

IWGIA YEARBOOK 1991

YEARBOOK 1991

IWGIA



IWGIA
INTERNATIONAL
WORK GROUP FOR
INDIGENOUS AFFAIRS

The International Secretariat of IWGIA
Fiolstraede 10
DK-1171 Copenhagen K
Denmark

Jørgen Abelsen / AJO Tryk, Odense



**Please don't
remove**

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 or Spanish and occasionally some titles are published in both. The IWGIA Newsletter (English) and the IWGIA Boletín (Spanish) are published four times annually. The Documentation and Research Department welcomes suggestions as well as contributions to the aforementioned publications.

IWGIA publications can be obtained through subscription or purchased separately.

Subscription fees for 1992 are the following:

	Institutions	Individuals
Newsletter:	US\$ 35.-	US\$ 25.-
Document + Yearbook:	US\$ 50.-	US\$ 35.-
Newsletter + Document + Yearbook:	US\$ 70.-	US\$ 50.-

Please make your cheques payable to:

International Secretariat, IWGIA
Fiolstraede 10, DK-1171 Copenhagen K
DENMARK

Phone: + 45 33 12 47 24; Telefax: + 45 33 14 77 49

Postal giro 4 17 99 00

International Board of IWGIA:

René Fuerst (Chairperson), Georg Henriksen (Vice-Chairperson), Aud Talle; Espen Wæhle, Teresa Aparicio, Jens Dahl, Karen Bundgaard Andersen, Andrew Gray, and representatives of the IWGIA National Groups.

Executive Committee:

Rene Fuerst, Georg Henriksen, Teresa Aparicio, Jens Dahl, and Karen Andersen.

International Secretariat of IWGIA:

Executive Directors: Jens Dahl, Teresa Aparicio (On Leave)

Researcher: Andrew Gray

Adviser (Latinamerica): Alejandro Parellada

Secretary to the Director: Lola García-Alix

Administration: Karen Bundgaard Andersen

Publications: Mario Di Lucci, Alejandro Parellada.

Staff: Jørgen Abelsen, Karen Degnbol, Ricky D'Oyen, Anna Farell, Christian Hagen, Jette Howalt, Andria Iskau, Sam Poole, Eva Østerkilde.

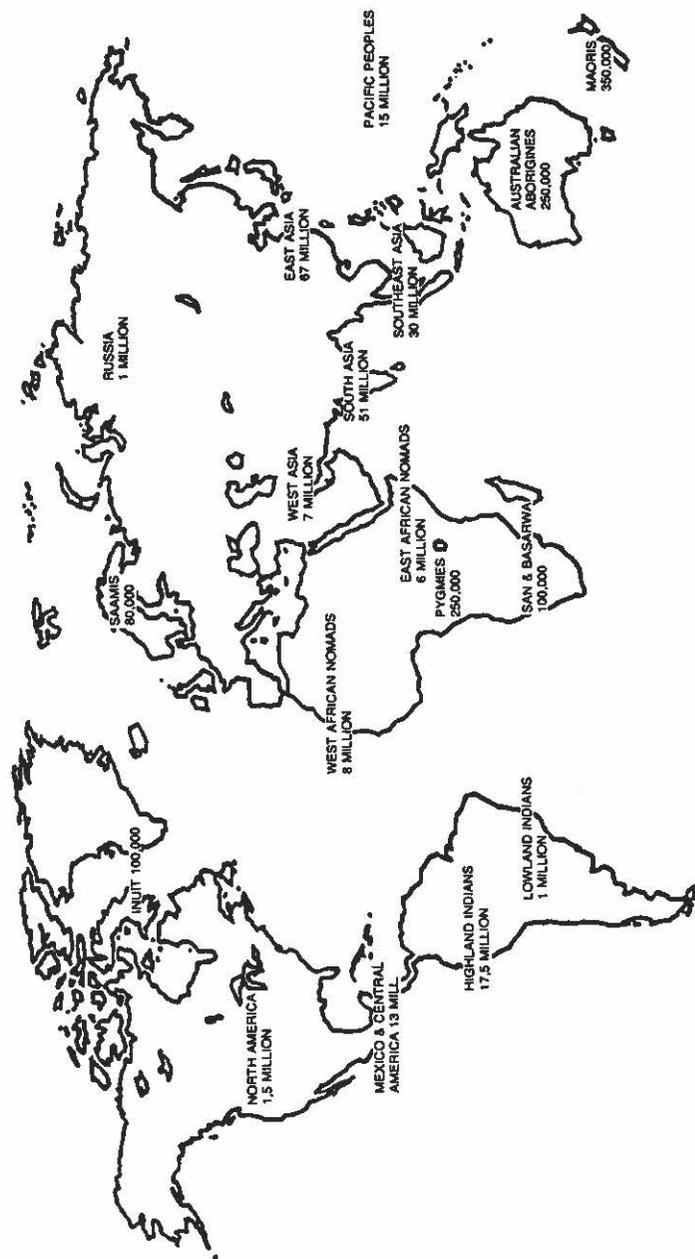
This edition of the Yearbook has been compiled and edited by Jens Dahl and Alejandro Parellada.

IWGIA YEARBOOK 1991

Copenhagen 1992

Contents

Introduction	5
Part I: IWGIA World	
Annual Report 1991	9
Part II: The Indigenous World	
The Artic (incl. Russia and Saamiland)	25
North America	39
Mexico and Central America	51
South America	57
Australia, Melanesia and the Pacific	61
East Asia	83
Southeast Asia	87
South Asia	121
Central Asia	129
Africa	133
Part III: Indigenous Rights	
Report on the Ninth Session on the UN Working Group on Indigenous Populations	143
Draft Universal Declaration on the Rights of Indigenous Peoples .	149
Declaration by the Indigenous Peoples, Paris 1991	157
Part IV: Indigenous Focus	
The Indigenous Human Right to Development, by Dalee Sambo	167
Environmental and Human Rights for Saamis, by Pekka Aikio	190
Alaska: Inuit Regional Conservation Strategy, by Mary J. Schaeffer	202
Towards New Resource Management Strategies, By Elisabeth Vestergaard	206
Peru: Self-Sustainable Development in Shipibo-Conibo Settlements Along the Ucayali River, Pucallpa, By Samuel Cauper P.	215
Iwgia Publications	
Available Documents	218
Documentos en Castellano	221
Video Cassettes	222
Newsletters 1991	223



Introduction

1991 showed no global trend in the rights of indigenous peoples. The massacre at a cemetery in Dili, East Timor, revealed that a universal acceptance of the human rights of indigenous peoples is still far away. The introduction of democracy in Bangladesh in late 1990 raised hopes for the future of the *Jumma* people in Chittagong Hill Tracts, but this hope faded out during the year. An International Commission which investigated the human rights situation in the Hill Tracts launched its report in May, but the government of Bangladesh has taken no steps to comply with the recommendations, as proposed by the commission.

All in all, several of the South Asian countries such as Burma, Indonesia, Bangladesh and the Philippines systematically violate the human rights of indigenous peoples.

Some of the positive trends in relation to indigenous peoples took place in the Arctic and in Latin America. The *Inuit* in the Canadian Northwest Territories made a great leap forward towards regional self-government at the end of the year. The new openness of the regime in the Soviet Union, and now in Russia, made it possible for indigenous peoples to have the first Arctic Leaders Summit in 1991.

In Latin America, the common denominator of the indigenous struggles has been the acknowledgement of the original population regarding the recognition and defence of their ancestral territories.

In East Africa the *Maasai* of Tanzania held their first cultural conference. The future of the *Tuareg* in West Africa who are under severe pressure from the governments in Mali and Niger looks less promising.

Part I of the Yearbook is the *IWGIA Annual Report*, which deals with IWGIA activities and publications in 1991. The International Secretariat put great effort into launching the new format of our Newsletter/Boletín.

Part II concerns the *Indigenous World* and is a compilation of information collected from all the major journals, newspaper reports and contacts available to IWGIA and the authors. Naturally, it is impossible to cover every single event which has taken place in the indigenous world, and some parts of the world are dealt with in more detail than others. Nevertheless, the coverage is an attempt to look at indigenous affairs on a global level.

In the last decade indigenous peoples have entered the international and global scene. For several years indigenous peoples have taken an active part in the drafting of an international declaration of the rights of indigenous peoples. We are publishing the last draft as adopted by the UN Working Group on Indigenous Populations. It is expected that a final

draft will be completed by the Working Group in 1993 and be read by higher UN bodies.

We are also publishing the Paris declaration where the Indigenous Peoples considered the self-determination claims and discussed the concept of development and environment.

The *Indigenous Focus* this year is on sustainable development. The worldwide degradation of the environment is especially severe to indigenous peoples who often inhabit some of the most ecologically vulnerable regions of the globe. Sustainable development has become a known concept among indigenous peoples from the Arctic to the Tropics. Indigenous peoples have a right to development. It is, however, becoming more and more obvious that development has to be followed by self-determination. From an indigenous point of view development should not only be sustainable, but also equitable.

Acknowledgements

IWGIA wishes to thank all those persons, who through their work and help, have contributed to the making of this Yearbook. We are especially grateful for the cooperation from the following persons who have kindly contributed with manuscripts to the section on the Indigenous World:

The Arctic	Jens Dahl, Marianne Lykke Thomsen, Claus Oreskov and Frank Sejersen.
North America	Claus Oreskov, Georg Henriksen and Arne Thomassen
Mexico and Central America	Alejandro Parellada
South America	Alejandro Parellada
Central Asia	
Tibet	Anders Højmark Andersen
South East Asia	Frank Ringsted
The Philippines	Heiki Blum and Danilo Geiger
South Asia	Frank Ringsted
East Asia	Frank Ringsted
Melanesia	Frank Ringsted and Jørgen Abelsen
Australia and the Pacific	Jørgen Abelsen
Africa	Espen Wæhle and Jens Dahl

IWGIA WORLD

Annual Report

Introduction

For a number of years IWGIA has diversified its activities considerably. Publishing on indigenous affairs is still a main activity, but in recent years the tendency has been to use the IWGIA publications in support of other activities and vice versa. Decisions like this made a significant impact on IWGIA's work in 1991.

The increased global influence and power of the European Economic Community (EEC) has encouraged IWGIA and other organisations to enter into a close cooperation in the European setting. In federation with four other European organisations IWGIA has established a 'European Alliance on Indigenous Peoples'. The aim is to further the interests of indigenous peoples in the European Parliament and towards the EEC Commission. The establishment of a new European alliance in 1991 is expected to be effective from Spring 1992.

The transformation and disintegration of the Soviet Union gave indigenous people of that country a historical chance. From the earliest stages of this process, IWGIA has done its best to follow the development in Russia and give support to the efforts of the indigenous people in order to have their case known internationally. Thus, in the Autumn, the founding of an IWGIA National Group in Moscow was announced.

In order to strengthen the distribution of information from one indigenous group to another, and from continent to continent, the board of IWGIA decided to publish our Newsletter/Boletín at fixed dates and in both English and Spanish. At the same time the Newsletter/Boletín was published in a new magazine format.

The first IWGIA research project was launched in 1990/91. This comparative project involves indigenous groups in Peru, Brazil and Alaska (USA).

The Structure of IWGIA

The main structure of IWGIA is made up of three bodies: The International Board, the International Secretariat in Copenhagen and the National Groups. The two regular board meetings were held from 2-4 May and from 31 October to 2 November.

The members of the International Board are:

René Fuerst (Switzerland), President; Georg Henriksen (Norway), Vice President; Aud Talle (Sweden); Andrew Gray (England); Espen Wæhle

(Norway); Karen B. Andersen (Int. secr.); Teresa Aparicio (Int. secr.); Jens Dahl (Int. secr.); Arne Thomassen (Nat.gr.,Oslo); Olle Haggmann (Nat.gr., Gothenburg); Jørgen Abelsen (Nat.gr., Copenhagen); Danilo Geiger (Nat.gr., Zürich); Lasse Ravnskov (Nat. gr., Lund).

Working at the International Secretariat in 1991 were:

Directors: Jens Dahl and Teresa Aparicio (on leave from 1 June).

Administrator: Karen B. Andersen.

Secretary: Lola García-Alix.

Publications: Mario Di Lucci, Filomenita Mongaya Høgsholm.

Adviser (Latin America): Alejandro Parellada.

Researchers: Andrew Gray, Teresa Aparicio.

Part-time and temporary staff: Jørgen Abelsen, Jørgen Bach, Peter Bengtsson, Jaime Bouadid, Leena Christensen, Karen Degnbol, Maria Glad, Peter Forsing, Nina Iversen, Solveig Lindenstrøm, Claus Oreskov, Sam Poole, Cecilia Rose, Karina Reither Sørensen.

There are national groups in Oslo (Norway), Gothenburg and Lund (Sweden), Copenhagen (Denmark), Zürich (Switzerland) and Moscow (Russia).

Finances

IWGIA's 1991 accounts shows a balance. We had some very positive news from the customs authorities late in the year, when they decided, as we are a non-profit NGO, to reimburse the general value-added tax of 22% from publications distributed outside Denmark.

However, it hides the fact that IWGIA has more and more difficulty in covering all publication costs. Among other things, this has led to a decision to look more critically on the free-of-charge receivers of IWGIA publications. A special effort will be done to increase the number of subscribers to the Spanish editions.

As in 1990, several of IWGIA's funds were earmarked for specific activities. Obviously, if we increase IWGIA's earmarked activities, the more pressure will be put on the infrastructure of the International Secretariat - which is mainly financed by basic funding and non-earmarked donations. We expect this to be our prime economic problem in the years ahead. However, our financial situation in 1991 left no room for new investments in order to make publishing and communication more efficient.

Iwgia's National Groups

Oslo. The main activity has been focused on activities related to the 'Columbus' year. The national group has participated in the organising

of "The Coordination group 500 Years of Resistance". With other Norwegian NGOs activities in relation to the UNCED conference have been planned. Throughout the year an IWGIA subscription campaign has been carried through.

Gothenburg. The group has arranged four major seminars. With two visiting Shipibo indians a seminar was arranged in March, and a seminar on the situation of the Saami in Sweden was organised in April. At the time of the launching of the Chittagong Hill Tracts Report in London a Chakma refugee was invited to Gothenburg. Finally, in connection with 500-year activities, a seminar with a Mapuche indian was arranged. An IWGIA introductory seminar was held in October and late in the year money was raised for a computer to a Mapuche organisation in Chile.

Lund. In the spring the new IWGIA group in Lund held activities in support of Leonard Peltier and his Defence Committee. With other organisations activities on South East Asia were organised.

