being an interest organisation, is addressing the politically sensitive issues, the Kuru Development Trust has been going through a reorganisations process to make it more efficient as a community-based development organisation. The trust is setting up a *Community-Owned Rural Development Support Programme* with a view to providing services to independent local community organisations throughout Ghanzi District and beyond. The structure calls for each participating community/group to form its own organisation, join a savings programme and attend suitable training courses. The KDT will function as a support organisation, providing accounting, training and marketing assistance. The overall objective is to develop community self-help organisations which will have the capacity to define, direct and implement the community's own development.

The process is reinforced by the establishment of WIMSA, a Working Group of Indigenous Minorities in Southern Africa, which aims to facilitate contact between the national groups and communities. WIMSA has a coordinating office in Windhoek and works with the San Council of Traditional Leaders in Namibia, the San Institute of South Africa and Kuru in Botswana.

Other Activities.

An exhibition staged at the South African National Gallery entitled *Miscast: Negotiating Khoisan History and Material Culture* in April, 1996, examined the types of relationships that were established between Khoisan communities and the Europeans that came to occupy their land, and caused some controversy. Using photographs, documents and artifacts, the fate of the Bushmen as having been 'stuffed, flayed, scarred, marked, dispossessed, displayed, exploited, scrutinised, hunted, exposed, measured and controlled' was recapitulated.

While the objective of the exhibition was to raise consciousness and generate new interest and understanding for the plight of the *Khoisan* people, it was felt by many that the portraying of a humiliating past easily serves to perpetuate this humiliation. As one newspaper headline put it, was this 'Setting history straight - or another chance to gape?'

However, the coming together of organisations from Namibia, Botswana and South Africa, which was occasioned by this particular event, was part of a process of awareness raising and mobilisation of considerable importance and served to strengthen international links so important in the pleading of the Central Kalahari case, and promoted as well by the WIMSA networking initiative.

Reflecting some of the same new awareness of the wider issue of indigenous peoples of Southern Africa, The University of Botswana has launched a Programme for Basarwa Research in Collaboration with the University of Tromsø, Norway, funded by a Norwegian grant for University cooperation. The programme aims at promoting research into Basarwa issues in all relevant departments, to establish a network of researchers in the region, and to identify ways in which research may contribute positively to *Basarwa-N/oakwe* development.

SOUTH AFRICA

The issue of indigenous affairs is gaining momentum in South Africa. The Department of Foreign Affairs is in the process of establishing a working group on indigenous affairs. In the Department of Constitutional Development a section on traditional affairs has been established.

Some of the indigenous groups of South Africa are actively involved in claims to land, especially ancestral lands. The *Griqua* people's claim to ancestral lands goes back to about 1875, whereas existing legislation provides only for claims dating back to 1913. This means that their land claims cannot be accommodated in terms of existing legislation. Therefore, they have to base their claims on other grounds which makes it difficult to obtain direct attention from the government. The negotiation process of the *Khomani* people of Kagga-Kamma with regard to their ancestral lands in the Kalahari region is, however, progressing.

The !Xu and Khwe communities of Schmidtsdrift were successful in obtaining land for resettlement. The Minister of Land Affairs agreed to the purchase of some 12,800 hectares of land close to Kimberley, the capital of the Northern Province. This land was registered in the name of the communities during September, 1996. In order to buy the land the communities had to establish an Association for Communal Property according to the requirements

of legislation. This was done and a constitution for the Association was drawn up during August, 1996, and approved in February, 1997, by the national Minister of Land Affairs. Only members of the communities can be members of the Association. The Executive Committee of the Association has 30 elected members, who represent the main interest groups within the communities. These interest groups are traditional leaders, community leaders, men, women, youth, soldiers, business people, elderly people, people with disabilities, artists, teachers and church organisations.

The actual resettlement of the communities to Platfontein, as the new site is known, has not yet commenced. The main reason seems to be a break in communication with the provincial government, through its Steering Committee. This committee has to make funds available in terms of prescribed government formulas. The development plans submitted by the Trust during March, 1996, on behalf of the communities have not yet been approved by this committee, although the communities' choice of land was purchased by them with funds made available by the national government. The reasons for the delay in making development funds available have not been communicated by the Provincial Government to the communities or to the Trust. Despite numerous attempts on various levels by the Trust and the community councils to resolve this issue, these attempts were not fully successful.

In the meantime the Association has commenced with cattle and game farming on the land with the help of a manager. Part of the farming activities include training of community members as cattle farmers, game rangers and farm maintenance staff. These projects have thus far been successful.

The !Xu and Khwe Trust is continuing its programme of community empowerment and development. A cultural mediation programme was introduced with the aid of international funding and training has been given to teachers, pupils at school, community leaders and members of the Executive Committee of the Association. Training is also provided in how to run small business enterprises and in office administration and vegetable growing in anticipation of the resettlement on Platfontein where these skills would be required. The art and crafts project is also growing steadily. Appropriate facilities will become available to expand this project on Platfontein.

PART II

INDIGENOUS RIGHTS

INDIGENOUS PEOPLES KEEP THE UN DECLARATION INTACT FOR A SECOND YEAR

BY JENS DAHL AND ANDREW GRAY

Between 21 October and 1 November, 1996, the Declaration of the Rights of Indigenous Peoples spent a second year under scrutiny from members of the UN Commission on Human Rights (CHR). Approved by all the independent expert bodies of the UN in August, 1994, after 12 years of consultation with indigenous peoples, the Declaration had been sent up through the UN system to the government-controlled Open-ended Working Group of the CHR for discussion in 1995. The first session took place in the same year and consisted of a general discussion about the different sections of the Declaration (see *Indigenous World 1995-96* for an account of this).

The Open-ended Working Group which formally operates under the restrictive rules of the Commission on Human Rights consists of representatives of 53 governments (others participate as non-members) while NGOs with consultative status with the Economic and Social Council of the UN attend as observers. This limits indigenous participation in the Working Group, but by changing the rules of the CHR in 1995, a complicated procedure was adopted to enable indigenous peoples and organisations to attend.

Applicants must write to the coordinator of the 'Indigenous Decade' at the Human Rights Centre in Geneva, Mr. Ibrahim Fall, who consults with governments. Providing they approve, applications for participants pass on to the NGO Committee in New York where each proposal is discussed and most are accepted. One hundred and eight organisations and peoples were passed by October, 1996, although nine have still not yet been approved. Nevertheless, by utilising the accreditation of NGOs with consultative status with ECOSOC, everyone who wishes to attend the Working Group can do so. This means that over one hundred indigenous participants have been present at the two meetings of the Working Group. In

practice the Chair interprets the CHR rules of participation flexibly to allow all indigenous representatives present to speak at any point in the debate.

The meeting takes place in the Palais des Nations in Geneva, although a two day preparatory meeting for indigenous representatives at the World Council of Churches has become customary. This provides an opportunity for indigenous peoples to prepare themselves for the Working Group and forms the basis of an indigenous caucus which meets regularly throughout the two week official meetings. At the same time governments meet in caucus - the main groups are the Western, Latin American and the Asian blocks. Unlike 1995 when positions were being formulated, government caucuses did not feature so prominently in 1996.

The meetings are physically arranged in one of the large oval rooms of the New Building. On the podium sits the Chair, Ambassador José Urrutia from Peru, who was elected by the governments on the first day. Spreading out from the Chair are the 53 governments who are members of the Commission on Human Rights (not all of whom attend); a second group, further back in the room, are the governments which are not members. These are followed by the inter-governmental agencies (such as the International Labour Organisation) and the non-governmental organisations with ECOSOC status. Finally, in the last two rows are the indigenous representatives and other observers.

The lay-out of the meeting clearly illustrates the decreasing power and influence of participants at the Working Group, with the indigenous representatives pushed further to seats at the back of the room. The indigenous peoples and organisations present at the meeting have realised that only by resisting this framework through persuasion and action, will the Declaration emerge from this process of governmental scrutiny in a form which is relevant to their survival.

Creating Consensus and Lobbying

The Open-ended Working Group is fundamentally a government controlled meeting where the stakes are piled against indigenous peoples because of the rules of procedure and the structure of the UN. Nevertheless, lobbying and consensus creation are possible through techniques of discussion and persuasion operating on several levels.

1. The Indigenous Caucus

This group stems from an idea which has worked since the 1980s at the preparatory meetings to the Sub-commission Working Group. Originally sponsored by several indigenous organisations, these meetings now operate thanks to the initiative and facilitation of the Mohawk representative Kenneth Deer, with support from the World Council of Churches. They provide an important opportunity to strategise prior to the Working Group and provides a forum for continuing the discussion during the session itself. Out of the indigenous caucus, several important unanimous statements have been made which place the perspective of indigenous peoples clearly on the floor of the plenary.

This does not mean that indigenous peoples always agree on every detail. The meetings are exchanges of opinions, and conclusions arise through consensus. The general indigenous strategy of defending the Declaration as it stands has remained solid since the Working Group approved the text in 1993.

The process of consensus formation in the caucus is not always easy. Representatives from such a variety of peoples, each with their own history, figures of inspiration and cultural strategies for survival as well as specific relations with governments, inevitably means that any form of consensus will arise from flexibility and the capacity to shift tactics according to the situation. Another difficulty encountered by the caucus has been that decisions are made at the preparatory meeting at the week-end and those representatives who arrive for the Working Group itself find that a proposed strategy has been formulated on the basis of two days' discussion in which they have not participated.