Zürich. This group has been especially involved in the work of indigenous peoples of the Philippines.

Copenhagen. Once every second week about 20 local radio stations in Denmark transmit news about indigenous peoples, produced by IWGIA-Denmark. Some of these news are reprinted in journals and newspapers. Regular lectures are given at schools. IWGIA-Denmark has had several activities in protection of Arctic Peoples' rights, specifically hunting and trapping rights. In these cases the group has worked in close cooperation with the Inuit Circumpolar Conference and the Indigenous Survival International. Other support activities included the Yanomami and the Lubicon Lake Cree. Politicians and the media in Scandinavia have been regularly informed about these activities. At the large music festival at Roskilde a campaign in support of the Yanomami park was carried through. The group has worked with other Danish NGO to organise activities in connection with the UNCED process. One of the main issues have been to get the rights of indigenous peoples to be included in the environmental debate.

Human Rights Work

A. United Nations

IWGIA attended the 47th meeting of the UN Commission on Human Rights in February. On behalf of IWGIA a representative of the indigenous peoples of Burma made an oral presentation.

A larger IWGIA delegation participated in the UN Working Group on Indigenous Populations in July-August in Geneva. This year particular efforts were made to further the international pressure on the Bangladesh

government to improve the human rights conditions in the Chittagong Hill Tracts. A written statement was made by IWGIA to the Working Group, which was followed up by a written statement to the Sub-Commission on Prevention of Discrimination and Protection of Minorities put in by the Nordic Saami Council, the Inuit Circumpolar Conference, the Anti-Slavery International and IWGIA.

B. The Human Rights Fund for Indigenous Peoples

The Human Rights Fund is formed by four European NGOs, including IWGIA. Its main task is to raise funds to make possible the participation of indigenous people at the annual sessions of the UN Working Group in Geneva. IWGIA's International Secretariat serves as the administrator of the Fund. As part of the Human Rights Fund for Indigenous Peoples IWGIA raised funding which made it possible to bring 16 indigenous people to the Working Group on Indigenous Populations and 3 representatives to the Human Rights Commission. These delegates represented indigenous peoples from Bangladesh, Taiwan, Burma, USSR, the Philippines, West Papua, Bougainville, Tanzania, Alaska (USA), Peru, Brazil, Ecuador and Chile.

C. The United Nation's Conference on Environment and Development (UNCED)

The UNCED Process, which will reach its peak in June 1992, has already fostered hundreds of parallel meetings and activities throughout the world in order to discuss the future relationship between environment and development. IWGIA has focused mainly on the *Alliance of Northern People for Environment and Development* which was established in October 1991. More than 700 organisations in Europe, North America and the former Soviet Union are linked to this alliance. It is an open network which challenges the present social structures and the course of development. The alliance will establish joint actions to build maximum political pressure for changes at the UNCED meeting in June and afterwards. During meetings in Copenhagen (Denmark), Strasbourg (France) and San Sebastian (Spain) IWGIA has been active in the elaboration of the political framework of the alliance. This framework clearly states what the alliance stands for with respect to indigenous peoples:

- breaking all colonial and neocolonial structures.
- A new economic world order, based on equality, solidarity, reciprocity, self-reliance and self-determination.
- A recognition of indigenous peoples' rights to life, land, culture, self-determination and sovereignty. This also contains the right to use

renewable and non-renewable resources in a sustainable way for social, cultural and economic purposes.

- Democratic participation, decentralisation and cultural diversity.
- Fairly rewarding local populations for all benefits derived from their knowledge and resources. This includes on-going royalties.

Due to the holistic approach adopted by the alliance, the additional ideas in the political framework, will have a positive effect on indigenous peoples. Several working groups held by the alliance are being attended by IWGIA as well, to ensure that the indigenous perspectives are incorporated.

D. The European Economic Community

With the Anti-Slavery International in London, WIP and the 12 October Manifesto from Holland and KWIA from Belgium, IWGIA has established a European Alliance for Indigenous Peoples (EAIP). The secretariat of EAIP will be in Bruxelles, Belgium. Meetings were held in Amsterdam in June and in Bruxelles in September and December. The office in Bruxelles will give support to indigenous peoples visiting the EEC institutions and serve the member organisations in their EEC related endeavours to promote the indigenous course.

IWGIA-Denmark continued its efforts to stop the European and North American campaign against indigenous hunting and trapping activities which, unfortunately, has led to an EEC-ban against furs obtained by the use of traps.

E. The Conference on Security and Cooperation in Europe, CSCE

The last of a series of conferences on the human dimension (CHD) under the CSCE-process was held in Moscow in September-October. Within the framework of the conference parallel activities were organised by a large number of NGOs. A special session on indigenous peoples was convened by the Association of Small Peoples of the Russian North and attended by the Nordic Saami Council, the Inuit Circumpolar Conference, IWGIA and a large number of representatives from the indigenous peoples of Russia.

From IWGIA Jens Dahl made a presentation on "Autonomy and Self-government in the Circumpolar Region" and Frank Sejersen spoke on "An Arctic Resource Policy and the Human Dimension". A final statement was signed by the indigenous organisations (see IWGIA Newsletter 2/91).

F. The International Chittagong Hill Tracts Commission

After four years of co-ordinated efforts, an International Chittagong Hill Tracts Commission was established in 1989. Funding for the Commission

was received from The Danish Church Aid and the Danish Ministry of Foreign Affairs. IWGIA has participated in the work of the Commission and assisted the Commission during its trip to CHT in December 1990. The report of the findings of the Commission, called "Land is not ours" was launched in the House of Lords, London on May 23. The report was presented by commissioner Wilfried Telkämper, a vice-president of the European Parliament.

The report was widely distributed all over the world. Unfortunately, about 900 copies of the report was confiscated by the police in Dhaka, Bangladesh although it was legally produced and distributed.

The findings of the Commission has been succeeded by IWGIA supported interventions at the United Nations' meetings.

G. Arctic Leaders Summit

From June 17-20 indigenous leaders from Alaska (USA), Canada, Greenland, Norway, Sweden, Finland and USSR met in Hørsholm, Denmark for the first Arctic Leaders Summit. IWGIA attended the meeting as an observer.

The Summit adopted a "Declaration of the Arctic Indigenous Leaders", a "Statement on Renewable Resource Harvesting" and a "Statement on Subsistence, the Traditional and Direct Dependence on Renewable Resources" (see IWGIA Newsletter 1/91).

H. Protests and Concerns

In November the Indonesian military shot a large number of innocent civilians in Dili, the capital of *East Timor*. IWGIA wrote letters to the Nordic governments asking them to condemn strongly the serious human rights violations. This was also done in other parts of the world, and for the first time in years the Indonesian government was forced at least to react.

In May 1990 the island of *Bougainville* declared itself independent from Papua New Guinea. For years the Panguna copper mine had destroyed the land of the Bougainvilleans without any compensation given to them. In frustration the islanders, who are culturally related to the inhabitants of nearby Solomon Islands, closed the mine and even later declared the island independent. The New Guinea Government has since established a physical blockade of the island and brought tremendous sufferings upon the islanders. IWGIA tried to raise the case in the Scandinavian media and in other ways supported representatives of the Interim Government of Bougainville.

IWGIA has raised serious concerns over the plans established by the Japanese corporation Daishova to illegally fell timber on land belonging to the *Lubicon Cree Indians* in northern Alberta, Canada. As well governments as the media were informed about the situation.

After years of pressure and lobbying Brazilian president Collor accepted the land of the *Yanomami* indians to be demarcated. The Yanomami have been under serious pressure from gold prospectors, garimpeiros, who have invaded their land in tens of thousands. To this has been added that infectious diseases has caused the death of about 1500 Yanomami during the last 3 years. Before the Brazilian president accepted the demarcation protests to carve up the Yanomami territory were raised all over the world. These protests were also supported by IWGIA.

The Innu of Labrador, Canada, was awarded the annual peace prize by the Danish Peace Foundation. Their territory is being used by the military to test low-flying jets. For some years NATO had plans to increase the flights considerably which was strongly opposed by the Innu indians. In their economy they rely on hunting of caribous and the hunters have seen themselves how the low flying jets have disturbed the grazing capabilities of the animals. An extension of the flying plans would only have made the economic situation of the Innu even more worse. For their opposition against these military activities they received the Danish peace prize.

Research

The Resource Centre. IWGIA's resource centre has now been in operation for a number of years. The research material is classified and books, periodicals, newsletters, newspaper cuttings and articles which are available to the public. IWGIA has facilities for people to use and work in the resource centre and researchers and others come regularly to study specific questions. In 1991 it was possible to have a full-time, long-term unemployed person to take care of the library and the resource centre.

IWGIA's international secretariat, as well as members of IWGIA's national groups, organise seminars and lectures in universities and public schools in order to increase understanding on indigenous affairs.

Research project. In 1990 IWGIA initiated its first research project, "Indigenous Peoples' Self-determination, Identity and Development". The project involves the Amarakaeri in Peru, the Xavante in Brazil and the Alutiiq speaking Aleut in Alaska. The project includes both indigenous and non-indigenous research. From IWGIA Teresa Aparicio has been in Brazil since June, Andrew Gray has been in Peru since August and Jens Dahl was in Alaska in November-December.

As part of the project indigenous representatives took part in the UN Working Group session in Geneva in July-August and meetings were held at the international secretariat in Copenhagen.

The research project also includes an educational component which is planned to be initiated in 1992.

Networking. An important way on which IWGIA obtains first-hand information on indigenous issues as well as strengthens its relations with indigenous groups and organisations, is through networking trips. These trips provide IWGIA with the necessary background information to deal with indigenous issues at different levels. An increasing part of IWGIA's documentation is being written by indigenous leaders from all over the world - and through networking new groups become aware of IWGIA's work and publications.

The networking trips are also useful in getting acquainted with, and in obtaining information on, the situation of indigenous peoples upon which IWGIA's support activities and development work is based.

Finally, the direct contact with new organisations, also has the effect that IWGIA can facilitate indigenous people's introduction to and participation in international meetings, for instance in the UN.

In 1991 several minor networking trips were carried through in connection with other IWGIA activities. Teresa Aparicio and Andrew Gray both visited indigenous organisations in Peru and Teresa Aparicio travelled in Brazil.

In March Jens Dahl made a visit to the first organisation of pastoral people in East Africa, the Korongoro Integrated People Oriented Conservation (KIPOC) in Tanzania. KIPOC is based in Ngorongoro District and one of its prime aims is to promote the integration of pastoral production with wildlife conservation. Representatives of KIPOC were also invited by the Human Rights Fund to attend the UN Working Group on Indigenous Population. In Alaska Jens Dahl also visited several indigenous organisations based in Anchorage and south-central Alaska.

Espen Wæhle was in Eritrea and Sudan. In Eritrea he was in contact with the Eritrean Peoples Liberation Front and other NGOs like, for example, the Eritrean Relief Association and in Sudan he also visited various organisations.

Conferences and meetings. Aud Talle took part in the first Maasai Conference on Culture and Development organised by the Maasai in Arusha, Tanzania in December. This conference was originally scheduled a year earlier, but cancelled by the authorities in the last moment when most of the participants had arrived. Maasai from Kenya were not allowed to participate although they were invited when the first conference were convened.

Alejandro Parellada attended a meeting in Paris convened by the Interamerican Development Bank. The idea of the meeting was to inform European NGOs about the activities of the Bank at the level of micro-enterprises. Furthermore, the bank wanted to call to the attention of NGOs on the possibilities for them to take part in the planning and development of projects financed by the IDB.

Jens Dahl was invited by the Nordic Council of Ministers for a lecturing tour on "Northern Aboriginal Peoples and the Challenge of Environmental Change". He gave speeches at McGill University, Montreal, University of Alberta, Edmonton, University of Victoria, University of Windsor and Memorial University, St. Johns.

Teresa Aparicio participated in a seminar 'On the Recognition and Demarcation of Indigenous Territories in the Amazon Region' in Brasilia in December.

Teresa Aparicio, Jens Dahl, Andrew Gray and Georg Henriksen attended a seminar on the Chittagong Hill Tracts in London in May. The seminar was organised as a follow up to the launching of the Chittagong Hill Tracts Report. The participants in the seminar were Hill Tracts people now living outside Bangladesh, researchers, journalists and others.

Development Projects

From 1987 to 1990, IWGIA had a contract of cooperation with the Norwegian Agency for Development Cooperation (NORAD), as advisers on indigenous issues and development projects. This work was based on NORAD's aid programme to indigenous peoples which, up to now, is the only governmental programme specifically aimed at indigenous peoples throughout the Nordic countries. At the end of 1991 the operational part of this programme was handed over from NORAD to FAFO, The Norwegian Trade Union Center for Social Science and Research, but IWGIA has continued in its advisory role to NORAD.

As in previous years, a large number of indigenous projects have reached IWGIA from indigenous organisations all over the world. Unfortunately, with very few exceptions, we have not been able to channel them further.

Since 1989 IWGIA has been directly involved in one major development project. This project deals with the land-titling of indigenous communities in the central Peruvian jungle. The project is wholly financed by the Danish International Development Agency, DANIDA. It is a three-year project which is co-ordinated jointly by the Inter Ethnic Development Association of the Peruvian jungle, AIDSESP and IWGIA.

The project is being implemented in a heavily militarised border region with active para-military groups, and an increasing traffic in narcotics. However, the main threats to the project come from the local economic elite with strong economic interests in the region.

At the end of 1991 more than 100 communities had been demarcated and several of these had received title to their land. During the demarcation process new communities had to be included and others had to be enlarged according to traditional use and occupancy. The project is

monitored and reviewed by IWGIA. In 1991 the project was visited by Karen B. Andersen, Teresa Aparicio, Andrew Gray and Søren Hvalkoff.

Despite of the large variety of problems, the project should be viewed within a framework of a pioneering work. For the first time an indigenous organisation in Latin America has succeeded in co-ordinating a land-titling project of this magnitude.

Publications

All IWGIA publications are sent free of charge to indigenous groups and organisations all over world. This programme is most effective in Latin America, but we have continued our efforts to include more indigenous groups in Africa, Asia and Oceania. Exchange agreements have been established with a large number of indigenous and non-indigenous NGOs in many countries. At the end of the year we launched a campaign to have more subscribers to the Spanish publications.

The English Newsletters and the Spanish **Boletines** are compiled, edited and processed at the IWGIA secretariat, whereas the **Documents** and **Documentos** are written especially for IWGIA.

A main achievement in 1991 was the launching of a new format of the Newsletters and Boletines, which from now on will be published more regularly and in identical Spanish and English versions. Already in 1990 we published the first issue of the IWGIA Yearbook in Spanish, **Anuario**. These changes in the publication policy have thus enhanced a very essential part of our activities.

The overall policy is to raise the number of indigenous peoples contributing to IWGIA's publications and their writings are considered an essential part of IWGIA's documentation work.

The publications are the backbone of IWGIA's work and as such, all efforts are directed towards strengthening our research and documentation activities, as well as the production process, which are at the basis of all our publications. Despite the above mentioned changes IWGIA was able to keep up the scheduled English publications in 1991 although Newsletters/Boletines were delayed. The planned publications of Spanish documents, however have been delayed.

The **Yearbook/Anuario** contained, as usual, a main section on the developments in the indigenous world, a section on indigenous rights and a section on indigenous meetings. A special section of the **Yearbook/Anuario** was dedicated to indigenous people and environmental issues.

As planned, three issues of the **Newsletter/Boletín** were published in 1991. This year statements from the Working Group on Indigenous Populations were published in a particular section in **Newsletter/Boletín** vol.2.

Document No. 68 "*Critical Issues in Native North America - Volume 2*" edited by Ward Churchill is the second of two volumes (vol.1 published in 1989 as IWGIA Document no.62) of articles concerning the problems and issues confronting indigenous nations of North America. Loss of lands and resources at the hands of contemporary nation-states such as the U.S. and Canada, as well as cultural "assimilation" policies undertaken by these states, have placed Native North America in grave peril. Both the nature of these threats and the forms of native resistance are examined in this collection of essays.

"*Arctic Environment: Indigenous Perspectives*" is the title of **Document no. 69** which was co-published with the Inuit Circumpolar Conference. The document is a presentation and an analysis of the conflicts of interests between the anti-hunting movement and the indigenous peoples of the Arctic. A focal issue is the right of indigenous peoples to subsistence and economic development based on harvesting of renewable resources.

Andrew Gray has written **Document no.70** "*Between the spice of life and the melting pot: Biodiversity conservation and its impact on Indigenous Peoples*". The biodiversity strategies currently under discussion seek to advertise the benefits of indigenous peoples' knowledge. Yet past experience shows that this knowledge almost invariably disappears into the hands of industrial and agricultural concerns. The author argues that until indigenous peoples are at the centre of environmental conservation there will be neither biological nor cultural diversity in the world.

The report of the Chittagong Hill Tracts Commission, "**Life is not ours**" was published by IWGIA and the Organising Committee Chittagong Hill Tracts Campaign in Amsterdam. The report gives a political and legal history of the Chittagong Hill Tracts region and the background to the conflict between the Hill Tribes and the Bangladesh government. Special focus is on land and the human rights situation including the findings of the visit by the International Commission to the Chittagong Hill Tracts and the refugee camps in Tripura, India.

Visitors

In 1991 IWGIA hosted a number of persons for shorter or longer visits. From **The Arctic** several persons visited the office in connection with IWGIA arrangements. Among these were *Arqaluk Lyngé* and *Hjalmar Dahl* from the Inuit Circumpolar Conference, ICC. *Dalee Sambo* who is in charge of the International Union for Circumpolar Health office in Anchorage visited IWGIA in the autumn. *Gordon R. Pullar* from The North Pacific Rim, an indigenous organisation of the Prince William Sound region, Alaska and *Katherine Ideus*, University of Alaska took part in meetings on the IWGIA research project on indigenous self-determina-

tion. *Alan R. Marcus*, Scott Polar Research Institute, Cambridge, England is now editing a book on relocation of Inuit communities in Canada, and he was in IWGIA in early Summer.

The Americas. In connection with the IWGIA research project the International Secretariat had four visitors from Latin America. From Brazil came *Serebura Xavante* and *Paulo Supretapra* and from Peru came *Hector Suyo* and *Miguel Pasha*. *Ariel Araújo* from Centro MocoVÍ in Argentina visited IWGIA three times. He portrayed the situation of indigenous people in Argentina in general, and the MocoVÍ and GuaranÍ in particular (see IWGIA Newsletter 2/91). The situation of indigenous people in Argentina differs from that of the rest of Latin America. The possibility of proposing a land demarcation project was discussed. *José Mirtenbaum* from Universidad Autonoma René Moreno de Bolivia was in Copenhagen for a two-weeks stay. He made an account of the role of cultivation of coca to the Andean peasants (see also IWGIA Newsletter 3/91). Seminars on the Bolivian Amazon was organised in Copenhagen and in Lund, Sweden. *Jaquelin Butrón* from Servicio Paz y Justicia in Bolivia visited IWGIA in order to exchange information between the two organisations. SERPAJ is a support and coordination service composed of grassroots action groups and Christian based communities in Latin America. They are considering establishing a European branch. From the Shuar Federation in Ecuador *Ernesto Tseremp Juanka* visited the International Secretariat and so did *Benedito Machado*, *M. Barella* and *J. Peter* from the Tukano in Brazil. *Mauro Leonel* is editing a document on the building of roads in the Amazon and visited IWGIA.

Asia. Professor *Kisku* from "Indian Council of Indigenous and Tribal Peoples" was in Copenhagen to rise support for the next general assembly in the World Council on Indigenous Peoples and he spend some days working at the International Secretariat. *José M. Bernardo* from the Philippine Educational Theater Association was travelling in Europe to inform about the work they are doing and to present projects for different cultural activities. He furthermore gave an account of the situation in the Philippines in general and about the Cordillera people in particular. The first president of the 'Association of the Small Peoples of the Soviet North', *Vladimir Sangi* visited IWGIA. IWGIA has continued its support for the participation of the Association in meetings in United Nations, and in many other respects contacts and cooperation have been established with the indigenous people of Russia. *Sanjib Chakma* from Chittagong Hill Tracts is organising a European network of people from that region and used IWGIA's facilities in these efforts.

Africa. *Saruni Otesoi ole-Ngulay* is one of the coordinators of the first Maasai cultural conference, which should have been held in Arusha, Tanzania earlier this year. He visited IWGIA in May and a trip to

Norway and Sweden was organised for him. Later on other Maasai visited IWGIA in connection with a large cultural event in Copenhagen.

Europe. Two researchers on the situation of the Saami, *Leif Rantala* and *Frank Horn*, have been visiting the office. In connection with the publishing of a book in Danish on indigenous peoples *Julian Burger* from the UN Human Rights Centre in Geneva visited Copenhagen and meetings were organised by IWGIA and Mellemfolkeligt Samvirke.

Acknowledgements

Since the establishment of IWGIA in 1968 we have been supported and housed by the University of Copenhagen. Fortunately, this relationship has now been confirmed by a decision to move IWGIA to new premises at the end of 1992.

As in previous years the basic funding of IWGIA's activities came from the Danish Ministry of Foreign Affairs, the Danish International Development Agency, the European Economic Community, the Finnish Ministry for Foreign Affairs, the Greenlandic Home Rule Government, the Norwegian Royal Ministry of Foreign Affairs, the Norwegian Agency for Development Cooperation, the Swedish Ministry of Foreign Affairs, and the Danish State Football Pools' Fund.

Earmarked fundings and funding for indigenous development projects have been donated by: CAFOD, Carlsen-Langes Legatstiftelse, the Commission for Scientific Research in Greenland, the Danish Church Aid, the Danish International Development Agency, the Danish Ministry of Foreign Affairs, Diakonia, Dronning Margrethe og Prins Henriks Fond, the European Human Rights Foundation, the Finnish International Development Agency, Hermod Lannungs Fond, Lutherhjælpen, the Norwegian Royal Ministry of Foreign Affairs, the ONaWay Trust, Oxfam and the World Council of Churches.

Conclusions and the Work Ahead

IWGIA's Human Rights Programme has continually been expanded over the last couple of years. This reflects a tendency by indigenous peoples to put more stress on the work in international fora, not least the UN Working Group on Indigenous Populations. As the drafting of an international declaration of the rights of indigenous peoples comes to an end, higher levels of decision-making within the UN have become of greater concern to indigenous peoples.

The UNCED process, the '500-year', the decision to make 1993 into the UN Year of Indigenous Peoples and the UN Human Rights Conference to be held in 1993 all emphasise the significance of supporting indigenous people to have their cases brought onto the international scene.

These main events need inputs and efforts which makes it necessary for IWGIA to cooperate closely with indigenous and non-indigenous NGOs. In two cases IWGIA has federated with other organisations in order to promote specific issues. The results were the establishment of the Human Rights Fund for Indigenous Peoples and the recent European Alliance on Indigenous Peoples. To work as effectively as possible on the 1993 issue, a Scandinavian ad-hoc group is now being organised.

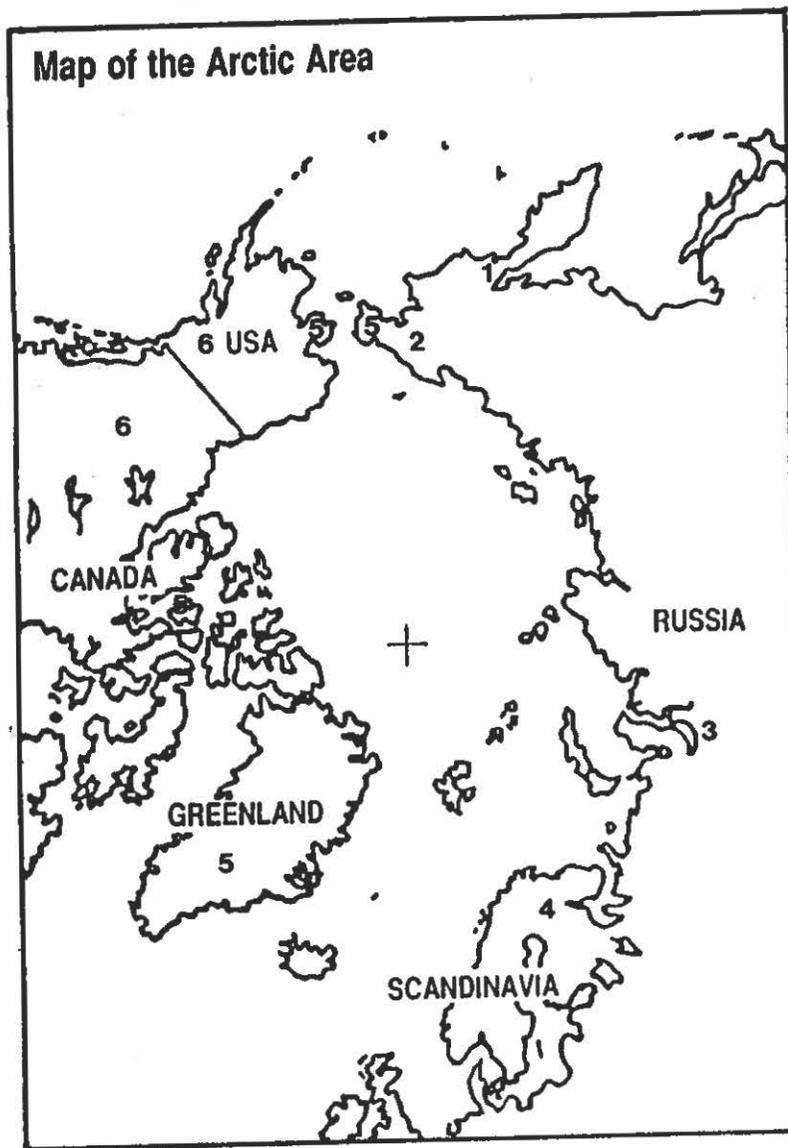
Two major projects have occupied substantial resources in 1991, the research project on Indigenous Peoples' Self-determination, Identity and Development and the Land Titling project in Peru. The latter is expected to be finalised in 1992 and the former in 1993.

For years IWGIA has worked on what we have called a south-south project. The idea of the project is to combine research, publication, human rights work and development projects in one programme. We have had very positive experiences with such 'package' programmes in Latin America and during the last two years we have tried to establish such a programme in other parts of the world. These efforts will be continued in 1992.

The introduction of a new magazine format of our Newsletter/Boletín was a heavy work load for the small International Secretariat. However, we expect to publish Documents/Documentos as planned in 1992. The first English document in 1992 will deal with the relocation of Inuit to the Canadian High Arctic. A document on the consequences of road building in the Brazilian Amazon will be published in Spanish in early 1992 and later in the year in English. In the autumn we expect to publish a compiled document on indigenous peoples in Russia. All articles are now being translated from Russian to English.

In order for IWGIA to be able to carry out the activities programmed for the next years, and continue with our human rights initiatives, our work on development issues, and our research programme, we depend on the funding agencies' continuing support to IWGIA. We wish to thank all our financial supporters for the help granted in previous years and we hope that IWGIA's commitment to the indigenous cause will continue to have the necessary economic resources so as to make our work possible.

INDIGENOUS WORLD



- | | |
|-------------|------------|
| 1. Koryak | 4. Saami |
| 2. Chukchee | 5. Inuit |
| 3. Nenets | 6. Indians |

THE ARCTIC

The upheaval of the former Soviet Union and the attempted coup in August has led to an international military detente which has affected the Arctic and its indigenous peoples. But it has also implied an invasion into Arctic Russia of multinational oil companies and others looking for joint ventures and thus turning the country into a new 'last frontier'. As usual the indigenous people are left behind.

A main issue to indigenous people of the Arctic continues to be the environmental degradation. Every year vast tracts of land are being destroyed by industrial activities. The indigenous people react by a quest for political influence and self-government.

In June indigenous leaders from all Arctic countries met in Denmark for the first *Arctic Leaders Summit*. Besides a Declaration the meeting adopted a statement on 'Subsistence, the Traditional and Direct Dependence on Renewable Resources' and a statement on 'renewable Resource Harvesting'.

The meeting in Denmark followed a meeting in the so-called "Finnish Initiative".

The new links across the Arctic were also stressed during the CSCE (Conference on Security and Cooperation in Europe) meeting in Moscow. Under the parallel activities a session brought together indigenous representatives from Inuit as well as Saami and indigenous people of Russia.

In IWGIA Yearbook 1990 we wrote about some of the dismal social conditions reigning in the Arctic. Specifically we mentioned the consumption of alcohol and the extremely high rate of suicides and murders. Reading the newspapers from Alaska, Canada and Greenland the year 1991 brought yet another serious problem to our attention. The media in these countries have focused on sexual assault, which has revealed it to be a much more widespread phenomena than known to the public. A specifically gloomy aspect is, as shown from a study in Canada, that "the study confirms that the majority of complainants are women and children, victimized primarily by people they know, very often in their own bedrooms".