In spite of the difficulties, the indigenous caucus can work sensitively towards forming agreements which pursue a united approach for defending the Declaration.

2. The Governments

At the end of last year's report on the Working Group published in *Indigenous World*, there is a very rough guide to the positions of governments. This can be amended in the light of lobbying and discussions between governments and indigenous peoples during the year. However, certain governments remain broadly supportive to the Declaration such as Australia, Bolivia, Colombia, Finland, Denmark, Fiji and Norway while others, such as Bangladesh, Brazil,

China, France, Japan and the USA favour substantial amendments. Much of the negotiations between governments takes place between these blocks. Key players are Denmark, Norway and Australia on the one hand and the USA and Brazil on the other. In between, Canada and Sweden have tried to play mediating roles.

The process of consensus-making among the governments takes a pattern which can be depressing for indigenous peoples. Most of the initiatives come from the more positive countries and these are gradually whittled away by the intransigence of the more negative countries, particularly Brazil and the USA. The effect is that if governments are left on their own, the process of consensus means that the result will quickly become the lowest common denominator. This is highly problematic for indigenous peoples who consider that the Declaration as it stands has already been accepted through compromises.

3. Governments and Indigenous Peoples

However, whereas the process of consensus formation can weaken indigenous positions, the effect of lobbying governments can be beneficial. Outside of the Open-ended Working Group, several initiatives took place during 1996 which were extremely positive for the meeting. In the Pacific, a regional workshop on indigenous peoples was held at Fiji in September where the Government of Fiji with support from other Pacific island states supported the Declaration. The indigenous peoples from Asia have been in meetings with their governments both in their countries and at the UN. In North America and Canada consultations and indigenous attempts to shift intransigent government positions have also had some effect.

However, lobbying has its limits because governments are transient. Major shifts in the national policies can lead to changes in support for the Declaration which can take place over night. The Government of Australia, for example, has been a positive influence on the meeting, but how long they can continue this with a new rightist government is uncertain and causes indigenous peoples considerable concern.

The other form of lobbying takes place in the meeting itself. Talking to governments is only done by a few indigenous peoples because many feel intimidated or uncertain as to what they should say. However, from the government perspective, there does seem a

genuine desire to talk to indigenous peoples informally. During this session, a series of consultations were organised between governments and indigenous representatives outside of the main meeting which produced some results. Indeed, indigenous representatives are gradually finding out that it is possible to build up a relationship with government delegates and use time and patience to explain the reasons for indigenous peoples' positions.

The Meeting

The 1996 meeting of the Working Group was formally a detailed discussion of the Declaration which focused on clusters of articles. However, at the same time, a second area was under scrutiny: the participation of indigenous peoples at the meeting. The two themes: discussion of the text, which took place within the Working Group, and discussion of participation which took place largely in non-formal meetings outside of the plenary, established a contrapuntal flow of debate at two levels, which occasionally clashed openly causing disagreements among and between governments and indigenous representatives.

Indigenous Concerns over Participation

A major concern of indigenous peoples is that with the Declaration locked into the political bodies of the United Nations, the progressive provisions for indigenous rights achieved through long and persistent struggle will be removed from the draft by state government representatives. Prior to the meeting, several friendly governments made it clear that the second year should be devoted to seeking consensus over the least controversial aspects of the draft. However, indigenous representatives pointed out that the disagreement over the word 'peoples' alone meant that no single article could be approved without 'bracketing' or 'opening up' the text for amendment.

Participation thus became a crucial element of the 1996 session. Government representatives, particularly those of friendly governments such as Australia, Norway and Denmark, considered that they had achieved much to break open the UN system for indigenous peoples. They explained that for the first time in history, indigenous peoples were participating in a process which is normally restricted to governments and that this had been achieved through much diplomatic wrangling against resistance from hardline

governments. Furthermore, through the goodwill of the Chair, all indigenous representatives who wished to attend and speak at the meeting could do so.

However, this placed indigenous peoples in a quandary. While they clearly appreciated that their presence in the Open-ended Working Group was a significant landmark in the democratisation of UN procedures, this in itself raised another problem. Whereas indigenous representatives could participate and speak, there was no clear orientation from the Chair or governments as to whether their views on the Declaration would be reflected in the consensus decision-making of the Working Group. Thus, whereas their presence would legitimise the process of discussing the Declaration, if governments unilaterally decided to amend, revise and substantially weaken the text, indigenous peoples could be outside of the governmental consensus. This would mean that a weak Declaration had been approved through a process legitimised by indigenous peoples.

The First Clash

Out of this concern, at the preparatory meeting prior to the beginning of the Working Group, the indigenous caucus established three proposals for presentation to the meeting on the first day:

1. A proposal to change the agenda from looking at specific clusters of articles to giving priority to a general debate on the Declaration;
2. A proposal that the Declaration be adopted at the end of this discussion;
3. They also suggested that there should be a change in the rules of procedure of the meeting providing for the equal and full participation as partners in the decision-making authority of the Working Group.

An appointed group of a few representatives had tried unsuccessfully to establish a meeting with the Chair prior to the first meeting but they only managed to meet with him for a short briefing. The meeting was opened and José Urrutia re-elected as Chair. He stressed in his first speech that there was a gap between the draft text as it now exists and the position of governments; however, for this year there would be no drafting process. Nevertheless, he also said that

he wanted a plan of work which would start with the least controversial articles and move on to the more complicated general points at the end of the session. He also asked for concrete proposals for amendments. The aim was that the final report would reflect definite positions.

The speech was ambiguous; on the one hand, there would be no negotiation or drafting of the text, yet participants were encouraged to present suggestions for the formulation of concrete proposals. Indigenous peoples took this to mean that whereas there was no official drafting, an unofficial drafting exercise was to be initiated. The meeting was adjourned until the afternoon and the indigenous caucus met without any non-indigenous persons present.

The afternoon meeting began with a statement from the indigenous caucus. Moana Jackson from the Maori Legal Services spoke on behalf of the indigenous representatives presenting the three requests decided at the preparatory meetings; this would involve a change of agenda. The Chair thanked him, but did not act upon the suggestion. The International Indian Treaty Council spoke in support of the indigenous statement, but the Chair responded that he considered the indigenous intervention as a comment, not a proposal. Willie Littlechild from the International Organisation of Indigenous Resource Development then made the indigenous proposal into a formal motion, but the Chairman then intervened to say that only governments had the right to make motions. When the World Council of Indigenous Peoples reiterated the proposal for a change in the agenda, the Chair ignored their representative and said that the Working Group would proceed according to his original suggestion as no government had intervened in support of the indigenous proposal. At that moment all the indigenous and NGO representatives walked out of the room.

The Chair had made the situation clear: indigenous peoples could attend and speak at the meeting and they could agree with the consensus making of the governments, however, they were not full and equal participants. They could not initiate proposals for discussion nor would they be in a position to challenge a consensus of governments.

The Aftermath of the Walk-out

Immediately after the walk-out, a long list of governments argued for respecting indigenous participation in the meeting: Australia,

Denmark, Canada, Mexico, Norway, Chile, Sweden, Fiji, New Zealand, Colombia and the Russian Federation were only some of the government which strongly advocated entering into immediate negotiations with indigenous peoples. Several governments then left the room. At the end of the official meeting, the Chair said that he would meet with the indigenous representatives, but before that he wanted them to explain why they were unsatisfied with the process.

The indigenous caucus agreed to talk to the Chair the following morning where he was presented with the three demands. His response was that he had no problems with a change of the agenda so that a general discussion could be taken up first, as long as the articles were discussed according to the approved agenda. Whereas he also promised to apply a flexible procedure for the participation of the indigenous representatives, he was not in a position to be able to change rules and procedures put down by ECOSOC. Furthermore, he could not call on the Working Group to adopt the Declaration. However, the Chair emphasised that there would be no further writing or drafting of the Declaration at the Working Group meeting this year, only an open discussion on all the articles.

The indigenous caucus debated long and hard about how to respond. Whereas everyone was in agreement with the overall strategy of defending the Declaration, pushing for full and equal participation in the meeting and not opening up the text for negotiation, some felt that this should be accomplished by withdrawing from the plenary. The groups advocating withdrawal, primarily from the United States, Canada and New Zealand, felt that the Chair had not addressed their real problems. They acknowledged that the Declaration would not be adopted this session and accepted that the Chair had finally clarified that there would be no discussion of suggested amendments to the text this year; however, they felt that full and equal participation was something which could be discussed further and that a slight move from the Chair would be sufficient to bring them back into the room. The concern was based on the dilemma that if they returned to the room without adequate participation, they would be held responsible in indigenous eyes for a revised Declaration over which they had no part in the decision-making process.

The second group, consisting mainly of indigenous peoples from Australia, the Arctic, Russia, Africa, Latin America and Asia agreed with the above position, however, they felt that the meeting was

going ahead and discussing the Declaration. While they remained outside, only the positions of governments were being reflected in the report and no one was present to defend the text. Without anyone in the room, they felt that no one would be able to ensure that the governments did not pile up arguments advocating modification of the text. They preferred to be in the room arguing and debating.

Initially, the advocates of these two positions held distinct positions. The Australian indigenous delegation returned to the room on Tuesday afternoon to make a strong statement asserting the three demands of the indigenous caucus. Meanwhile, the indigenous caucus prepared a joint statement which was made on the following day (Wednesday). This statement explained that indigenous representatives felt that they had had no say in the finalisation of the agenda, they had wanted a general discussion on the adoption of the Declaration and wanted to initiate a process for the full and equal participation of indigenous peoples. The final report of the Working Group must have the full involvement and consent of indigenous peoples, including a recommendation to the Commission on Human Rights to secure full participation of indigenous peoples. This was followed by a substantial number of indigenous speakers from all regions supporting the caucus statement.