The animal welfare campaign to ban hunting of seal-pups won international headlines and achieved its aims to a large extent. when the European Economic Community adopted a ban on skins from seal-pups in 1983. Even though indigenous hunters were not involved in the mentioned hunting, the campaign had severe consequences on the way of life and economy of indigenous hunters in the Arctic due to falling prices on the fur-market. The EEC-ban marks a new political tendency

where discussions on animal welfare issues neglect the human dimension. After the ban was implemented the animal welfare lobby in the EEC started a new intensive campaign - this time aiming to stop trapping. But as time went by the campaign became increasingly fuelled by animal rights' arguments.

The animal welfare lobby which had hoped to stop all trapping (and the wearing of furs as such) was very disappointed when the Council of Ministers on the 4th of November 1991 rejected the totally manipulated materials and unrealistic proposals from the animal welfare lobby. Instead the Council decided to accept the humane trapping standards which is going to be elaborated by ISO. Furthermore, the EEC-regulation is going to be implemented on the 1st of January 1995 with a possible one year period of grace. However, the right to use the renewable resources in a sustainable way is unfortunately still attacked in many situations.

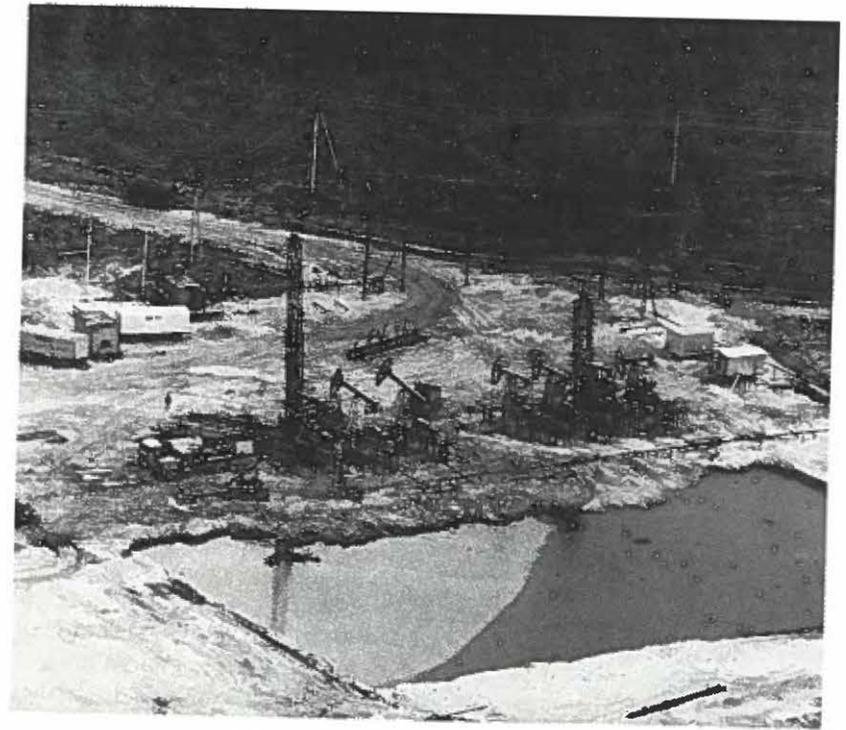
In **Russia**, the August coup had a profound impact on the situation of indigenous peoples. One was that some of the most active representatives of indigenous peoples lost their positions as members of the USSR Supreme Soviet. It also implied that the introduction of new laws of great significance to indigenous peoples were dropped for some time.

One of those initiatives affected by the coup was the so-called "Northern Parliament".

In 1990 the Association of Small Indigenous Peoples of the North held its first congress in Moscow. At one of the meetings held by the association, elected indigenous delegates to political bodies at all levels decided to form a united assembly (IWGIA Newsletter 1/1992). This assembly, called the "Northern Parliament", met in Moscow on the 6th and 7th of May. Those taking part were delegates elected to governing bodies (Soviets) at all levels, right from local Soviets far out in the tundra and tajga to the supreme Soviets of the USSR and the Russian Republic. In all, there were 119 delegates from the Arctic and Sub-arctic peoples including the *Veps* and *Izhors*.

Although this new initiative was frustrated by the August coup, its ideas seem to have a significant influence on future indigenous politics. Thus, in Chukotka in northeastern Siberia, in the Chukchee Autonomous Area, elected delegates now meet regularly in order to influence decisions to be taken in the Area Soviet (*Okrug Soviet*).

At the meeting in Moscow it was the deputy from Chukotka, V.M. Etylen, who opened the meeting with suggestions for future political strategies to be followed by the indigenous peoples. He proposed either the election of special quotas of deputies from the small peoples to soviets at all levels, or a two chamber system on all levels where one chamber would consist of representatives from the small peoples. There



The exploitation of Siberia's natural resources is of great concern to the indigenous people. Photo: Alexander Pika.

was no general agreement on these alternatives, but a majority of delegates supported the idea of a "Northern Parliament".

A resolution was passed recommending the ratification of the ILO convention, and to have the *Veps*, *Kamchadals*, *Izhors*, *Teleuts* and the *Kereks* recognised as small peoples. It was also recommended that autonomous areas should be given greater autonomy.

This latter point seems to be important, since a number of autonomous areas unilaterally have declared themselves as autonomous republics within Russia. The Koryak Autonomous Area within the Kamchatka Region (Oblast) has declared itself independent of the Oblast to be recognised by Moscow as an autonomous republic, thus referring directly to Moscow and not to Petropavlovsk, the capital of the Kamchatka region. Further north, the Chukchee Autonomous Area has entered the same process in relation to the Magadan Region of which it is a part. In both cases these steps have been taken unilaterally. But in spite of this, the initiatives have implied a *de facto* independence from Petropavlovsk

and Magadan. Many ties have already been cut and there are no indications that former relationships will be revived.

This development is not only a process towards increased autonomy, but it also implies decentralisation. This is supposed to be an advantage to indigenous as well as non-indigenous people. It should be remembered that within all autonomous areas the majority of the population is non-indigenous, mainly Russian, Ukrainian and Armenian immigrants. In general, the autonomy movement is supported by these groups whose power can be expected to remain unaffected by obtainment of autonomy at a higher level. Concerns have been raised that independence from the old regions can put economic pressure on the new autonomous regions or republics to enter into risky exploitation of non-renewable resources like gold and timber. The fear is that foreign companies will enter joint-ventures without any consideration of the ecological consequences of such projects. However, in the autonomous areas the process towards increased autonomy seems to be supported by the indigenous peoples.

The exploitation of Siberia's enormous natural resources is of great concern to the indigenous people. In 1991 Western oil companies got access to potential hydrocarbon resources offshore Sakhalin. Otherwise, the unstable political situation has implied a temporary freeze on many great projects. This includes the development of the oil and gas resources of Yamaal peninsula, the Turukhan hydro-electric project and a nuclear powerplant in the Khabarovsk region. There is, however, little doubt that the promotion of these projects will be resumed sooner or later. There is great pressure to have the gas resources of Yamaal developed in order to increase export to Western Europe.

For some years scientists and others have worked on creating a "Beringia Park" to include northeastern Siberia and parts of Alaska, USA. A conference with scientists, indigenous representatives and others was held in August.

Russia's ratification of the ILO Convention 169 is a main international ambition of the indigenous people of this country. This was stressed during the CSCE (Conference on Security and Cooperation in Europe) conference in Moscow in October and reiterated again and again.

Saamiland. In 1991 Nils-Aslak was the first *Saami* (Lapp) to receive the Nordic Council's Prize for Literature for his book *Beaivi Ahcazan* (My father the Sun). The book is first and foremost written for Saami in their own language, but it also addresses itself to everyone. The original edition of the book consisted of a combination of photos and poems but the photos have been left out of the translations. (See IWGIA Newsletter 1/1991).

An important court case against the reindeer herding Saami in Härjedalen has now started. Härjedalen is situated in Jämtland in central Sweden in and is part of southern Saamiland. It is the most southerly



Henrik Kuhmunen. Photo: Gustav Heikka.

area in Sweden with reindeer herding. Last year a group of landowners and forestry companies, Korsnäs, Store Skog and MoDo, issued a writ against the Saami towns of Idre, Tånäs, Mittådalen, Handösdalen and Tossåsen. The Saami had sought the rejection of the case but this was turned down this year by Judge Iagmar Harry Tjernberg. The prosecutor maintains that the Saami do not have a customary right to graze their reindeer outside the hill pastures in Härjedalen. The Saami say that they have customary grazing rights to the whole of Härjedalen.

The forestry owners and the landowners claim that the reindeer damage the trees and that they interfere with the elk hunting. There is something grotesque in that the Saami, who have fought for years to preserve the hill forests are now being accused of destroying them. It is often the elk which destroys the young trees but it's the reindeer and so the Saami who get the blame. When the reindeer have damaged crops the Saami have paid compensation according to prior agreements.

There are many misunderstandings in this case, it is difficult for the resident landowners to understand the ecological interconnections, of which reindeer herding is a part. The reindeer are obviously subject to

ecological conditions. This means that the grazing areas can vary from year to year. That an area has not been used for a number of years does not mean that it is not important for reindeer herding. The areas which lie furthest away are only used when the reindeers' grazing needs can not be satisfied by other means. This type of cycle also gives nature a chance to recover after a period of grazing. The landowners feel that the reindeer should be kept within the reindeer hill pastures and that other areas are not covered by the customary grazing rights because they have not been continuously used. The areas in question are especially needed by the reindeer for grazing in winter. The customary rights, which the Saami also refer to, was the basis for the first law concerning reindeer herding in Sweden, from 1886, and it has been confirmed in later laws - as late as 1971. Some believe that the case on reindeer herding in Härjedalen can be very lengthy, it can take perhaps up to 30 years. Behind one of the prosecutors, Store Skog, is the Wallenberg family, which is Scandinavia's strongest and richest, so the Saami in Härjedalen are up against some powerful opponents.

Reindeer owner Henrik Kuhmunen, Jokkmok municipality, has died, aged 82. Henrik Kuhmunen well beyond the borders of Saamiland and Sweden as a man of wisdom and a healer. His view of life was based on the old Saami values and on a close but realistic relation to nature. For Kuhmunen nature had a soul constituted a coherent whole. He had the ability to stop bleeding and cramps and he also knew the power of herbs. Many said that he was a "nåjde" (Saami shaman). For many years he lead the reindeer procession in Jokkmok's Saami market. But when Jokkmok Council showed itself to be positive to a hydro power project which will cause great damage to nature, Henrik Kuhmunen resigned his job in protest. No one knew reindeer and worked so well with reindeer herding as he did and few knew how to share their experience with others as he did. Henrik Kuhmunen had the pleasure of being active in reindeer herding until the day he died.

In March of 1991 Greenland changed its political leadership. After having guided Greenland through its first 12 years of self-government, Premier Jonathon Motzfeldt, of the social-democratic Siumut Party, was defeated by his party colleague and political companion through many years, Lars Emil Johansen.

Following the elections Premier Lars Emil Johansen formed a government coalition with the leftwing Inuit Ataqatigiit Party on the basis of an agreement of cooperation, hence replacing the Siumut minority government formally supported by the conservative Atassut Party.

The agreement spelled out a division of areas of responsibilities between Siumut and Inuit Ataqatigiit, and included a restructuring of the administration encompassing two more ministers. The environment was

singled out from the Department of Fisheries and Industry and placed in a new department, the Department of Health and the Environment was established in order to prepare for the takeover of the health services on January 1st of 1992. The Home Rule Government is now constituted by 7 departments and is run by a young dynamic team, which, for the first time, includes 2 women.

Greenland is in the midst of a major economic crises, related to the general recession in the northern hemisphere as well as to a severe crisis within Greenland's fisheries, the main industry and source of income for Greenland. Owing to a few years of excellent cod and shrimp fishing, Greenland allowed its fishing fleet to grow uncontrolled and is now paying for this in terms of a series of bankruptcies in the fishing industry as well as in the small business and service sectors. A development which has resulted in an overall increase in the unemployment rate, which again puts a strain on the municipal social services. The major and unforeseeable reason for the crisis in the fishing industry is the fact that cod have been disappearing from Greenland's waters over the past couple of years. In addition, the shrimp fishery off the east and west coast of Greenland has reached a maximum level, causing a decline in the catch rate. Deep concern for the future shrimp fishery has lead to an agreement between the government and the private fisheries organisations to lower the quotas during the next couples of years, allowing the shrimp stocks to recover.

The Home Rule Government is maintaining a tight economic policy introduced by the former government, and has developed a more streamlined and efficient conduct of business. Cut backs on the administration along with measures to privatise Home Rule enterprises are some of the remedies applied to deal with the current economic crisis. In addition to this, a new policy in the area of mineral exploration has been put in place to encourage and facilitate investment of foreign companies in resource exploration and exploitation. The policy basically provides for more favourable taxation and less strict concession-arrangements for the companies involved.

After a few years of minding its own business, while consolidating its position, Greenland has commenced a process of opening up toward the international community. In other words, while having mainly been focusing on the international forums dealing with fisheries and marine mammals, Greenland is now putting emphasis on a wider range of international affairs.

More attention is being paid to the European Economic Community (EEC), which Greenland opted to leave in 1984. It has been arranged to place a high level representative of Greenland in conjunction with the Danish EEC delegation in Bruxelles to prepare the EEC-Greenland

agreement on fisheries, which is renegotiated every 5 years, and to promote and facilitate Greenland's trade within the EEC.

In general, the government has been more outgoing in terms of participation in international affairs, such as environmental protection strategy activities like the Arctic Environmental Protection Strategy, in which Greenland has agreed to be the lead country in the area of human health, and the UNCED process in which Greenland is a high profile participant in the working group on renewable energy sources. The first hydro-electric power plant in Greenland is under construction and will be in operation by 1993.

Following a resolution calling upon all governments to recognise the fundamental rights of aboriginal peoples, passed by the Greenlandic Parliament in late 1990, and which Denmark has since attempted to promote through the Conference on Security and Cooperation (CSCE), Greenland has become more involved in the UN work concerned with the rights of aboriginal peoples.

The increased EEC and UN involvement has created a demand for more independent Greenlandic expertise in international affairs. In order to develop such expertise the Home Rule Government has arranged with the Danish Ministry for Foreign Affairs for students and university graduates to do fieldwork with the Danish Foreign Service and at the UN.

In September of 1991 Greenland hosted the first UN Meeting of Experts held in the Arctic. Representatives from 13 countries and 12 Non-Governmental Organisations were invited to review the experiences of countries in the operation of schemes of internal self-government for indigenous populations. The purpose of the expert meeting was to assist the UN Working Group on Indigenous Populations in the preparation of a draft declaration of indigenous rights and to contribute to a greater understanding of existing institutions and practices aimed at eliminating discrimination against indigenous peoples. Greenland was chosen as the host country, because it practices one of the most extensive self-governments among aboriginal peoples of the world.