Only Australia and Denmark responded immediately to the indigenous caucus statement. The Chair then opened the floor for the general debate and governments were asked to address the questions raised. About 12 governments spoke, some in favour of full adoption of the text (Denmark, Fiji, Bolivia) and others very favourably to recognising the rights of self-determination, but maybe with minor changes of some wordings (Norway, Sweden, Finland, Australia). No government spoke against the draft Declaration. However, the question of participation still remained unaddressed.

On the Thursday of the meeting, the indigenous caucus made one more try to talk to the Chair about full and equal participation. The attempt was made through the representative of the Government of Bolivia who had offered to open up a direct dialogue with the Chair on this matter; but talks in the afternoon broke down because the Chair wanted a formal proposal made by governments. Nevertheless, whereas he made it clear that he could not change the rules of procedure, he promised to be flexible in relation to statements from indigenous peoples and to put anything they requested into the report.

The indigenous representatives met in caucus in the afternoon to analyse this response. Everyone agreed that the Chair had moved on the general discussion of the Declaration and the flexible interpretation of the rules of the Working Group. However, most of the North American and New Zealand indigenous delegations considered that this did not sufficiently answer their demand to discuss the establishment of a full and equal participation of indigenous peoples in the meeting. Others, from Asia, Africa, the Arctic and Latin America felt that there was now a small window for having the rules changed for the Working Group next year. The former group eventually decided to leave the session but continue monitoring it from outside, while the others agreed to enter the meeting and defend the Declaration from within.

On the Friday, the indigenous representatives who were withdrawing from the session, made statements to the plenary explaining their reasons. Each delegate leaving explained that full and effective participation of indigenous peoples in the Working Group is essential and that they continue to call for changes or amendments to the rules of the meeting. They consider that the Declaration is the minimum standard of rights of indigenous peoples. They all said that the withdrawal was not closing off future participation if the rules are changed and that they would monitor the progress of the Working Group. These statements were supported by those who remained in the room and a suggestion was made that governments should take the requests for full and equal participation seriously and allow for consultations during the second week. The Government of Australia agreed and discussions on participation moved to another stage.

Research on UN Rules and Procedures

During the period of discussions between the Chair and the indigenous caucus, several lawyers investigated the rules of ECOSOC. At an information meeting on Friday evening, Tony Simpson and Augusto Willemsen Diaz explained that the rules of procedures for the Working Group have three layers.

1. The basic rules of procedures according to which NGOs can be accredited to meetings says that non-government participants can speak but not take part in decisions. These are found in Rules 75 and 76 of the Rules of Procedure of the functional

commissions of ECOSOC (which includes the Commission on Human Rights) and paragraphs 31 & 33 of ECOSOC Resolution 1296.

2. However a special resolution of the Commission on Human Rights (Resolution 1995/32 Articles 6 & 7) known as the 'Working Groups enabling legislation' was passed to create the Open-ended Working Group under which organisations and peoples not accredited with ECOSOC could apply for accreditation to the meeting. However, the resolution did not state whether or not these NGOs had the right to speak or participate in decision-making.
3. In 1996 ECOSOC Resolution 1296 was updated into Resolution E/1996/31 (L.25) which produced a third layer of procedures. In paragraph 35 it says: 'Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the commissions and other subsidiary organs of the Council. Organizations on the Roster may have representatives present at such meetings which are concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.' The last sentence has been underlined, because in this phrase, the rules have provided a window which provides the possibility of opening up the meeting so that indigenous peoples can participate fully and equally. However, this can only take place with the agreement of the Chair and members of the Working Group.

This discussion was critical because, in spite of the complexities of the use of the UN rules, it provided the indigenous caucus with a framework for future lobbying. On the one hand, they would continue to pressure the Chair and governments for supplementing existing arrangements with other 'modalities of participation', while, at the same time, taking the question to the Commission on Human Rights itself to see whether these rules can be changed through a long-term process of discussion and lobbying.

Consultation with the Governments

On the Monday of the second week, the indigenous caucus was ready to start consultations with governments. The Chair adjourned the plenary meeting for an hour in order to allow an informal

discussion but also added that the meeting would not be reflected in the final report. The indigenous caucus representatives made the first presentation and argued that in the spirit of co-operation both governments and indigenous peoples should agree on a process of practical procedures to facilitate working together through full and equal participation which would enable a process of decision-making involving a full consensus of all those attending. Indigenous peoples want to have a role in the agenda setting and decision-making of the body. This will ensure that nothing can be decided without the full and informed consent of indigenous peoples. Several areas were identified:

1. Formulation and adoption of the work agenda;
2. Drafting and adoption of the report;
3. Discussion and deliberation of the text of the Declaration;
4. Planning of intersessional activities;
5. Any other matters.

Indigenous representatives from all parts of the world supported these proposals.

Several indigenous representatives also expressed concern about the accreditation procedure which meant that some organisations were not officially allowed to participate.

Several governments responded. Australia and other friendly governments said that there was a desire that indigenous peoples participate on the basis of equality and that a process should begin to decide procedures in advance. Norway proposed that practical procedures be found to ensure full participation. Canada argued in favour of flexibility and argued against forcing language of the Declaration through against participants' will. Denmark agreed that the meeting should be fully flexible, and also said that these matters should also be taken up at the Commission on Human Rights.

The conclusion of the meeting was that in future everyone would work towards consensus. It was decided that further consultations should take place between governments and indigenous peoples and on Wednesday morning another meeting took place attended by the indigenous caucus and representatives from the governments of Canada, Australia, Denmark, Sweden, India, Peru, Fiji, Malaysia, Brazil and the USA.

The atmosphere in the meeting was cordial and built on the previous discussion. Several proposals were made with which most

of those attending agreed. The first was that at the next session of the Commission on Human Rights a resolution should be made to establish procedures for the next Working Group. The second was that there should be a technical meeting held before the next Working Group to discuss and agree on the procedures in advance. The governments agreed to these ideas in principle. Among all the positive compliments directed to the Chair of the Working Group, it was clear that some governments and the indigenous caucus felt that he could have handled the sensitive moments in the meeting more openly and constructively. It was agreed that indigenous-government dialogue would reassure him that the will of the participants was to improve communications.

The meeting ended on a constructive tone and was reassembled on Friday morning. The idea of the meeting was to discuss ways of adopting a text in the final report which would include strategies for the full and fair participation of indigenous peoples. The indigenous peoples and friendly governments continued the joint strategy of proposing a discussion at the Commission on Human Rights and organising a technical meeting. The dialogue became side-tracked, however, by a proposal by Sweden that a group of indigenous peoples and governments be organised as 'friends of the Chair' to facilitate procedures and then become transformed into a drafting committee for the first reading of the Declaration. This caused concern among indigenous peoples because once more a threat was arising to open up the Declaration prematurely.

The Swedish proposal was seized on by some governments as being an alternative to the idea of the technical meeting and the discussion wove around the original proposals. Eventually, however, it was agreed that at the end of the meeting the Chair would be given a suggestion for proposing that the CHR takes up the question of participation with the idea of organising a technical meeting. The Swedish proposal was seen as 'premature' and a group began to draft a text for inclusion in the final report.

The Final Suggestion - an Example of Consensus

The final agreement of the text included in the report was an interesting example of how consensus can reduce proposals to the lowest common denominator. Immediately after the indigenous-government meeting, the indigenous caucus and the friendly governments drafted a proposed text for inclusion in the report: 'Fol-

lowing extensive consultations, participants agreed by consensus, that the matter of full and equal participation of indigenous peoples in the open-ended inter-sessional Working Group established by Commission on Human Rights Resolution 1995/32 must be ensured. In this regard, the Working Group respectfully requests that the Commission on Human Rights (requests that the Economic and Social Council) approve of and establish a series of technical meetings to ensure the full and equal participation of indigenous peoples in this Working Group, in the context of elaborating upon other modalities of participation.' Whereas the friendly governments were in agreement, Australia was concerned that the text would not gain consensus from Brazil and proposed a more general text: 'Many delegations felt it was essential that steps be taken to promote effective participation and consultation of organisations of indigenous peoples before the next session of the Working Group in order to facilitate the work of the Working Group and the clarification and elaboration of the text of the draft Declaration. Accordingly, the Working Group recommends that the Commission on Human Rights take this into account in the action it takes on this report.' This second text transfers 'full and equal participation' into 'effective participation and consultation', it raises the question of the 'clarification and elaboration of the text' and drops direct reference to a technical meeting. The indigenous representatives were unhappy about the 'clarification and elaboration of the text' phrase and this was removed.

Then the government negotiations began. The main problem was the Government of Brazil, which pushed to weaken the text even further. This annoyed the friendly governments and at one point relations within the Latin American caucus became markedly heated. Nevertheless, Brazil insisted and a further weakening of the text took place: 'Many delegations considered it important for measures to be adopted to consult organisations of indigenous people before the next session of the Working Group. Accordingly steps should be taken to consult with organisations of indigenous people before the next session. Accordingly the Working Group recommended that the Commission on Human Rights take this into account in the action it takes on this report.' This third text takes out any reference to participation and refers only to a consultation and further weakens the need for measures to be taken by changing the word 'essential' for 'important'.

The final text was passed around the indigenous caucus and people were told to approve it immediately because the High Commissioner for Human Rights was due to address the meeting and the final report had to be approved. An enormous amount of pressure was put on participants to agree and eventually, with reluctance, the text was accepted (although at the last minute the Chair unilaterally took the 's' out of the term peoples). In order to ensure that the original proposal was placed in the report, a representative of the indigenous caucus read out the original text.

This experience in seeing how consensus can be reached was a depressing illustration of how progressive initiatives can be reduced to their weakest alternative. Governmental negotiations on the floor of the plenary, drafting and re-drafting at speed, pressure from shortage of time and recalcitrant governments refusing to budge on an issue, even though they constitute a minority in the room, were all important features of the consensus process.

This demonstrates a clear contrast in the way in which indigenous consensus is reached and that of governments. In the indigenous caucus, the usual approach (with very few exceptions) is that during a discussion, those persons who take a minority position, seek to move their position or agree to allow the will of the majority to be accepted. The flexibility and transparency ensures eventual agreement with most of the meeting content. The governmental notion of consensus is that a progressive initiative is gradually weakened until the representative with the greatest opposition draws the text to the lowest common denominator. For this reason, indigenous peoples felt at the end of the meeting that their concern about participation was fully justified, because if there is no flexibility among governments, the text of the Declaration will become transformed into the ideas of a few governments such as Brazil, Bangladesh, the USA, Japan and France.

The Plenary Meetings of the Working Group

The Working Group meetings provided a parallel series of discussions to those concerning participation. After the Chair agreed to change the order of the agenda to begin with a general discussion and then taking clusters of articles at a time, the session developed into a more detailed commentary on the subjects covered in the 1995 Working Group. The debates on the clusters of articles were slowed down by the parallel interventions on participation. Whereas at

the beginning of the meeting, a substantial period was devoted to the cluster on culture, the time limit became shorter over the subsequent two weeks with the result that the topics were covered more briefly towards the end.

The summary covered here provides a sketch of the debates which took place on the Declaration. The indigenous peoples' position was consistently in favour of the current draft, whereas governments came up with many suggestions for changes. These were clustered around several issues. The most frequent comments from governments sought 'clarification' of wording. Whereas some government representatives hid behind this general argument in order to avoid explaining why they did not like certain aspects of the text, genuine clarification could be an important factor in future work.

General Debate

The indigenous representatives all proposed the adoption of the Declaration as it stands and placed specific emphasis on the importance of the right to self-determination. Collective rights were seen as a crucial component of the Declaration but not opposed to individual rights. Speakers stressed the importance of the concepts of consent and control regarding activities which take place on indigenous territories and everyone argued that recognition has to be made to ensure full and free access to the resources pertaining to their lands and territories.

Several governments supported indigenous demands for adopting the Declaration as currently drafted. Bolivia, Finland, Fiji and Switzerland were the most positive, while Chile, Mexico, New Zealand and Russia argued for some modification to the text. When analysing the text, however, Chile seemed to be conceptually in agreement with Finland in that it was concerned about self-determination threatening the territorial integrity of states. Mexico advocated taking on the wording of the ILO Convention 169 (a strategy adopted by the Organisation of American States for its draft Declaration which is receiving much criticism from indigenous peoples). Peru was more positive than in the previous year but advocated substantial modifications and raised the question of definition.

Articles 12, 13, 14, 24 and 29 - Culture

These articles cover cultural and religious rights as well as providing protection for indigenous intellectual property. Indigenous peoples

were fully in agreement with the text, whereas governments had several concerns. Some (including 'friendly' ones such as Norway and Australia which largely supported the draft) were uncomfortable about the idea of securing the restitution of indigenous property to traditional owners. They wanted reference to other third party ownership. However, the indigenous response to this has been that indigenous peoples are the owners of their own culture and that all cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their customs should be restored.

A concern raised by France and a few other governments (but mentioned several times in 1995) was the question of what has been called 'positive discrimination'. They considered that the adoption of 'special measures' to support indigenous peoples contradicts the notion of equality of citizenship. This concern was addressed by making it plain that 'special measures' are not intended to create an inequality between indigenous and non-indigenous, but to secure a 'standard of living which is on a par with others in the same country'.

A few governments (notably Brazil, France and Russia) also raised the objection that national legislation should be the guiding principle for passing the Declaration, and a disclaimer should be made to bring the text into line with existing national legislation. However, in 1995, legal experts agreed unanimously that a Declaration is a document which establishes a visionary perspective of the world and as such should not, and cannot, be designed on the basis of already existing national legislation; rather national legislation should be reviewed in the light of the Declaration (as mentioned in Article 37).

Several governments (France, Switzerland, the Netherlands and Sweden) considered that cultural rights should be qualified to ensure that indigenous peoples respect current international law. However, indigenous peoples have regularly pointed to the fact that Article 33 already ensures that all indigenous institutional structures, juridical customs, traditions, procedures and practices should take place 'in accordance with internationally recognised human rights standards'.

Articles 1, 2, 43, and 42, 44, 45 - Human Rights

This cluster of articles connects indigenous peoples to general human rights standards. It guarantees them full enjoyment of all human rights as individuals and peoples, and as male and female, all within the framework of the UN Charter. Furthermore, the Decla-

ration is seen as minimum standards which cannot be interpreted as diminishing indigenous rights in the future. Indigenous peoples fully supported the articles as did New Zealand, Finland, Denmark, Australia and Norway.

Practically all the governments accepted these articles in principle. However, a possible point of contention stemmed from the distinction between collective and individual rights which was discussed at length in 1995. Then, international legal experts made it plain that international law from the Convention on Genocide and the Covenants on human rights to the ILO Conventions 107 and 169 all recognise collective rights. The line up from 1995 remained broadly the same: Norway Finland, Denmark, Australia, Fiji, Bolivia and Colombia for example have no problem; Brazil wants the concepts clarified but accepts collective rights; the Netherlands wants the relationship with individual rights clarified, while France, USA, Sweden and Japan are opposed.

Articles 5, 9 and 32 - Nationality and Institutional Membership

These articles recognise the right of indigenous peoples to be citizens of the nation-states in which they live and to identify and choose the membership of their own institutions. Indigenous peoples supported these articles as did the governments of Fiji and Finland. A few governments had difficulties in grasping some of the concepts - Malaysia did not know what an 'indigenous nation' was and several representatives were confused at the notion of 'indigenous citizenship' in Article 32.

A criticism was made that there was an overlap between Article 32 and the others and it should therefore be deleted (Brazil and Japan). However, indigenous peoples consider that Article 32 is significant because it is a fundamental statement that indigenous peoples must determine their own membership and citizenship. This is distinct from the earlier articles which guarantee their right to be citizens of states and members of an indigenous people. Nevertheless, this section was comparatively uncontroversial.

Articles 15, 16, 17 and 18 - Education, Media and Labour (Part IV)

This cluster of articles recognise the indigenous right to control their educational systems and ensure that teaching and the media reflect their languages and traditions. Article 18 guarantees indigenous peoples' labour rights. Indigenous representatives, as in all cases, supported these articles fully.

On the whole governments supported these arguments. France was concerned that the effect of recognising indigenous peoples' right to control their education could lead to parallel systems, while Brazil expressed concern at the administrative consequences for countries with many indigenous peoples. New Zealand raised the problem of financial obligations on the part of states to ensure that indigenous peoples have the resources for education in their own language and culture. Several countries (Japan and France) said that the text of the declaration was too binding.

On the whole this was a largely uncontroversial cluster of articles. Indigenous peoples emphasised that they were seeking the means to ensure that they had the same opportunities as anyone else in the country and they stressed that bilingual and inter-cultural education was something which they themselves should define, not governments.

Articles 6, 7, 10 and 11 - Freedom from Genocide, Armed Conflict and Relocation

These articles cover the right to protection from genocide and ethnocide, prohibition on forced relocation and protection in times of war. On the whole governments were broadly in favour including Sweden, Colombia, Norway, Fiji and Finland. One concern was the desire by some governments to ensure that forced relocation is sometimes necessary, particularly in times of war (Malaysia and Brazil). A few governments objected to the term cultural genocide (Chile and the USA), while others felt that special protection in times of war was unnecessary beyond the already existing international legal provisions (France and Canada). All of these points had been made in 1995.

Indigenous peoples were opposed to this because they consider that in times of war or in states of emergency they are perfectly capable of requesting support from governments to relocate using their full and informed consent rather than having external decisions foisted onto them. Indigenous peoples are increasingly using the term 'cultural genocide' which has a longer history than 'ethnocide', going back to the original discussions of the Genocide Convention.

Articles 19, 20, 22 and 23 - Participation in National Politics, Provisions to Improve Conditions and Development

These articles provide for indigenous peoples' right to participate at all levels of decision-making which affects them and obtaining

consent before devising legislation which affects them. Article 22 looks at providing for social and economic needs and Article 23 covers the right to development.

Governments on the whole supported these articles (particularly Mexico, Denmark, Fiji, Chile, Colombia and China. However, Canada, Colombia and Japan were concerned that indigenous 'individuals' were gaining special rights over and above other citizens. The USA was the only country to question the right to development.

Indigenous peoples point out that they are not seeking 'special rights' but the means to ensure that they have the same opportunities as others and that they can control their own lives on the basis of their rights as indigenous peoples. This point has been made repeatedly but needed to be explained continuously.

Articles 4,8, 21 and 33 - Preserving Identity, Institutional Recognition and Protection

This cluster of articles covers indigenous peoples maintaining and strengthening their political, economic, social and cultural characteristics, including their systems and institutional structures.