Greenland has gradually been strengthening its ties with the Nordic Council and the Nordic Ministers Council. Currently the Minister for Education, Culture and Employment is holding the positing of "Minister for Cooperation" within the Nordic Council. The engagement in these forums provides a basis for more contact and cooperation with all the Nordic nations, including the small self-governing countries of the Faroe Islands and Aaland, as well as the Saami people, with whom Greenland also cooperates through aboriginal peoples organisations and forums, such as, the Inuit Circumpolar Conference, the Arctic Leaders Summit, the "Finnish Initiative", the CSCE, and the United Nations Working Group on Indigenous Populations.

The Greenland Radio and Television Broadcasting Corporation has introduced a daily television news broadcast in Greenlandic, which is, at some point, to become nation-wide. This major facility has been established to meet the need for better communication between the various regions, and to communicate new developments at local, national and international levels in the Greenlandic language. It is an important supplement to the Greenland national radio news-cast, the taped television news from Denmark, and the satellite transmitted news from Canada and the United States.

The year 1991 brought *Inuit in Canada* a step forward in the land claims processes. Since the 1970s the Inuit of the Northwest Territories have negotiated their land claims with the Federal Government in Ottawa. An *agreement-in-principle* was reached in 1990 and in December this year the Inuit and the Federal Government signed the final agreement. This will leave the Inuit with ownership rights (fee simple title) to approximately 350,000 square kilometres of land (app. 18% of the claimed land (Nunavut) and of the land claimed by the Inuit) of which 36,300 square kilometres will include mineral rights.

In addition to \$580 million to be paid over 14 years, the Inuit will receive annually 50 per cent of the first \$ 2 million of resource royalties received by the government, and 5 per cent of additional resource royalties within the settlement area. The Inuit will have control of known mineral lands including some uranium sites near Baker Lake, west of Hudson Bay. In a referendum held in Baker Lake in 1990, 397 voted against uranium mining and 43 in favour of a proposed Kiggavik Uranium project.

Finally, but not least, the land claim settlement gives the Inuit hunting, fishing, trapping and management of land and water areas. By accepting this agreement the Inuit concede to extinguish all aboriginal rights to the land.

The next step in the process will be to settle the boundary between this claim and other indigenous land claims in the Northwest Territories. This will take place in early 1992 when a territorial-wide plebiscite on the boundary question will be held. As a final step the land claim agreement has to be finally ratified by the Inuit communities and by the parliament in Ottawa.

If the boundary is agreed upon the government and the Inuit has negotiated a political accord in which the land claim agreement will be followed by the establishment of a new self-governing territory, *Nunavut*, in which the Inuit will make up the majority of the population. Nunavut is expected to be a reality after about five years. The boundary between Nunavut and the rest of the Northwest Territories will be same as the boundary separating the Inuit land claim from the land claims forwarded by the indigenous Dené, Metis and Inuvialuit. However, the Inuit of the



Western Arctic, Inuvialuit, continue their efforts to establish their own regional government, separate from a future Denendeh.

Although the land claim is different from the self-government issue (creation of Nunavut) the Inuit have always insisted on linking the two processes together.

An obstacle to a final ratification of the Inuit land claim agreement and to the introduction of a self-governing Nunavut is the fact that land claims negotiations between the Dene/Metis Indians and the Canadian Government collapsed when it was repudiated by the Indians in the ratification process. It is thus expected that the Indians will oppose the boundary agreement reached between the Inuit and the Government.

This collapse induced some of the Indians, the *Gwich'in* and the *Sahtu*, to start negotiating separate land claims processes. In 1991 the *Gwich'in* reached a final land claim settlement which was endorsed by a 94 per cent vote among the 2,000 *Gwich'in* people. They voted in favour of a \$75 million compensation and title to 24,000 square kilometres of land, including subsurface rights to about 6,000 square kilometres. The settlement also gives them exclusive hunting and trapping rights to the rest of a 60,000 square kilometre settlement area.

In the Yukon Territory, what is called an *umbrella final agreement* was reached in 1990 covering more than 6,000 Indians. In the province of Labrador the land claim process is lagging behind although the Inuit submitted their claim in 1977. In 1990 a *framework agreement* was reached, but a final agreement is not expected to be ready the first couple of years.

In the province of Quebec land claims agreements were signed as early as 1975, forced by the construction of the gigantic James Bay hydroelectric project. This project has now reached phase 2 which means the building of more dams and roads and flooding of large areas of traditional indigenous territory. The James Bay Cree demanded that no construction should be developed before a full Environmental Assessment of the cumulative impact of the project has been carried out. After the entry of the Federal Government and after the Cree Indians took the hydro electric company (Hydro Quebec) to court, the provincial government of Quebec initialled an overall environmental impact and review. This also followed protests from potential consumers in the state of New York, USA. In the meantime the Inuit of northern Quebec, through their land claims corporation, Makivik Corporation, began negotiations with Hydro Quebec in an effort to reach an Agreement-in-Principle which shall provide compensation for the Inuit if the project is carried through.

In 1991 the Inuit of northern Quebec also signed an agreement with the Quebec government laying out the framework for talks leading to the establishment of an autonomous regional government.

In the 1950s small groups of Inuit were relocated from Northern Quebec and Baffin Island to the High Arctic. More than a generation after these events the Inuit have voiced protests against what they see as forced relocation, and have demanded compensation and rehabilitation from the Canadian government. With the Quebec government refusing the Inuit of this province the same right to self-government as they demand themselves, the relocation issue shows that colonialism is still an issue in Canadian politics.

Like the rest of indigenous Canada, the Arctic will also be affected by the decision taken by the federal government to appoint a Royal Commission that will examine issues affecting Canada's aboriginal peoples. The Commission has former president of Assembly of First Nations, George Erasmus, as co-chairman and Mary Sillett, president of the Inuit Women's Association, Pauktuutit, as commissioner. Aboriginal self-determination, land claims, the status of treaties and native justice are some of the issues that will be looked at by the commission.

To take part in the current constitutional reform process in Canada the Inuit have named an Inuit Committee on Constitutional Issues with members representing the most important Inuit organisations.

As in 1990 a main concern to the indigenous (Native) Indian, Aleut and Eskimo (Inuit) of Alaska has been their hunting and fishing rights. Until December 1989, when the Alaska Supreme Court ruled against it, rural Alaskans had preferential rights to subsistence hunting and fishing. Since 1978, these rights were guaranteed by US Federal law (Alaska National Interest Lands Conservation Act, ANILCA), but invalidated by the Alaska Supreme Court as unconstitutional according to State law. The Alaska State legislators have been under continuous pressure from urban non-native residents, sports-fishermen and sport-hunters to abolish the rural as well as the subsistence preference. No act gives priority to Alaskan Natives, but the combined rural-subsistence preference has in practice favoured many Native groups.

In 1991 governor Hickel appointed a Subsistence Advisory Council to look into the question.

One of the regions of Alaska where the subsistence question is most serious is on the Pribilof Islands. The Pribilof Aleuts depend on harvesting of fur seals, but since 1985 commercial harvesting has been banished. Since then the Aleuts have only been allowed to harvest seals for subsistence, but even this activity is now in jeopardy. For a number of years this subsistence activity has been under attack by the Humane Society of United States and other animal rights groups.

In response, the Pribilof Aleut Fur Seal Commission says, that "to argue that our people should switch exclusively, or increasingly, to store-bought food, and to demand that federal regulations specify the seal body parts we must eat demonstrates the incredible arrogance of a small group of special interests practising a new form of cultural genocide".

In 1971 the US Congress, Washington, passed the Alaska Native Claims Settlement Act. ANCSA was a land claims settlement which left the Natives with 44 million acres of land, about 11% of the State area, and a 1 billion dollar cash compensation. The land and the cash compensation was coffered to regional and to village profit corporations with all Natives as shareholders.

A 20 year transitional period made restriction on stock alienation, land taxation and other matters. In 1988 amendments to the 1971 law were made which extended some of these restrictions and gave rights to Natives born after 1971 (they were originally excluded from the benefits of ANCSA).

In 1991 the most prosperous of Alaska's village corporations, Klukwan Inc. with only 270 shareholders tried to buy out its own regional corporation, Sealaska with 15.750 shareholders. Both companies are involved in the timber business. Although some village corporations have merged with their regional corporation, this is the first case in the history of ANCSA in which one Native corporation has tried to take over another Native corporation.

The Klukwan case raised an enormous debate in the Native community. An eventual takeover will have unknown, but likely critical implications for the future of all Native people of Alaska. The 1991 Convention of the Alaska Federation of Natives therefore voted to ask the US Congress in Washington to protect corporations from hostile takeovers. Thus, in November the Congress passed a 2-year moratorium on sale of ANCSA corporation stock, thereby halting a hostile takeover of Sealaska corporation.

The longterm environmental impact of the Exxon Valdez oilspill is still unknown. The oilspill hit Prince William Sound and the Kodiak Island region in South-central Alaska. A settlement which excludes the Natives of the region has been reached between Exxon and the Alaska State. The Native villages of the region have vested many resources in a common lawsuit against Exxon, but there is no prospect for a settlement soon. Besides the environmental and economic effects, the oilspill has had serious psychological and social impacts on the Native communities of the region. On top of this, the Prince William Sound regional Native corporation, Chugach Alaska Corporation filed for bankruptcy in 1991. The oilspill has been among the factors cited for the timber and fisheries reverses which have affected the Native Corporation. The oilspill has been said to have damaged fish processing operations in Cordova and Kodiak, and caused delays in both sawmill construction and the Kenai Peninsula timber harvests. Chugach Corporation is the third Native Regional Corporation to file for bankruptcy protection. The two other corporations successfully reorganised in the mid-1980s.

For some years there have been plans to open the Alaska Arctic National Wildlife Refuge in the Northeastern part of the State to oil and gas development. These plans have been supported by some Native groups and opposed severely by others. Among those in favour have been corporations and the North Slope Borough within whose area the wildlife refuge is located. Among those opposing any development in the refuge are environmental organisations and the Gwich'in Indian on both sides of the Alaska-Canada border who depend on the local caribou herd for subsistence. However, the Congress in Washington did not pass the legislation and the case is not considered to be revived before 1993.

Sources: Samefolket 1987 nr 4; Samefolket 1991 nr 4, 10; Klassekampen 10 oktober 1990; IWGIA Newsletter No 1. 1091; Alaska Federation of Natives News; Anchorage Daily News; The Arctic Circle; Kodiak Daily Mirror; Maktiivik News; News North; Nunatsiaq News; Nunavut Today; Tundra Times.



Indigenous Population: 3.5 million

1. *Lit-wat*
2. *Lheit-lit'en*
3. *Peigan*
4. *Lubicon Cree*
5. *Innu*
6. *Haudenosaunee/Mohawk*
7. *Lakota*
8. *Western Shoshone*
9. *Hopi/Diné (Navajo)*

NORTH-AMERICA

George Erasmus retired as the Grand Chief for the Assembly of First Nations (AFN) which numbers 500,000 indigenous from all over Canada (although not all status indigenous groups recognise the policies of AFN). Ovide Mercredi was elected as the new Grand Chief. Only three weeks later the new Grand Chief already found himself involved in a serious conflict with the Canadian government. This was caused by the Federal Government having set up a committee to examine the possibilities for a reform of the constitution. Constitutional Affairs Minister Joe Clark proposed to the House of Commons Committee. This would have meant that once again the indigenous people of Canada would have simply been looking on as passive witnesses whilst others decided their future for them. Ovide Mercredi firmly rejected such an arrangement. Instead he proposed that the AFN participate in a parallel process.

After some negotiation this proposal was approved by Joe Clark. The AFN founded the First Nations Constitutional Circle, consisting of 8 members. This workgroup is to travel across the whole of Canada interviewing individual First Nations citizens, chiefs, off-reserve members of first nations communities, women, elders, young people and non-aboriginals who are concerned about justice for the first nations in Canada. Before the Circle begins its trip four special assemblies will be held for special groups. It is groups such as these in particular which are very often ignored and disregarded in national development policy. The four special assemblies will be for elders, young people, women and off-reserve First Nations citizens.

The realization of First Nations Constitutional Circle is a great personal victory for Ovide Mercredi. Not only has he managed to turn a negative development into a positive one, but he has also succeeded in getting Minister Joe Clark to admit that the government's first plan had been paternalistic in its attitude towards Canada's original population. This is the first time that the indigenous peoples' opinion has been accepted as a part of constitutional reform in Canada. In Ovide Mercredi's own words: "it is important that the native people be represented by themselves, rather than by a committee formed by a "white parliament" or by a group appointed by the government". It is highly possible that Mercredi will end up playing a role which corresponds to that of a province prime minister in the coming constitutional negotiations with the Federal Government.

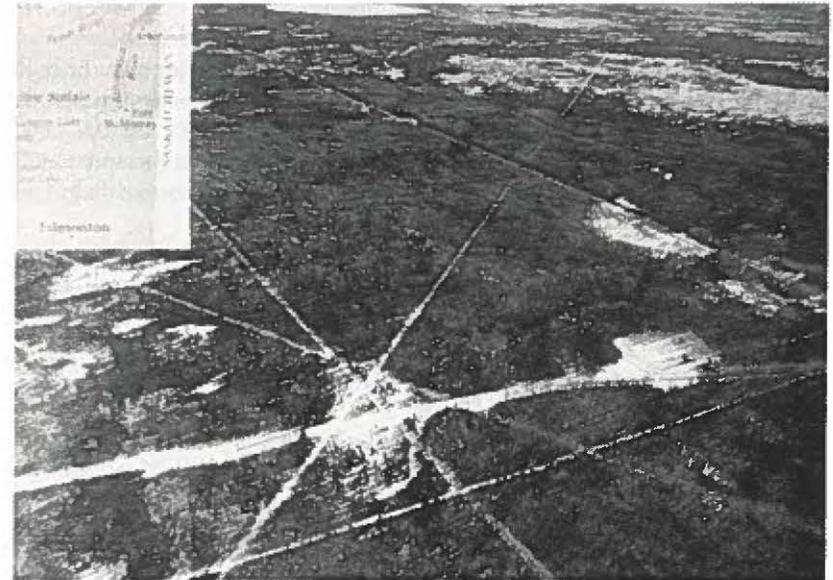
However, not everyone is pleased about the strong position which the AFN has gained on constitutional reforms. The status indigenous groups who do not wish to be represented by the AFN are worried that the

government will not take note of the fact that there are Indian peoples who they have to negotiate with separately. They believe that there is a strong danger the Federal Government will either overlook them or place them on the same footing as the AFN and thereby force upon them a policy which they themselves do not want.

Alberta. Milton Born with a Tooth Peigan Lonefighters was sentenced to 18 months in prison on six weapons charges. The background to this was an episode the year before last where Milton Born with a Tooth along with other members of the Lonefighters Society had established a camp on the Oldman River which flows through the Peigan Indians Reservation in southern Alberta. The Lonefighters want to stop the building of a dam which will cause a great deal of pollution and disturbance of the environmental balance in the area. In addition to this several places of historic value associated with the *Peigan* Indians will be flooded (see IWGIA Yearbook 1990, p. 53,54).

On the 30 August 1990 the camp was stormed by more than 100 armed policemen, Milton Born with a Tooth shoot two warning shots up into the air and the police withdrew. This led to the arrest of Milton Born with a Tooth. He has been temporarily released until his case comes up in the Alberta Court of Appeal.

In northern Alberta the Lubicon Lake Indian Nation has continued its more than 50-year-long battle to have its legitimate land rights recognised. Large-scale environmental damage due to oil extraction in the area has destroyed the Lubicon Lake Indian Nations traditional subsistence economy, based on hunting and trapping. Despite protests from the Lubicon Indian Nation the province of Alberta has leased out extensive areas of the Lubicons traditional territory for logging. The land is leased to the Japanese multinational paper company Daishowa whose products are sold throughout most of the world. (See IWGIA Newsletter No. 3 1991). The Lubicon Indian Nation is attempting to prevent Daishowa from taking up logging in the area. In so doing they hope to put pressure on the Federal Government to resume serious land rights negotiations. Both in Japan and in Europe there have been demonstrations at the Canadian Embassies in support of the Lubicon Indian Nation. Campaigns have also been started up again for the boycotting of Daishowa paper products in both Japan, Europe and Canada. IWGIA, like a great many other human rights organisations, has sent protests to the Canadian government and has strongly urged Canada to resume negotiations with the Lubicon Indian Nation. So far the Canadian authorities have chosen to ignore these many protests. Instead, as they so often have done in the past with regard to the Lubicon Indian Nation, they are spreading a great deal of misinformation, in which they make it sound as though the Lubicon Indians are being unreasonable in their demands. It is important that the pressure on the Canadian government continues to be applied.



The destruction of Lubicon land by oil development can be fully appreciated only by a view from the air. At the beginning of oil-development, companies cut criss-cross mile-long straight lines into the forest (seismic lines). Every 20 to 30 meters explosives are blown to test from ground-waves, whether there could be oil underneath ore not. Photo: IWGIA archives.

Therefore IWGIA encourages everyone to address Canada's Prime Minister on this matter:

The Honourable Brian Mulroney
Prime Minister
Government of Canada
Ottawa, K1A - 0A6
Canada
Fax: 1-613-957-5632

The newly-elected New Democratic Party in **British Columbia** has approved the indigenous population's legitimate rights to land and self-determination. Contrary to the situation in most other places in Canada the Indians in British Columbia never entered into treaties surrendering land to the newcomers who arrived on the territory in the 19th century. Therefore the British Columbia Indians are making claims to large areas of land. Apart from the north eastern corner of the province all other areas will be affected by the land claims. Both the province government

and the indigenous peoples' representatives insist that the claims concern state-owned or province-owned and not privately-owned land.

According to the new laws all land rights negotiations in British Columbia must proceed on equal conditions for all the parties involved. *Squamish* Chief Joe Matias made the following comments on the new situation: "For the first time we have a government in this province which is willing to sit down and commit itself to a process of negotiations."

However not all the B.C. Indians have reason to be optimistic. The *Lheit - Lit'en* Nation (previously the Fort George Indian Band) from Prince George have had their traditional lifestyle destroyed by logging and pollution, particularly from pulpmills in the area. There are 3 pulpmills involved, all of which are situated within the *Lheit - Lit'en* Nation's traditional land area. Ever since these pulpmills were built around 1964 they have been responsible for increasing air and water pollution and several environmentally-destructive types of poisonous chemical are involved, for example:

- a) 2378-Tetrachlorodibenzo-para-dioxin
- b) various other chlorodibenzo-dioxins
- c) 2378-tetrachlorodibenzo-furan
- d) various other chlorodibenzo-furans
- e) numerous other chlorinated organic substances.

In particular poisonous deposits of dioxin have had a harmful effect on the reservation and have caused fear amongst the people. The dioxins are organic/chemical compounds where the dioxin forms part of the molecule. Chief Peter Quaw says on this subject: "You can't see dioxin, You can't smell it or taste it.

But it can kill you. It is awful. And my people have it in their bodies." Medical tests on several members of the *Lheit - Lit'en* have shown that they have absorbed dioxin into their bodies through the food chain.

The *Lheit - Lit'en* Nation is, to a great extent, dependent on the fish stocks in the Fraser River, both for food, oil and traditional medicine. The *Lheit - Lit'en*'s very life and existence is linked to the fish. Several of their legends and songs are based around salmon and they consume 10 times as much fish as non-indigenous Canadians. Since 1989 poisonous deposits have been recorded in the fish which are so large that they have been declared unfit - Yes, actually dangerous - for human consumption.

Unemployment on the reservation is at 95% and therefore it is a catastrophe for the *Lheit-Lit'en* that they can no longer fish and trap beaver, it turns out that even the beaver are polluted with poisonous chemicals. The *Lheit- Lit'en* Nation has sued the owners of the Prince George Pulpmill, Intercontinental Pulpmill and Northwood Pulpmill, in

an attempt to have the pollution of their traditional territory stopped. It has been extremely difficult for the only 196 member strong *Lheit-Lit'en* Nation to find the means to pay for scientific research and legal consultation etc. at the same time as their economy, based on fishing, has been destroyed. Therefore the *Lheit-Lit'en* Nation urgently requests financial support, no matter how small the amount it will be welcome. For further information please contact:

Chief Peter D. Quaw
Lheit - Lit'en Nation
R. R. # 1, Side 27, Comp. 60
Prince George, British Columbia
Canada
V2N 2H8

Phone: 604-963-8451
Fax: 604-963-8324

Neither have the *Lil'wat* Nation had much grounds for optimism and the 10th September 1991 they took their case to the International Court in the Hague in the hope of, if possible, gaining recognition of their having judicial jurisdiction in and over their traditional territory.

The lands of the *Lil'wat* Nation lie in the south western B.C., 140 km. north east of Vancouver. International Forest Products has started the construction of a road through Boulder Valley which is the *Lil'wat*'s ancient burial grounds. Here lies buried the victims of a smallpox epidemic from the end of the last century which reduced the *Lil'wat* from 80,000 to 1,500. The same area is also a holy place where Indian warriors and medicine men have their training. Many ancient cliff paintings are also to be found here. When it was revealed that the road which was being constructed through the area was not just destroying the vegetation but was also a threat to the resting place of their ancestors in the Boulder Valley, concerned people of the *Lil'wat* Nation took action. On the 12th of July they built a barricade to prevent further destruction of their territory. This barricade was removed by the police and also a new one in January 1991. To start with the provincial government recognised that it had no jurisdiction in *Lil'wat* territory but later they discovered an "Order in Council" from 1938 which gives the province the right to take over 5% of an Indian reservation, if this is needed to build a road. By this means the provincial government obtained the right to order the barricades on the road removed. It is this breaking of the *Lil'wat* Nation's judicial rights which has got them to go to the International Court in the Hague.

These examples from the *Lheit - Lit'en* and the *Lil'wat* Nations unfortunately show all too clearly that there is still a long way to go

before words become deeds with regard to the British Colombian government's good intentions to recognise the indigenous peoples' rights.

In May 1992, The Innu Nation representing Labrador's 1,300 Innu people, seriously criticized the Canadian Department of National Defense (DND) for wanting to modify avoidance criteria which are supposed to protect people and wildlife from the adverse effects of military aviation.

In its \$ 6 million (CDN) environmental impact statement, the Department had promised to avoid noise sensitive concentrations of caribou, ducks and geese, moose and birds of prey, as well as the hunting camps of the Innu and other people using the Low-level Training Areas.

Innu spokesperson, Daniel Ashini, said he is extremely concerned that the mitigative measures which are supposed to protect wildlife from the adverse effects of military aviation are about to be corrupted by DND. He provided copies of correspondence between DND and the Canadian Wildlife Service showing that DND is on the verge of manipulating its mitigation of avoidance to suit a number of European countries wanting to expand low-level flight operations originating from CFB Goose Bay. These countries have been threatening to withdraw from Goose Bay if flying restrictions are not eased.

In letter to Eric Hiscock of the Canadian Wildlife Service, lieutenant Colonel G. Bruneau of the Department of National Defence stated that the consultant subsequently developed modified criteria which better reflected a higher baseline density and better identified the preferred nesting areas. However, even with the modified criteria, the restrictions to the training area were much larger than expected. Although somewhat more liberal these have placed significant restrictions on the training area which are unacceptable to the Allies and which, if maintained or expanded could potentially result in a cessation of flying training (December 11, 1991).

The letter, obtained through the federal Access to Information Act, went on to note that "In response to DND concerns" the consultant developed a new range of alternative criteria. When queried by journalists, DND spokesperson, Lt. Col. Bruneau, said it is no secret that DND is very unhappy with the present avoidance criteria which make it difficult for the allied air forces to train at CFB Goose Bay.

Eric Hiscock, of the Canadian Wildlife Service, stated in reply, that he has every intention of sticking to the avoidance criteria recommended by his departmental biologists which are designed to give good, but not perfect, protection to ducks and geese during the staging, moulting, and breeding portions of their life cycles.

Innu spokesperson, Daniel Ashini, said, "DND has discovered that sensitive wildlife areas are located everywhere in our territory. Rather than avoid these areas, DND now wants to define them out of existence.

Mr. Ashini noted that the DND had made its promises to develop a good avoidance programme before it had done much homework to identify the concentrations of wildlife that would have to be avoided. Now that it has started to conduct some wildlife surveys, it is finding noise sensitive wildlife concentrations all over the place. There are so many areas to be avoided, there is not enough airspace left over for flight training by allied air forces.

The Innu have argued all along that the avoidance strategy would not work, and that it amounted to little more than a public relations ploy. Furthermore, DND has been asked to demonstrate the validity of its avoidance programme by a federally-appointed Environmental Assessment Panel, but has not yet done so. The Department's failure to validate its programme was first identified by the Panel in a hefty deficiency statement two years ago. The deficiency statement required DND to rewrite its Environmental Impact Statement concerning flight training at Goose Bay.

In closing, Mr. Ashini noted that two endangered species are found in the training areas - the peregrine falcon and harlequin duck. He expressed great concern that DND's faltering avoidance programme is not giving proper protection to these species.

The Innu people are otherwise known as Montagnais-Naskapi Indians. They are based in 13 communities throughout the Quebec-Labrador peninsula and number approximately 13,000 people. The Innu communities of Utshimassiu, Sheshatshiu, La Romaine, Natashquan, Schefferville and Kawawachikamach all have important hunting territory in the Low-level Training Areas located north and south of Goose Bay. Approximately 50% of this military airspace is situated over the Quebec portion of the Innu territory.

The request from President of the United States, George Bush for the 1992 budget of the Bureau of Indian Affairs will increase funding by \$ 105.7 million, but it will also slash \$ 150 million from Indian Health Service and eliminate new constructions of Indian Housing.

Increases include \$ 72.5 million for self determination, \$ 24.5 million for education and \$ 8.7 million in management improvement.

Decreases are \$ 11.8 in welfare assistance payments, \$ 8.9 million in wildlife and parks programs, \$ 2.9 million in water resources, \$ 1.1 million in litigation support and take \$ 3 million from funds for water rights negotiations and litigations. Further, the proposal suggest cutting Indian health programs by 4 percent.

Tribal leaders and Indian health services personnel "expressed outrage over the Bush administration plan to further cut services to the nation's most disadvantaged group while proposing more money for BIA administration".

The Bush administration also plan to terminate new housing construction, in direct contradiction to promises made last year. "Jack Kemp, secretary of Housing and Urban Development, last July told the 16th Annual Convention of the National American Indian Housing Council assembled in Washington D.C., that "because of my understanding of the needs of Indian country, I will be pleased to commit to you today that I will personally, and HUD will politically, support new construction in Indian country in 1992 and the future."

At a meeting with 17 American Indian leaders in April, Bush received a briefing paper on "Critical Issues in Federal Indian Policy", and the leaders asked the President to issue a formal statement reaffirming the government-to-government relationship. Bush responded positively to the request, and did the same to a suggestion to have a White House staff member serve as a liaison between the president and the tribes.

Klamath tribal member Gerald Hill, past president of the American Indian Physicians Association, said in a presentation to tribal leaders that the Indian Health Service is manipulating statistics on Indian health needs.

IHS statistics claim that "the American Indian death rate and infant mortality rates are equivalent to that of all populations in the U.S." (the d.r. is 40% higher). This is done to justify low funding levels and inadequate services bill charged.

IHS Director Everett Rhodes claimed that IHS is, at the moment, meeting 70 percent of Indian health needs. Despite this claim, "Native Americans have the highest mortality rate from disease of any U.S. ethnic group" (heart disease, injuries and cancer), and their life expectancy are just 52 years.

Indian health care has an acute shortage of physicians, and the turnover rate among physicians in IHS employment is 20 percent. And fewer than 5 percent of IHS physicians are Indians.

The board of trustees of the National Museum of the American Indian adopted a new policy on repatriation of Native American human remains and cultural materials.

In accordance with the wishes of culturally based Native Americans, "the policy commits the museum to the disposition, in accordance with the wishes of culturally based Native Americans, of Native American human remains of known individuals or individuals who can be identified by tribal or cultural affiliation with contemporary Native peoples; funerary objects; ceremonial and religious objects transferred to or acquired by the museum illegally or under circumstances that render the museum's claim to them invalid."

The Department of the Interior has received many requests from tribes to take land in trust located outside of and non contiguous to reservations for different development projects.

The Department of the Interior responded to this on a case to case basis "according to need, purpose, amount of trust land currently owned, and the impact of removing the land from local government tax rolls".

The Secretary of the Interior, Manuel Lujan and the Assistant Secretary for Indian Affairs Eddie F. Brown agreed on a policy review and rule change for consistent resolutions.