France opposed all of these articles, whereas Norway, Sweden, Colombia and Russia were in favour. Brazil, Malaysia and Japan were opposed to the term 'indigenous legal systems', although Australia and Chile merely wanted clarification on this point. The US required more general clarification. With the exception of France, the governments seemed, on the whole, broadly in favour of the articles; however, it is uncertain as to the extent to which they would weaken the text in a drafting exercise.

Indigenous peoples consistently argue that without full recognition of their own organisational systems and structures, they cannot exercise control over their own lives. 'Indigenous legal systems' is a phrase of considerable importance because it reflects the existing means whereby indigenous peoples make decisions and resolve disputes. Without recognising these, the distinct nature of indigenous peoples' identity is ignored.

Articles 25 and 26 - Lands and Territories

These articles look at the rights of indigenous peoples to own, develop, control and use their lands and territories. Indigenous peoples were strongly in favour of these articles as essential for the minimum recognition of their rights.

Governments broadly expressed agreement with the philosophical aspects of Article 25 and most were in agreement over the provision and protection of resources in Article 26. However, whereas Australia, Finland, Norway and Fiji favoured the text with a few minor clarifications relating to national situations, Sweden, the USA and Brazil were concerned about the extent to which ownership was recognised. They advocated the terms 'own, develop, or use' to replace 'own, develop and use' in the text. This could have the effect of limiting the scope of ownership to one of the three aspects rather than embracing all of them.

The other point which was raised in the discussion was the use of the term 'territories'. Japan and Ecuador were not comfortable with the notion of territory which they see as a state concept. Canada's suggestion was to see territory as based on usufruct rights rather than ownership. Indigenous peoples and the friendly governments were clearly in disagreement with limiting ownership of their lands, territories and resources.

Lands and territories are extremely important for indigenous peoples. Territorial rights are a fundamental part of their political organisation and also expresses the holistic totality of their environment which the term 'lands' does not cover. Ownership is a major aspect of these articles because without this right recognised indigenous territories can become prey to outside interests intent on plundering their resources.

Articles 27, 28 and 30 - Environment and Restitution

This cluster looks at the importance of restituting lands and territories of indigenous peoples which have been taken without their consent and, where this is not possible, to arrange for compensation. The other articles cover environmental conservation, protection of indigenous territories and indigenous control over development on their lands and territories. Indigenous representatives consistently defended these articles as written.

Governments took different positions on this. Colombia was the only friendly government to speak during this section and fully supporting the existing text. The governments of Ukraine and Japan wanted the articles to conform with national legislation, while Sweden, France and Brazil were not in favour of indigenous peoples' 'free and informed consent' as this was tantamount to a 'veto'. A few countries (France, Sweden and Brazil), were not in favour of

prohibiting military activities on indigenous territories. The idea of providing compensation for indigenous peoples was also not popular with France.

Indigenous peoples regularly insist that the Declaration is not bound by existing national legislation. Furthermore, restitution should be seen as an obligation arising from the colonisation of indigenous territories and the loss of resource potential. Indigenous peoples want control over their lands and territories so that they can ensure that hazardous waste is not dumped on their lands and that their territories are not used for dangerous nuclear testing or other military activities.

Articles 36, 37 and 39 - Treaties, National Legislation and Procedures for Conflict Resolution

These articles cover the recognition, observance and enforcement of treaties and other agreements, the incorporation of the Declaration into national law and procedures for resolving conflicts and disputes with states taking into account indigenous peoples' customs and legal systems. Indigenous peoples fully supported the current text as did the governments of Colombia and Finland. Chile, Venezuela and Brazil agreed broadly but wanted to ensure that the Declaration was implemented in a domestic national context.

The only comments on the treaties came from the USA and Canada which asserted that they should be seen as national agreements not something to be resolved in international fora. This is clearly not the view of indigenous peoples who have signed treaties with states. The main complaints came from France, Canada and to some extent Sweden which wanted the Declaration to be applied in a less mandatory manner.

The indigenous perspective argues that national negotiations sometimes need international arbitrators when agreements cannot be found. They insist on the international recognition of their treaties. Governments which complain of the mandatory nature of the Declaration are mainly concerned about the moral obligations which the text imposes on them. However, indigenous peoples consider that governments do have obligations to ensure their well-being.

Articles 35, 38, 40 and 41 - Border Rights, Financial Assistance and UN Support

This cluster is a rather incoherent combination of articles. The first covers the rights of indigenous peoples living across borders and

was on the whole approved - although France thought it too broad. Several countries (the USA, Australia, Chile and Brazil) were concerned about the financial implications of implementing the Declaration and were reluctant to find themselves committed to expenditure for indigenous peoples.

All agreed that the UN and international agencies should contribute to the implementation of the Declaration. Some wanted to use wording from the Minorities Declaration to this effect, but indigenous representatives do not consider that the Minorities Declaration is of much use in their context and prefer to keep the text as it stands. Once again, some governments express concern that they will be obliged to support indigenous peoples financially and with technical assistance. This position demonstrates that states would like all rights arbitrated by governments while all obligations are taken over by inter-governmental bodies. In this way they control indigenous peoples and are not obliged to contribute anything.

Articles 3, 31 and 34 - Self-determination

The Chair had intentionally kept the discussion on self-determination until the end, although several governments had already referred to the subject in their general comments. This cluster deals with the assertion of the right of self-determination for indigenous peoples in Article 3 and also the Article 31 example of self-determination as autonomy and self-government on their internal affairs. Article 34 looks at the relationship between self-determination and individual responsibilities.

A large number of governments were in favour of these articles such as Colombia, Bolivia, Fiji and Denmark. Chile and the Philippines sought further clarification. Those opposed were the USA, Brazil, France and Argentina.

The most dramatic moment came in the statement of the representative of Canada when he said: 'I wish to state at this point that the Government of Canada accepts a right of self-determination for indigenous peoples which respects the political, constitutional and territorial integrity of democratic states.' This constitutes a major change in the complexion of the governments because Canada, since the time of the revision of ILO Convention 169, has consistently referred to 'indigenous people' and not accepted the notion of self-determination in its collective sense. This shift among one of the major governmental actors in the meeting demonstrates clearly

that with explanation and determination on the part of indigenous peoples, it can become possible for states to understand indigenous peoples' views of their rights.

Conclusion

Government Positions

In 1995 IWGIA worked with several indigenous representatives to build up a general schema of how governments relate to indigenous peoples. The friendly governments were warm, those which were broadly in agreement with the Declaration but wanted some clarification were lukewarm; the tepid governments were not hostile but not really supportive, while the cold governments were primarily negative in their attitude.

1996 has seen some substantial changes. The Asian governments were remarkably silent in 1996. Only Malaysia and the Philippines made a few statements. To some extent this is a positive move in that governments such as India were listening to the discussion and seemed open to discussion. The movement of Canada from 'tepid' to 'lukewarm' (to place them as warm might be premature) is significant. In contrast, Sweden's position was more tepid in 1996. Peru and India show signs of positive movement over the year. Several governments did not attend this year, the most conspicuous absentees were the Arabic and African countries (with the exception of South Africa).

The current situation is as follows where (C) means member of the Commission on Human Rights, * means an improvement and # means a deteriorating position:

Cold	Tepid	Lukewarm	Warm
<i>Active Participants</i>			
Brazil (C)	Malaysia (C)	Canada (C)*	Australia (C)
China (C)	Philippines (C)	Mexico (C)	Colombia (C)
France (C)	New Zealand	Russia (C)	Finland
Japan (C)	Sweden #	South Africa *	Bolivia
USA (C)	Peru (C) *	Chile (C)	Denmark (C)
Argentina	Ukraine (C)	Norway	Fiji
	Ecuador (C)		

Silent Countries based on discussions and last year

Bangladesh (C)	Indonesia	El Salvador	Cuba (C)
Nigeria	Nepal	Panama	Nicaragua
	India (C) *	Spain	
	Germany	United Kingdom (C)	
	Venezuela (C)	Pakistan (C)	
		The Netherlands (C)	
		Estonia	

Unknown Quantities

Austria (C), Costa Rica, Ethiopia (C), Honduras, Italy (C), Morocco, Thailand, Vietnam

A general conclusion which can be gained from this is that there have been signs of positive movements among four countries and deterioration with one (Sweden). The observers were fewer in 1996 (no Arabic and few African countries) while the Asian countries were largely silent - indicating a willingness to listen. However, Argentina is a new candidate for the negative column. Countries to watch over the next 12 months are Nicaragua and Australia which have both had elections where the new rightest governments may weaken their positive position.

Achievements of the Session

The second session of the Open-ended Working Group was a complicated process. On the one hand, indigenous representatives tried a different strategy from 1995. Instead of arguing for a gradual movement of discussion and persuasion, they took an assertive position, arguing for the immediate adoption of the Declaration and changes of procedures at higher levels of the UN. The reaction of the Chair was abrupt and the reaction of the indigenous caucus was to walk out. However, a complementary arrangement emerged over subsequent days where those inside and outside the room worked together on two fronts: to defend the Declaration as it is currently drafted from within the plenary and to promote full and equal participation of indigenous peoples in future sessions through informal dialogue with the governments outside the session.

In spite of the brinkmanship and tension at various points in the meeting, the net result was positive. The original aim of indigenous peoples was that the Declaration should not be opened up for redrafting. Yet throughout the year governments and observers had

warned that this would be inevitable. However, at the end of the second session, the Declaration is still intact and what is more, a major governmental player, Canada, has demonstrated that it is prepared to listen to indigenous peoples and be flexible. This change of position after 10 years has perhaps been the most significant event of the session.