Under the proposed rules, requests to take land in trust located outside of an Indian reservation must continue to meet the criteria contained in federal law (25 CFR, part 151.10). In addition these new guidances have been proposed:

- (1) The property should be free of all hazardous and toxic materials;
- (2) The land to be acquired in trust should be located within the state (s) in which the tribe presently owns trust land;
- (3) The tribe must consult and attempt to resolve possible conflicts over taxation, zoning and jurisdiction with local, city, country, and state governments and demonstrate such efforts have been made;
- (4) The tribe shall provide an economic development plan specifying the proposed use of the land with a cost/benefit analyses;
- (5) The tribe must demonstrate that trust status is essential for the planned use of the land and the economic benefits to be realized;
- (6) The tribe will adopt standards and safeguards comparable to all local ordinances.

when the acquisition of new land is to be used for gaming purposes, these additional criteria and requirements will be considered;

- (1) Request must be in compliance with the Indian Gaming Regulatory Act (P.L. 100-497).
- (2) When appropriate, the request must be reviewed by the National Indian Gaming Commission;
- (3) Requests must include an analysis by the tribe showing that it explored all reasonable alternatives (other than gaming) which would provide equivalent economic benefits;
- (4) The request must provide that the tribe agrees to withhold the appropriate portion of individual winnings from gaming activities for federal taxes."

David J. Matheson, a former chairman of the Coeur d'Alene Tribe, was appointed Deputy Commissioner of Indian Affairs, effective from May 20.

The past 14 months, he served as a Special Assistant and recently as the Director of the Office of Construction Management.

Matheson will have responsibility for the day-to-day operations of the BIA with more than 14,000 employees nationwide.

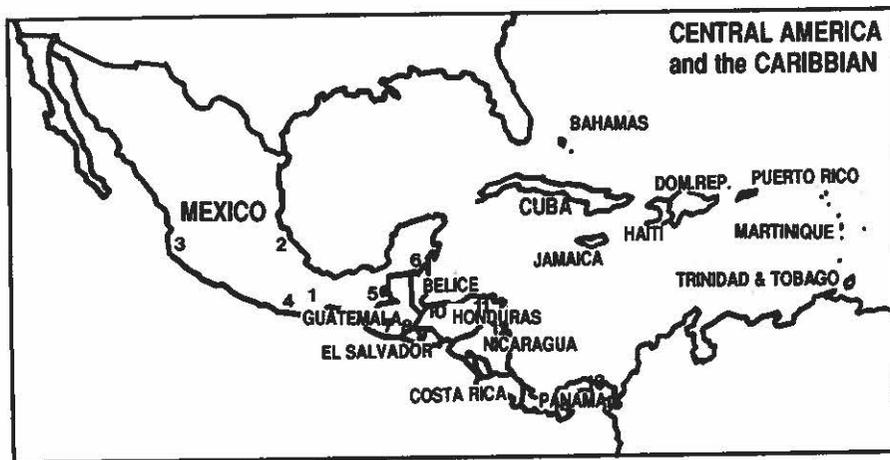
During a three-day conference, organized by the National Center for State Courts, the National American Indian Court Judges Association and the Conference of Chief Justices, Chief Justice Tom Tso of the Navajo Nation spoke to some 250 representatives of tribal and state courts.

Tso is a member of a panel of tribal and state court judges in Arizona who are developing ways for their court systems to cooperate on cases. Arizona, along with Washington state and Oklahoma, are considered national models for tribal - state court cooperation, through a pilot project of the National Center for State Courts.

Tso said among other things: "It is unlikely that (non-Indian) practitioners would feel comfortable in tribal courts, or that another court would be comfortable deferring to a tribal court if they knew nothing about it. [. . .] Tribal courts must provide practitioners with information on rules, filing procedures, and also give them access to tribal laws and case law [. . .]" Tso said tribal courts must participate in the larger legal community and contribute to solutions to legal problems, for cooperation to work. "If we know anything from the mistakes of the past, it is that federal - state jurisdictional rivalries laid the groundwork for mistrust (by tribal courts)", Tso said.

Anita B. Dupris, Chief Judge of the Colville Confederated Tribes, said during the conference that: "I see this as an opportunity for tribes to put aside their cultural differences and ethnocentric ideas [. . .] We can't sit and wait for the federal government and the state to do it all. We can't let barriers keep us from reaching our goals".

Sources: Canada: Lubicon Lake Indian Nation. Lit'en Nation. The Vancouver Sun April 29 1991. Aecwepemc News January, November, December 1991. Kaina News April 11 1991. The Press Independent May 17, June 14, July 12, October 11, December 20. Assembly of First Nations BULLETIN Vol 8, No. 2 Report on the Americas Vol. XXV No.3. Doctor's Weekly, No. 21 1985. Justice for All April 1991, Canadian Forum May 1991, Lil'wat Nation. United States: Char-Koosta News. Nancy Butterfield, Native American News Service.



Indigenous Population: 13 million

1. Mixe
2. Nahuatl
3. Tzotzil
4. Triqui
5. Tzotzil
6. Maya
7. Cakchiquel
8. Conjobal
9. Nahuatl/Lenca
10. Rama
11. Sumo
12. Miskito
13. Kuna
14. Guaymí
15. Embará-Waunan

CENTRAL AMERICA AND MEXICO

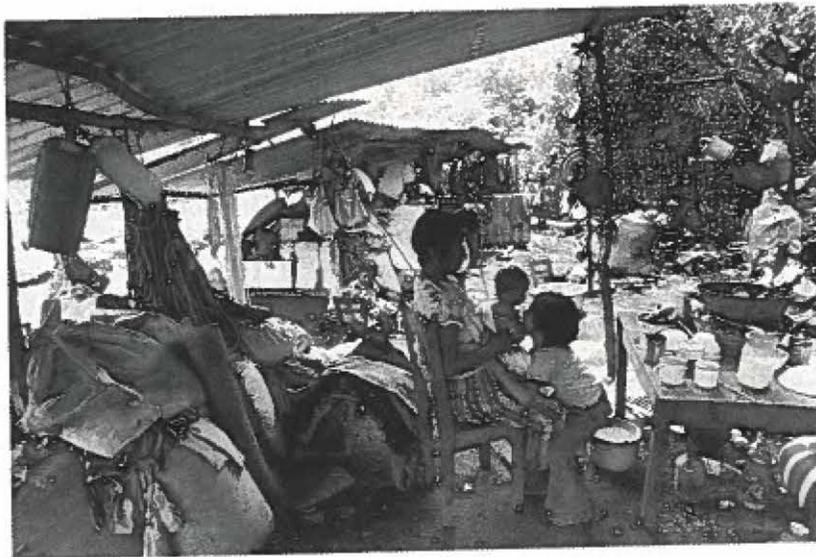
During 1991 the indigenous peoples have gained influence in a distinctive way in various countries in Central America. The common denominator of these struggles has been the acknowledgement of the original population regarding the recognition and defence of their ancestral territories.

In July, the House of Representatives in Mexico approved a Bill by the Comisión Nacional de Justicia para los Pueblos Indígenas (National Commission of Justice for Indigenous Peoples) to reform Article 4 of the Constitution. The Bill states that the Mexican nation is ethnically pluralistic and multicultural, perpetuated originally by its indigenous peoples, and it demands the means which protect, preserve and promote the development of the indigenous cultures and the material bases on which they survive. In practice, the 56 ethnic groups which still live in Mexico continue to suffer from serious problems, one of the gravest being land tenancy. Of the 55,000 indigenous communities, 35,000 do not own their own lands. In the states of Michoacán, Guerrero, Oaxaca and Chiapas the problem concerning landownership and the repression connected to this issue is acquiring a dramatic tinge. In these states, there are numerous incidences of disappearances and murders resulting from conflicts caused because of the lack of land.

In Mexico there are more than 10,000 indigenous persons incarcerated, many of these for fighting to defend their lands and others for crimes which are not considered as such by their own culture. There are numerous cases of indigenous persons serving prison sentences for possession and consumption of drugs, i.e. for consuming and transporting plants with hallucinogenic qualities which they have been using for centuries as ritual elements.

Meanwhile, in the city of Oaxtepec, representatives for the 13 biggest indigenous organizations have started the Congreso Constituyente del Consejo Indio Permanente (Constituent Congress of the Permanent Indian Council) with the aim of unifying the indigenous peoples of Mexico.

In Guatemala the past 10 years have been dominated by suppression of the guerrilla forces by the national army. Unable to defeat the insurgents, the government forces have chosen to destroy the social base on which they survive. Thus, hundreds of indigenous villages have been destroyed and more than a million peasants have been forced to flee to other parts of the country or to refugee camps in the south of Mexico. Those who remain in the conflict zone are under strict military control. But those who have escaped the direct effects of the war suffer because



Guatemalan refugees in Mexico. Photo: UNHCR/M. Vanappelghem.

of the lack of land and food, and possibilities for study and work. Infant mortality among the indigenous population in Guatemala is 134 out of every 1000 births, that is double the rate of that among the non-indigenous population. At the same time, the rate of illiteracy is less than 10% among the indigenous population.

Even though negotiations for peace between the government and the guerilla forces of Guatemala are progressing, a strong climate of violence still remains which mainly affects the indigenous population.

A catalyst element for the indigenous peoples entry on the continental scene was the campaign for the 500 year anniversary of the arrival of Columbus in America. Following the meetings held in Colombia in 1989 and in Ecuador in 1990, the "II Continental Meeting for 500 years of Indigenous and Popular Resistance" was held between the 7th and 12th of October, 1991 in Quetzaltenango, Guatemala. 224 delegates, representing 24 countries of the region attended the event. At the meeting, among others, the following subjects, were discussed:

- "reflection on the European invasion of our continent and its impact on us during the past 499 years of colonialism, neocolonialism and evangelization",
- "the importance, the use and the value of the land for the indigenous population, the black population and other groups, and its significance for the life and the defence of the ecological environment and our natural resources",

- "reflection and reaffirmation of our struggle for a genuine democracy throughout the continent...";
- "reaffirmation of our condemnation of colonialism and neocolonialism, and our rejection of all celebrations or commemorations which attempt to acknowledge or justice these; we also claim as a right the struggle for our emancipation and self-determination".

The following was decided:

- to stage a public strike throughout the continent in October, 1992.
- to propose Rigoberta Menchú, the indigenous *Maya Quiche* and leader of the CUC, Comité de Unidad Campesina de Guatemala (Committee for Peasant Unification in Guatemala) as a candidate for the Nobel Peace Prize 1992,
- to hold the next Meeting in Nicaragua.

The meeting finished with a march through the streets of Quetzaltenango in which approximately 50,000 Guatemalans participated.

In Honduras signed an agreement with a North American timber company giving it access to the Mosquito coast for a period of 40 years. This vast tropical area has been named by UNESCO as of worldwide importance, and a great part of it is as yet unexplored. The building of roads, and the establishment of thousands of settlements seriously threatens not only the delicate ecological balance of the area, but also the survival of the indigenous population, the *Tawahka*, the *Sumo*, the *Rama* and the *Miskito*.

For its part Nicaragua the government of Violeta Chamorro does not seem to be fulfilling its electoral promises to develop the Law of Autonomy of 1987. The national government refuses to relegate the control of the natural resources to the autonomous governments.

In the municipalities of Rosita and Bonanza, the lands of the *Sumo* and the *Miskito* are threatened by the timber exploitation project, which will affect some 270,000 hectares of forest area. If this project is carried out, it will damage almost the entire *Sumo* population of approximately 10,000 persons in addition to some 10,000 *Miskitos* who will lose access to their forest and its exploration and it will assist in the destruction of the environment. Many of the *Sumu* Indians work in small gold and copper mines which will also fall into the control of the timber company.

On the other hand, a Bill for constitutional reform has been presented on behalf of 33 members of the Government, which proposes, among other things the elimination of the concept of "the multiethnic nature of the people of Nicaragua."

In Costa Rica a grave threat is hanging over the indigenous peoples in the guise of the mining companies which have asked for a licence to exploit copper within the reservation of the indigenous population of Talamanca, situated in the Atlantic, to the south of the country. The

explorers' interest increased considerably after the earthquake which shook the Carribean area of Costa Rica on 22nd April when the riches in the mountains of Talamance were discovered. Without expecting permission, different mining companies have been exploring the area for several months now and have already removed 40 m³ of earth in search of natural riches. It is suffice to say that in accordance with the Costa Rican legislation in mining matters, private exploitation of resources within the indigenous reservations is permissable only through a Bill approved by Congress. Various indigenous associations have expressed their fear of the environmental consequences of the mining, and of the problems of alcoholism and prostitution which the installation of mining companies in the reservation will bring in its wake. These fears are based on experience gained during petroleum drilling which took place at the beginning of the 1990s.

In August, the *Embara-Waunan* Indians of Panama demanded that the Government authorities apply the law promulgated in 1983 which established the administrative limits of the indigenous peoples. According to the indigenous leaders, the application of this law is the only way to prevent clashes with the peasants who occupy the indigenous lands today. In addition to this, the Kunas Indians complain about the continual dispossession of their lands. The Embera-Waunan and the Kunas have also expressed their worries about the increasing activities of the timber companies in their territories and the development of tourist projects which do not take the cultural and ecological consequences into account.

Sources: Amigos de los Indios (Madrid), CODEHU (Costa Rica), Latinamerica Press, ALAI (Ecuador), IPS.



Indigenous Population:
 Lowlands: 1 million
 Highlands: 19,5 millions

- | | |
|-------------------------------|---------------------------------|
| 1. Macu- Nukak | 9. Aymara |
| 2. Embera | 10. Chiname |
| 3. Huaorani | 11. Toba |
| 4. Quichua/Siona/Secoya/Cofan | 12. Guaraní |
| 5. Quichua | 13. Mapuche/Pehuenche/Huilliche |
| 6. Aguaruna | 14. Pataxo Ha-Ha-Hae |
| 7. Yanেশa | 15. Munduruku |
| 8. Asháninka | 16. Kaiabi |
| | 17. Sateré-Mawé |
| | 18. Kaiapó |
| | 19. Makuxi |
| | 20. Yanomami |

SOUTH AMERICA

In Colombia the indigenous guerilla movement, *Quintín Lame*, put a stop to the armed rebellion after 13 years of fighting. The leaders of Quintín Lame announced that Colombia was experiencing a new climate after the legalisation of the 19th April Movement (M-19) and the participation of three natives in the National Congress. The parliamentary elections took place on 27 October and more than 120,000 votes were registered for the candidates of the various indigenous movements. The indigenous spokesmen in the senate are: Anatolio Quirá Guauña, Gabriel Muyuy Jacanamejoy and Floro Alberto Tunubalá Paja. The main demands of the congressmen are: the right to their lands and cultural recognition; recognition of their own judicial system based on traditional indigenous laws; the right to self government and an education system that recognises the indigenous cultural values.