The second important achievement of the session has been that the Working Group has agreed to suggest to the Commission on Human Rights that modalities of participation should be discussed at the next meeting of the Commission in March. Although the final text of the resolution did not include all the items which indigenous peoples wanted, the subject-matter is now ready to be placed on the CHR agenda and friendly governments and indigenous peoples are prepared to follow the recommendation through.

The consequence of this is that indigenous peoples have to be present at the UN Commission on Human Rights in order to push for their full and equal participation in future meetings. This is extremely important because indigenous peoples are finding that an increasing number of activities are taking place at the governmental levels of the UN - particularly the Decade, the Permanent Forum and the Declaration. For these to have any legitimacy and relevance to indigenous peoples, there has to be a full and equal participation of indigenous peoples at the meetings.

Lessons Learnt and Future Work

The main lesson learnt at this session of the Open-ended Working Group is that both governments and indigenous peoples are nervous about the future of the Declaration. When indigenous peoples fear that the text is to be opened up, they shift from their gradualist, collaborative approach to dealing with the text and take up a strong position which can be just as intransigent as that of the USA, Brazil or Bangladesh. This confrontation is sometimes necessary, but it does place risks on the future of the Declaration.

The Declaration is not a document made by indigenous peoples and it does not even 'belong' to indigenous peoples. However, for it to gain legitimacy at an international level it must have indigenous participation and consent. An important lesson from this year is that without indigenous peoples present in the room, the whole exercise became a discussion about the rights and duties of governments in relation to indigenous peoples, not a Declaration for

indigenous peoples themselves. In order for the Declaration to move ahead, indigenous peoples have to give their consent.

At the same time, governments say that they need to demonstrate that the Declaration is moving forward and that the Working Group is not becoming a talking shop. The original idea of governments was to start drafting, but indigenous peoples refused to co-operate. The result is that a way has to be found which moves the process forward without opening up the Declaration. Several governments and indigenous peoples are discussing an approach which could find a way through this difficult situation.

The approach is to see what the main areas of difference are by identifying concepts over which there is not yet agreement. By discussing the text as it stands and requesting governments and indigenous peoples to identify what the terms mean to them, consensus can be found on substantive meaning. Once there is conceptual agreement, the substantive issues will be resolved. Then the Declaration can be looked at technically to reflect the agreements already made.

One of the most common comments by governments is that they need the text clarified. To some extent this is a diplomatic way of expressing disagreement. However, this year it became clear that some governments and indigenous peoples do not share a common interpretation of the Declaration. Some of the lack of clarification is because governments genuinely do not understand what indigenous peoples want. The positive approach would be that for the next few years specific items would be clarified such as collective rights, self-determination, territoriality, recognition of indigenous legal systems, responsibilities of governments, intellectual property and cultural heritage. The aim would be to reach a consensus between governments and indigenous peoples as to substantive content of these rights. This would enable the dialogue to continue on a constructive basis without encountering a deadlock of the proceedings, which so nearly occurred in this session of the Working Group.

INDIGENOUS ISSUES

The 53rd session of the Commission on Human Rights

by Inger Sjørlev

The 1997 meeting of the Commission on Human Rights took place from 10 March to 18 April, in Geneva as is tradition. This was the second time indigenous issues were found on the agenda as a special item. Moreover, indigenous representatives had had more time than in 1996 to prepare for participation on this agenda item, which was scheduled for 1 April. An indigenous preparatory meeting was held on 31 March in the World Council of Churches. Some 40 indigenous and NGO representatives participated. As in previous years, the indigenous preparatory meeting was called and organised by Kennet Deer of the Mohawk Nation, who chaired the session.

Many issues were discussed during the afternoon session, including ongoing and planned studies - the ongoing one on treaties and a planned one on land rights -, the permanent forum and the idea of creating a special rapporteur on indigenous issues. Most of the meeting, however, concentrated on procedural issues and the questions that were called forth by the occurrences at the intersessional working group in 1996, as related in the previous chapter of this yearbook. A lengthy discussion was held on the possibility of requesting special measures under agenda item 24, in order to allow indigenous people to speak as themselves, without having to seek speaking time from a NGO with ECOSOC status. 'The NGO status is outdated for indigenous peoples,' stated one representative, suggesting that this issue be dealt with before the next meeting of the Commission. It was also reported that some governments were favourable to the idea of indigenous people speaking without NGO credentials.

The decision on rules of procedure and speaking time is taken by the Bureau, and there does not seem to be any reason why a NGO

could not accredit a number of speakers. A decision to allow this can be taken by the Chair, after consultation with the Bureau. In connection with this, it was suggested that the indigenous people ask for suspension of the rules of procedure for the agenda item on indigenous issues, with the argument that this would allow the Commission to take advantage of the expertise available from indigenous persons present. The meeting thus decided to approach the chairman of the intersessional working group, Ambassador José Urrutia, to request advice and support on these procedural matters, and aim for a solution to these before the next intersessional working group meeting. During the Commission meeting it appeared that it was too late to seek any procedural changes at the present meeting. The suggestion was, however, that the indigenous people should work slowly to open up more and more doors for their participation in a non-threatening manner. It was also emphasised that the rules are more restrictive in the Commission, but that it would be possible to aim for more flexibility in the next intersessional working group. A series of meetings with the chairman during the Commission meeting resulted in a consensus between the chairman and the indigenous representatives on this matter.

The discussions on the Declaration focused on how to deal with the governments that are opposed to the Declaration. Several suggestions for strategies were made including adoption and immediate implementation of the Declaration among the indigenous peoples themselves; to lobby for adoption and use in political climates favourable to the Declaration; and to reach an agreement with governments on the points of the Declaration that are the least problematic, while creating a strategy for dealing with the controversial issues like self-determination and the question of land rights.

The draft resolutions of this meeting were also discussed. These were:

- 1) A resolution on the Working Group and the Decade, put forward by New Zealand;
- 2) A resolution on the permanent forum put forward by Denmark, the Greenland Home Rule Government and the Nordic countries; and
- 3) A resolution on procedural matters put forward by Canada.

Further meetings on these draft resolutions were held during the following days.

On 1 April, agenda item 24: 'indigenous issues', was opened. Altogether, around ten governments and twenty indigenous representatives and NGOs spoke on this item, which ended on 2 April, after having included an evening session on 1 April.

Ambassador José Urrutia opened the agenda item, reporting on the intersessional working group. The chairman emphasised the need to create a climate of thrust and said that the only possibility of overcoming problems lay in imaginative thinking and in mutual respect among all those involved. He also emphasised the need to look at the participation of indigenous peoples in order for substantial negotiations to begin and said that the intersessional working group depended on the guidance of the Commission on this issue. While using the term 'indigenous peoples' himself, the chairman said that the problem of whether to use the term 'peoples' or 'people' was not yet solved.

Among the governments, China and several other Asian countries called for a definition of indigenous people. The Australian Government, which has previously been active and positive towards indigenous issues, has now, with the change of government adopted a more passive and conservative attitude, with much less respect for indigenous peoples' opinions. Latin American governments were generally favourable towards the issue and several of them mentioned the need to discuss the creation of a permanent forum. The speech by the Nordic countries was held by Mr. Hans Pavia Rosing, a Greenlandic member of the Danish Parliament, who emphasised the need for a second workshop on the permanent forum and urged the Commission to take quick and decisive steps towards the establishment of a permanent forum for indigenous peoples. The Nordic countries further regarded the adoption of a declaration as a major objective of the International Decade of the World's Indigenous Peoples.

Many strong and important interventions were made by the indigenous representatives. They addressed many specific issues, but most of them at the same time advocated for the adoption of the draft Declaration and emphasised the necessity to find a solution to the problem of indigenous participation. Also, the permanent forum and the need to hold a second workshop were mentioned by several speakers.

Within the same week a number of informal meetings were held, some with the chairman of the intersessional working group, Am-

bassador José Urrutia, some with exclusive indigenous participation, and a few with governments. One meeting was called by the Canadian and the Danish governments with the support of many other government delegates. This meeting discussed the draft resolutions that were on the table. Both the one on the Decade and the Working Group and the one on participation led to a number of critical remarks on the part of the indigenous representatives. The indigenous people preferred separate resolutions on the Working Group and the Decade. The government argument for merging the two was that the Commission wants to rationalise. A less official argument could be, however, that the fewer resolutions on indigenous issues the less emphasis on this subject.

On the question of participation, all the indigenous representatives emphasised the necessity of indigenous peoples to be part of the process and said that the problems faced now will increase in the future. Indigenous people will arrive at the Commission in greater and greater numbers, and some changes will eventually have to take place to accommodate these people as equal partners and to avoid the need to seek accreditation with NGOs unrelated to the subject in order to be able to speak.

Finally, the issue of the study on land rights was addressed, and eventually a resolution on this study was passed, along with two other resolutions on already running activities in the Subcommission. Three resolutions were thus put forward from the Subcommission: one on the treaties study, which will be concluded soon, one on the study of cultural heritage, and one on the proposal to draft a report on indigenous peoples and land rights. This last resolution had met opposition from some governments, which maintained that such a study should not be initiated while the intersessional working group on the draft Declaration was treating the issue. This resolution had, however, been strongly lobbied for by some of the indigenous representatives and was fortunately adopted in the end.

The resolutions from the Subcommission were adopted by consensus and without a vote, like the other three resolutions adopted, which were the following:

- 1) The resolution on the permanent forum, introduced by the Danish-Greenlandic delegation: 36 members supported the resolution. The main point in this was the holding of a second workshop on the permanent forum, by the end of June, Chile being

the host. The problems had been mainly demands from the US that all expenses should be voluntary. A compromise was reached on this question.

- 2) The resolution on the intersessional working group, put forward by Canada: This resolutions corresponded largely to the resolution of last year. No changes had been made in the formulations concerning indigenous participation and accreditation. The indigenous representatives had wanted this, but governments, particularly Bangladesh had wanted a tightening of the rules. The compromise was thus to keep last years formulations. The indigenous peoples' hesitant consent to this must be seen in the light of the informal consultations held with the chairman and the agreements to continue to hold such meetings, in order to avoid the tumultuous occurrences of last year.
- 3) The resolution on the Working Group and the Decade, put forward by New Zealand, which had taken over this issue from Australia - which wants to keep a low profile on this issue. The merged resolution was kept, due to pressure mainly from a number of Asian governments that want to streamline and rationalise the work of the Commission. This resolution called for the High Commissioner for Human Rights to take over the activities of the Decade. The part of the text that concerns the Working Group was mostly of a procedural character.

This year was the first time the indigenous peoples had the chance to prepare their representatives' participation at the Commission level under the agenda item 'indigenous issues'. This chance was well taken advantage of, and the indigenous peoples were well represented. There were few Asians, however, and hardly any African representatives. This is regrettable, and those representatives who were there, would surely profit from a stronger representation from these important parts of the indigenous world. The co-operation among those present was intense and fruitful. The issue of participation was the most important one, when seen in a long-term perspective. And, as also revealed by the previous chapter on the intersessional working group, this issue will no doubt have to be taken up again, and the indigenous peoples will have to prepare well for the next round of negotiations, both in the intersessional working group and next year's Commission.

The permanent forum was another issue which will have hopefully been taken one step further before the next meeting of the Commission. The second workshop will have taken place before that, and it can only be hoped and advised that the indigenous peoples - particularly in Asia and Africa where there has not yet been much opportunity for discussing hopes and wishes for the forum - will use the time to discuss among themselves how they want to be represented and what their aspirations are for this forum, which should not be regarded as a substitute for the present UN Working Group on Indigenous Populations, but as a high level body within the UN, to deal exclusively with indigenous issues in a constructive co-operation with governments and UN bodies and with the advice of independent experts.

At the 1997 session of the Working Group on Indigenous Populations there will be opportunities for discussing both the permanent forum, on the basis of the results of the second workshop, and the issue of participation in the next intersessional working group of the draft Declaration. It is likely that the tumultuous experiences of the 1996 session can be avoided, due to the good and trustful atmosphere established with the chairman, José Urrutia, and the shared understanding of the problems.

The final fate of the draft Declaration is, however, as uncertain as ever. It is to be hoped that points of consensus can be found and that governments and indigenous peoples will work together to find a constructive way of dealing with the problematic articles. This should take place within a process of mutual education, which, as has often been emphasised by indigenous representatives, is what is needed to make this important and historic process continue and give fruitful results.

IWGIA PUBLICATIONS

In English

- No. 1:** Declaration of Barbados. (1971) US\$ 2.20-
- No. 6:** René Fuerst: Bibliography of the Indigenous Problems and Policy of the Brazilian Amazon Region. 1957-1972. (1972) US\$ 3.60
- No. 7:** Bernard Arcand: The Urgent Situation of the Cuiva Indians of Columbia. (1972) US\$ 3.60
- No. 12:** Nelly Arvelo Jiménez: The Dynamics of the Ye'cuana ("Maquiritare") Political System: Stability and Crisis. (1972) US\$ 3.60
- No. 14:** Douglas Esmond Sanders: Native People in Areas of Internal National Expansion: Indians and Inuit in Canada. (1993) US\$ 3.60
- No. 15:** Alicia Barabas and Miguel Bartolomé: Hydraulic Development and Ethnocide: The Mazatec and Chinotec People of Oaxaca, Mexico. (1973) US\$ 2.90
- No. 16:** Richard Chase Smith: The Amuesha People of Central Peru: Their Struggle to Survive. (1974) US\$ 4.30
- No. 17:** Mark Münzel: The Aché: Genocide Continues in Paraguay. (1974) US\$ 3.60
- No. 18:** Jürgen Riestler: Indians of Eastern Bolivia: Aspects of their Present Situation. (1975) US\$ 6.50
- No. 19:** Jean Chiappino: The Brazilian Indigenous Problems and Policy: The Example of the Aripuana Indigenous Park. (1975) US\$ 2.90
- No. 20:** Bernardo Berdichewsky: The Araucanian Indians in Chile. (1975) US\$ 3.60

- No. 21:** Nemesio J. Rodríguez: *Oppression in Argentina: The Mataco Case.* (1975) US\$ 3.60
- No. 22:** Jacques Lizot: *The Yanomami in the Face of Ethnocide.* (1976) US\$ 3.60
- No. 23:** Norman E. Whitten: *Ecuadorian Ethnocide and Indigenous Ethnogenesis: Amazonian Resurgence Amidst Andean Colonialism.* (1976) US\$ 3.60
- No. 24:** Torben Morberg: *The Reaction of People of Bellona Islands towards a Mining Project.* (1976) US\$ 4.60
- No. 25:** Felix Razon and Richard Hensman: *The oppression of the Indigenous Peoples of the Philippines.* (1976) US\$ 4.60
- No. 27:** Peter Kloos: *The Akuriyo of Surinam: A Case of Emergence from Isolation.* (1977) US\$ 3.60
- No. 28:** Ernesto Salazar: *An Indian Federation in Lowland Ecuador.* (1977) US\$ 4.60
- No. 29:** Douglas E. Sanders: *The Formation of the World Council of Indigenous Peoples.* (1977) US\$ 2.20
- No. 30:** Julio Tumiri Apaza: *The Indian Liberation and Social Rights Movement in Kollasuyu, Bolivia.* (1978) US\$ 4.80
- No. 31:** Norman Lewis: *Eastern Bolivia: The White Promised Land.* (1978) US\$ 2.20
- No. 32:** Ernest G. Migliazza: *The Integration of the Indigenous People of the Territory of Roraima, Brazil* (1978) US\$ 2.20
- No. 33:** Guatemala 1978: *The massacre at Panzos.* (1978) US\$ 4.60
- No. 36:** Gerald D. Berreman: *Himachal Science, People and "Progress".* (1979) US\$ 3.20 (Out of print)
- No. 40:** Torben Retbøll: *East Timor, Indonesia and the Western Democracies.* (1980) US\$ 7.20
- No. 42:** Brigitte Simón, Barbara Riester and Jürgen Riester: *I sold Myself, I was bought.* (1980) US\$ 8.70
- No. 44:** Paul L. Aspelin and Silvio Coelho Dos Santos: *Indian Areas Threatened by Hydroelectric Projects in Brazil.* (1981) US\$ 10.10

- No. 45:** Robert Paine: *Dam a River, Damn a People?* (1982) US\$ 7.20
- No. 46:** Nicolás Iñigo Carreras: *"Violence" as an Economic Force.* (1982) US\$ 3.80
- No. 47:** Klaudine Ohland and Robin Schneider: *National Revolution and Indigenous Identity.* (1983) US\$ 11.60
- No. 48:** Robert Barnes: *Whaling of Lembata: The Effects of a Development Project on an Indonesian Community.* (1984) US\$ 4.30
- No. 49:** Jean Pierre Chaumeil: *Between Zoo and Slavery: The Yagua of Eastern Peru in their Present Situation.* (1984) US\$ 5.80
- No. 50:** Torben Retbøll: *East Timor: The Struggle Continues.* (1984) US\$ 10.10
- No. 51:** Wolfgang Mey: *Genocide In the Chittagong Hill Tracts, Bangladesh.* (1984) US\$ 10.10
- No. 52:** Kaj Århem: *The Maasai and the State.* (1985) US\$ 5.80-
- No. 53:** Marcus Colchester: *The Health and Survival of the Venezuela Yanomama.* (1985) US\$ 8.00
- No. 55:** Andrew Gray: *And After the Gold Rush...? Human Rights and Self-Development among the Amaraeri of South-eastern Peru.* (1986) US\$ 9.40
- No. 56:** *The Naga Nation and its Struggle against Genocide.* (1986) US\$ 10.90
- No. 57:** Mariel Otten: *Transmigrasi: Indonesian Resettlement Policy 1965-1985, Myths and Realities.* (1986) US\$ 11.60
- No. 58:** *Self-Determination and Indigenous Peoples. Sámi Rights and Northern Perspectives.* (1987) US\$ 10.10
- No. 59:** Carmen Junqueira and Betty Mindlin: *The Aripuana Park and the Polonoroeste Programme, Brazil.* (1987) US\$ 6.30
- No. 60:** Robert Lizarralde, Stephen Beckermann and Peter Elsass: *Indigenous Survival among the Bari and Arhuaco: Strategies and Perspectives.* (1987) US\$ 5.80

- No. 61:** Pierre Rossel (Ed.): *Tourism: Manufacturing the Exotic.* (1988) US\$ 11.60
- No. 62:** Ward Churchill (Ed.): *Critical Issues in Native North America.* (1989) US\$ 11.60
- No. 63:** IWGIA (Ed.): *Indigenous Self-Development in the Americas.* (1989) US\$ 11.00
- No. 64:** Ticio Escobar: *Ethnocide: Mission Accomplished!* (1989) US\$ 5.00
- No. 65:** Daniela Renner (Ed.): *People In Between.* (1990) US\$ 8.00
- No. 66:** *Indigenous Women on the Move.* (1990) US\$ 10.00
- No. 67:** *Indigenous Peoples of the Soviet North.* (1990) US\$ 6.00
- No. 69:** IWGIA/Inuit Circumpolar Conference: *Arctic Environment: Indigenous Perspectives* (1991) US\$ 7.50
- No. 70:** Andrew Gray: *Between The Spice of Life and the Melting Pot: Biodiversity conservation and its impact on Indigenous Peoples.* (1991) US\$ 7.50
- No. 71:** Alan R. Marcus: *Out in The Cold: The Legacy of Canada's Inuit Relocation Experiment in the High Arctic.* (1992) US\$ 10.00
- No. 72:** Mauro Leonel: *Roads, Indians, and Environment in the Amazon: From Central Brazil to the Pacific.* (1992) US\$ 13.00
- No. 74:** "Never drink from the same cup" *Proceedings of the Conference on Indigenous Peoples in Africa.* Tune, Denmark 1993. US\$ 33.00
- No. 75:** *Hawai'i Return to Nationhood.* (1994) US\$ 33.00
- No. 76:** W. J. Assies and A.J. Hoekema: *Indigenous Peoples Experiences with Self-determination.* (1994) US\$ 25.00
- No. 77:** June Nash: *The Explosion of Communities in Chiapas.* (1995) US\$15.00
- No. 78:** Jerome Lewis: *The Twa of Rwanda.* (1995) US\$ 15.00
- No. 79:** Robert K. Hitchcock: *Bushmen and the politics of the environment in Southern Africa.* (1996) US\$ 15.00

- No. 80:** *..Vines that Won't Bind. Indigenous Peoples in Asia. Proceedings of a Conference held in Chiang Mai, Thailand, 1995.* (1996) US\$ 25.00
- No.81:** *Anxious North. Indigenous Peoples in Soviet and Post Soviet Russia.* (1996) US\$ 32.00
- No.82:** *Indigenous Peoples, Forest, and Biodiversity. Indigenous Peoples and the Global Environmental Agenda.* (1996) US\$ 23
- No.83:** *Enslaved Peoples in the 1990s. Indigenous Peoples, Debt Bondage and Human Rights.* (1997) US\$ 25

Documents in Spanish

- No. 1:** Ricardo Falla: *Masacre de la Finca San Francisco Huehuetenango, Guatemala (17 de Julio de 1982).* Septiembre 1983. US\$ 9.00
- No. 2:** Robert Barnes: *Pesca de Cachalote en Lembata: Consecuencias de un Proyecto de Desarrollo en una Comunidad Indonesia.* Julio 1984. US\$ 4.30
- No. 3:** Jean Pierre Chaimeil: *Entre el Zoo y la Esclavitud: Los Yagua del Oriente Peruano en su Situación Actual.* Noviembre 1984. US\$ 5.80
- No. 4:** Torben Retbøll (red.): *Timor Oriental: La lucha continúa.* Mayo 1985. US\$ 10.10
- No. 5:** Andrew Gray: *¿Y después de la fiebre del oro...? Derechos Humanos y Autodesarrollo entre los Amarakaeri del Sudeste de Perú.* Diciembre 1986. US\$ 9.40
- No. 6:** Carmen Junqueira & Betty Mindlin: *El Parque Indígena Aripuana y el Programa Polonoeste.* Junio 1987. US\$ 6.30
- No. 7:** Pierre Rossel (red.): *Turismo: La Producción de lo Exótico.* Junio 1988. US\$ 11.60
- No. 8:** K.R. Chowdry, D.V. Subba Rao, G. Krishmurthy y G. Narendranath: *A la Sombra del Dique Srisailámico.* Diciembre 1988. US\$ 6,00

- No. 9:** Susana B.C. Devalle El Colegio de México: La Problemática Indígena en el Pacífico. Junio 1989. US\$ 8,00
- No. 10:** Autodesarrollo Indígena en las Américas. Actas del Simposio de IWGIA en el 46o Congreso Internacional de Americanistas. Diciembre 1989. US\$ 11.00
- No. 11:** Mujeres Indígenas en Movimiento. Julio 1990. U\$ 10.00
- No. 12:** Pueblos Indígenas del Norte Soviético. Julio 1990. U\$ 6.00
- No. 13:** Mauro Leonel: Carreteras, Indios y Ambiente en la Amazonia: del Brasil Central al Océano Pacífico. US\$ 12,00 Out of Print.
- No. 14:** Andrew Gray: Entre la Integridad Cultural y la Asimilación. Conservación de la biodiversidad y su impacto sobre los pueblos indígenas. (1992) US\$ 7.50 Out of Print.
- No. 15:** "...Nunca bebas del mismo cantaro". Actas de la Conferencia sobre Pueblos Indígenas en Africa. Tune, Dinamarca (1993). US\$ 33
- No. 16:** June Nash: La Explosión de Comunidades en Chiapas. (1995) US\$ 15,00
- No. 17:** Pedro Garcia Hierro: Territorios Indigenas y La Nueva Legislación Agraria en el Peru. (1995) US\$ 15,00 Out of print.
- No. 18:** Morita Carrasco, Claudia Briones: La Tierra Que Nos Quitaron. (1996) US\$ 25,00
- No. 19:** Pueblos Indigenas, Bosques y Biodiversidad. Los Pueblos Indígenas y la Agenda Global del Medio Ambiente. (1996) US\$ 24
- No. 20:** Ri Maya' Moloj pa Iximulev. El Movimiento Maya (En Guatemala). (1997) US\$ 20

IWGIA NATIONAL GROUPS

Denmark, Copenhagen:
Fiolstræde 10
DK-1171 Copenhagen K
DENMARK

Sweden, Gothenburg:
c/o Inst. of Social Anthropology
Brogatan 4
S-41 301 Gothenburg
SWEDEN

Sweden, Lund:
c/o Miljöbiblioteket
Winstrupsgatan 3
P.O. Box 1092
S-221 01 Lund
SWEDEN

Norway, Oslo:
c/o Institutt og
Museum for Antropologi
P.O. Box 1091
Blindern
N-0317 Oslo
NORWAY

Norway, Tromsø:
c/o Anne Sigfrid Grønseth
Psykososialt Team for Flyktninger
Åsgård Sykehus
N-9005 Tromsø
NORWAY

Russia, Moscow:
Olga A. Murashko
117574, Odoevskogo
st. 7-5-595
Moscow,
RUSSIA
e-mail: olga@murkre.msk.ru

Switzerland, Zürich:
c/o Ethnologisches Seminar
der Universität Zürich
Freiensteinstrasse 5
CH-8032 Zürich
SWITZERLAND

Switzerland, Basel:
c/o Ethnologisches Seminar
Münsterplatz 19
CH-4051 Basel
SWITZERLAND

THE INDIGENOUS WORLD

The International Work Group for Indigenous Affairs (IWGIA) is an independent, international organisation which supports indigenous peoples in their struggle against oppression. IWGIA publishes the IWGIA Documents Series in English and Spanish. The IWGIA 'Indigenous Affairs' (English) and the IWGIA 'Asuntos Indígenas' (Spanish) are published four times a year. The Documentation and Research Department welcomes suggestions as well as contributions to these publications.

IWGIA publications can be obtained through subscription or purchased separately.

Subscription fees for 1996 are the following:

	Institutions	Individuals
Indigenous Affairs + Indigenous world:	US\$ 50.-	US\$ 30.-
Indigenous Affairs + Documents		
+ Indigenous World:	US\$ 90.-	US\$ 65.-

Please make your cheques payable only in US\$ or DKK

International Secretariat, IWGIA

Fiolstraede 10, DK-1171 Copenhagen K, Denmark

Phone: + 45 33 12 47 24; Telefax: + 45 33 14 77 49

e-mail: iwgia@iwgia.org

Giro: 4 17 99 00. Bank: Den Danske Bank: 4180-854142

International Board of IWGIA:

Georg Henriksen (Chairperson), Jens Dahl, (Vice-Chairperson), Lola Garcia Alix, Alejandro Parellada, Dan Rosengren, Espen Wæhle, and representatives of the IWGIA National Groups.

Executive Committee:

Georg Henriksen, Henric Nilson and Jens Dahl.

Advisory Board:

Gudmundur Alfredson, Julian Burger, Peter Jull, Finn Lyng, Dalee Sambo and Sharon Venne.

International Secretariat of IWGIA:

Director: Inger Sjørsløv

Coordination of Projects:

Central and South America: Alejandro Parellada

Africa: Marianne Jensen

Asia: Christian Erni

Secretary: Lola Garcia-Alix

Administration: Karen Bundgaard Andersen and Inger Dühring

Publications, Coordinators and Editors:

Documents: Inger Sjørsløv and Alejandro Parellada

Indigenous World/El Mundo Indígena: Christian Erni

Indigenous Affairs/Asuntos Indígenas: Alejandro Parellada

Spanish translation and editing: Mario di Lucci

English translation and editing: Jeffrey V. Lazarus

Graphics and layout: Jorge Monrás

Typesetting: Jørgen Abelsen

Staff: Käthe Jepsen, Niels Kaare Westh, María Teresa Lomelin Rimmer Pedersen, Annette Kjærgaard and Finn Kudsk