Unfortunately, during the last few days of the year, the indigenous population's hopes of finding a peaceful solution suffered a serious setback when 20 *Paeces* indians were murdered in the southern district of the Cauca. This was a result of conflicts which arose with the landowners of the area. Once again, several indigenous organisations demanded the immediate implementation of a land reform which would avoid any further loss of lives. For the moment, and after the murder of the 20 natives, the government has committed itself to handing over 15,000 hectares of land to the indigenous communities of the Cauca over the next three years.

In Ecuador more than one hundred clashes over land were the cause of strained relations between the government and the indigenous organisations. The Ecuadorian land owners are not only occupying land illegally, as is their custom, but they have also installed paramilitary bands. To resolve this and other conflicts, the talks between the CONAIE (Confederation of Indigenous Nationalities of Ecuador) and the governmental authorities have suffered various setbacks. In April, and after a nine months' break in negotiations, the CONAIE met the government again, demanding that the militarization of the countryside be stopped. In August the talks were channelled through three commissions for: land, standard law and human rights.

On 28 May, delegations from Imabura, Pichincha, Chimborazo, Tungurahua, Esmeraldas, Guayas and the Amazon staged a 24 hour occupation of the session room of the Ecuadorian parliament. Their demands to the forthcoming Congress were: ratification of the 169 convention of the ILO on indigenous peoples and amnesty for 1,000 indigenous leaders who were imprisoned. The occupation did not really

bring about any concrete results, but the CONAIE fleetingly regained national publicity.

Nevertheless, the CONAIE believes that attention given to the land problem which is under negotiation has pushed the problems of health, education and the use of natural resources to one side. The intercultural, bilingual education system, for example, has had its budget significantly reduced in 1991.

In September a new assembly of the CONAIE decided to lay the foundations for the constitution of the "Indian Parliament" whilst simultaneously improving discussions with the government. At the same time, the indigenous movement announced that it would not be taking part in the presidential elections of 1992.

In Iquitos, Peru, the XV General Assembly of AIDSESP (Interethnic Association for the Development of the Peruvian Jungle) took place, with 27 indigenous organisations taking part. At this meeting, the indigenous peoples discussed, amongst other topics, their hopes of forming their own government. They also analyzed the progress in the fight for land entitlement. The fulfilment of the agreements for the recognition of communities and their entitlements, has been very positive, for example, the registration in the Public Register of more than 150 title deeds for communities located in the Amazon area and the demarcation of 40,000 hectares in the Putumayo river.

The environmental problems of the Amazon were also tackled, denouncing that the millions of dollars raised by oil and gold mining could never compensate for the destruction of plant and animal life. This is the case with the national Pacaya-Smith reserve where the oil company Tecas Crude Exploration is operating. The natural resources of this reserve provide food not only for the 75 communities that live there, but also for other communities in the Amazon. Oil drilling is a threat to these communities. Not only because it destroys the ecological balance of the reserve, but also because this work is going to generate a great number of workers flowing into the area. Once the task has been completed there will only remain illnesses, prostitution and social and land problems.

The Assembly believes that the natives of the Amazon have enough knowledge to enable them to make the most of the natural resources in an intrinsic way at ground, subsoil, wood and water level. To this effect a call was made to respect the indigenous development alternative, which is shown by the success of the "Huerto Integral Familiar Comunal" project (Communal Integral Family Garden) in Iquitos, Pucallpa and the upper Amazon, where they are working to recover areas which have been deforested.

With regard to the V Centenary of the so called discovery of America, AIDSESP will set up as an objective to be achieved by 12 October 1992, the land entitlements for all the native communities and the development

of the reunification plans for the ancestral lands of each indigenous community.

At the end of July, AIDSESP and COICA (Coordinator of the Indigenous Organisations of the Amazon Basin) put forward their proposals for the United Nations Conference on the environment and development. Some of the proposals were:

- Government priority to carry out and international cooperation to support, the legalisation of the indigenous ancestral lands and to respect their own social organisation;
- The recognition of the rights of the indigenous peoples and other local communities to take part, at managerial level, in any investigation or project, related to biotechnology, as well as guaranteeing their intellectual rights over the results of the mentioned projects and any resulting patents;
- It must be a priority of the government and the international cooperation to support the strategies, projects and acts of conservation of the indigenous peoples;
- Recognition that historically, conservation and use of biological diversity, corresponds with the development of cultural diversity.

At the same time, and as a result of the political violence in Peru, the *Asháninka* are one of the indigenous communities which has been seriously affected today. The *Asháninka* inhabit the Cental Peruvian Jungle, with a population of 47,000. As a result of the guerilla activities of the Sendero Luminoso and Tupac Amaru organisations, the natives organised their own armed self defence, causing a significant withdrawal of the guerilla groups in the area. The Tupac Amaru organisation criticised itself for the murder of one of the *Asháninka* leaders in 1990, and from then on they seem to have respected the indigenous organisations and their decisions. Sendero Luminoso however, increased the number of attacks on the communities which organised their own defense, causing a great number of deaths. Today, the river Ene is under the control of the Sendero Luminoso, despite repeated confrontations with the National Army. The violent situation in the area is such that the *Asháninka* from Ene, who did not have serious health and nutrition problems a decade ago, as they had enough land to enable them to be self sufficient, are now suffering from severe malnutrition.

Just like Colombia and Peru, **Bolivia** is part of the plan prepared by President Bush in 1989 to fight the war against drugs in the coca producing area. The rhetoric of the Bush plan includes alternative means of development and the preservation of democracy in addition to military activity. Nevertheless, it is obvious that emphasis has been put on the North American military assistance. The development of the war

on drugs mainly affects the natives and peasants who depend on coca cultivation for survival. (See IWGIA 3/91).

The indigenous peoples of Bolivia also decided to establish an "Indigenous People Protection Body", aiming to defend themselves against the abuse committed by the timber companies who fail to respect the "ecological break" which was introduced in 1989. This "break" prohibits the mining of natural resources during a five year period, in order to protect the animal and plant life which the indigenous peoples depend on.

On 21 November last year, indigenous leaders sent a letter to President Paz Zamora, protesting at the non-fulfilment of the governmental decree. They verified at the same time, that the timber companies are not reforesting the land that has been exploited and that a large quantity of waste products are thrown into the rivers, contaminating the waters.

In **Brazil** the indigenous peoples have also been gravely affected by the destruction of the environment. Since the 60's the Brazilian government has slowed down the colonisation of the Amazon, thus accelerating the destruction of the jungle. Whilst the wood and cattle industry have taken over a large part of the Amazon, the use of mercury for gold digging has greatly contaminated the regions waters. One of the most contaminated areas is the Tapajo Valley, where the *Munduruku*, *Kaiabi* and *Satere-Mawe* Indians live.

The stream of gold diggers (*garimpeiros*) entering *Yanomami* territory fluctuated between 40 and 50,000 people who were spread over the whole central area of indigenous land. The presence of the *garimpeiros* seriously threatened the survival of the *Yanomami*. As a result of the contamination of the waters, there was an explosive increase in the cases of malaria. According to the Commission for the Creation of the *Yanomami* Park (CCPY), more than 60% of deaths registered amongst the *Yanomami* were caused by malaria. On 19 April 1991, faced with this critical situation and the work of non governmental Brazilian organisations and international agencies, the President, Collor de Mello, signed a decree forbidding mineral prospecting on *Yanomami* land. At the same time he appointed a commission to study the definitive demarcation of *Yanomami* territory. This decree overrode the authorization of the previous government of José Sarney which had permitted gold digging, and it established a *Yanomami* reserve comprising 19 separate and unconnected areas.

On 25th July 1991 the FUNAI (National Indian Foundation) established *Yanomami* territory in 9,419.108 continuous hectares of land. Despite pressure from the armed forces and the mining companies, President Collor de Mello accepted the proposal on 15 November 1991. A few weeks after the presidential decree was signed the hundred or so



Yanomami Indians. Photo: Alejandro Parellada

landing strips were destroyed and the gold diggers were thrown out. It is hoped that the physical demarcation of *Yanomami* territory will begin in 1992.

It is estimated that a great number of the "*garimpeiros*" who were expelled from Brazil moved on to **Venezuela**, where they continue their search for gold. In this country, most of the indigenous lands are situated in the so called "areas under special administrative rule" which are areas designated by the State as national parks, and which deny the natives the opportunity of using the natural resources found within them. The National Indian Council of Venezuela (CONAIE) has denounced that, within these areas, the State has granted concessions to international companies for timber and mineral prospecting. As for the *Yanomami* who live on the Venezuelan side, government authorities established the area for the 14 thousand natives living in the area at 83 thousand square kilometres.

Until 1990 the levels of deforestation in **Guyana** had been quite low, but during the last few months Venezuelan, Brazilian and South Korean companies have been granted concessions to mine over 2,000,000

hectares, which could have serious consequences for the natives living in the area. At the same time, and with the aim of exploiting mineral resources, Brazilian funds financed the building of a road that crosses the virgin forest of south Guyana. The lack of administrative control on the part of the Guyanan authorities makes it practically impossible to control mining activity, and has resulted in serious river pollution. Several indigenous communities have protested at the disappearance of fish within a 60 kilometre radius of the mines. This invasion of gold diggers has caused both food and cultural problems for the natives. In the Potaro mines, for example, alcoholism, prostitution and violence are rife. At the same time it is considered a fact that Guyana does not reap much economical benefit from the mining activities as most of the gold is taken to Brazil as contraband.

In **Paraguay**, and before the next constituent National Assembly, the natives instigated a series of assemblies where basic proposals were made on their constitutional rights. In September 1991, after the meeting in Cnel. Oviedo, the natives requested to be directly involved in the preparation of the new Constitution, but the Chamber of Deputies declared themselves opposed to the presence of representatives of the 17 indigenous ethnic groups of Paraguay. On 21 November, in response to the legislators stance, hundreds of natives marched on Congress headquarters protesting at the rejection by the Chamber of Deputies. Despite the prohibition, several deputies have declared their intention of including a chapter referring to the rights of the indigenous peoples in the National Constitution.

Each year in **Chile** the *Pehuenches* from the Quinquén Valley celebrate the "guillatún" ceremony where they ask for better harvests. This year the "guillatún" has an extra purpose. They are asking the government to make Pehuenche land into a national reserve park and to concede to them, once and for all, the lands where they lived for centuries. The problem of the Quinquén community is shared by most of the 3,500 Pehuenche families. In spite of the fact that some communities have documentation proving their rights to the land, landowners have frequently usurped them. Meanwhile, the 499 anniversary of the arrival of Columbus caused a series of demonstrations against the so called "discovery of America". Whilst the Mapuches organised in the centre of Santiago a march "for autonomy and liberation", 700 kilometres from the Chilean capital, native Mapuches occupied a farm which they claimed as part of their traditional territory.

For their part, Patricio Alwyn's government has proposed a reform of the constitution which includes the recognition of the indigenous peoples autonomy and promotes the socioeconomic development. The initiative shown by Patricio Alwyn has been supported by the Mapuches, *Aymaras* and *Rapa Nui*.

In **Argentina**, the authorities of the Chaco Province gave 150,000 hectares of land back to the *Tobas* natives from the Teuco region. At the same time, the adoption of "the new native law", creates a system of communities under direct state control. Some indigenous communities, such as the *Guaranis* from the Misiones province, are still refusing to be registered under this new law. According to their leaders, the government is exerting great pressure on them because of this. Another conflict in this area is the 600 hectares of territory claimed for the Guaraní community in Iriapu, this was set fire to in May 1990. In the middle of March 1991, North American companies visited the area, interested in investing money in it. The Secretary of Tourism from the Misiones province was, at the same time, offering the land to whoever was interested in investing in the building of a tourist complex there.

Sources:

Punto de Vista, ALAI (Ecuador). CCPY, Aconteceu (Brazil). *Latin American Press*. *Andean Newsletter*, *Voz Indígena* (Peru). IPS.

"The army selected Johnston Island as the site on which to build and test the first U.S. chemical weapons disposal facility because of the deteriorating condition of the munitions stored there (caused by the high corrosive climate) and the island's remote location".

And still the American government claim that the facility is more than 99,99% safe!

Already the military admits several technical problems, and minor leaks. More than 100.000 nerve gas artillery shells are stored on the island.

Melanesia

Amnesty International (AI) reached similar conclusions as the UN Rapporteur (quoted in Indonesia entry), when they investigated the human rights situation in **West Papua** (Published in the report "Indonesia: Continuing Human Rights Violations in Irian Jaya", AI April 1991).

In West Papua, indigenous people advocating Papuan national and ethnic feelings, continue to be targeted for their non-violent political activities and beliefs. As in past years, people believed to have advocated West Papua's independence, whether through peaceful or violent means, are at the risk of being victims of serious human rights violations. By April 1991, at least 130 political prisoners from West Papua were serving sentences up to life imprisonment. The majority of these have been convicted under Indonesia's Anti-Subversion Law (1963). Amnesty International concludes that 80 of the West Papuans now in jail are prisoners of conscience - persons imprisoned for their non-violent political activities or beliefs.

In the early 1990's, West Papuan resistance against Indonesia's dominant presence in West Papua seems to have taken a mainly non-violent form. One of the recently reported major incidences of armed resistance was, in the late 1980's, when the Organisasi Papua Merdeka (OPM)- Free Papua Movement- were said to be responsible for attacks on 3 transmigration sites, resulting in the death of at least 16 persons according to AI sources.

The largely unknown (to the outside world) war between the Indonesian army and the West Papuan OPMs has developed in waves since the mid 1960's." From 1965 to 1969, 1977 to 1978 and 1984 to 1986 there have been periods of intense conflict with intervening periods of OPM re-groupings and a less aggressive stance by Indonesia. The war has cost the lives of, at a modest estimate, over 200.000 West Papuans (10 per cent of the total Papuan population)".(op.cit. p. 59). In recent years, the army has cracked down on hundreds of West Papuans taking part in non-violent demonstrations. Sympathy for the underlying causes of the OPM,

the struggle against Indonesian human rights violations and the aspirations to curb Indonesian intrusion and domination over the destiny of the Papuan peoples, seems to be widespread also among those who do not use or advocate violence.

In December 1988, hundreds of West Papuans participated in a flag-raising ceremony in Jayapura to proclaim independence and to appeal to the international community to revoke its recognition since 1969 of the so-called "Act of Free Choice". The said Act, in 1969, asserted the opinions of a little more than 1000 pro-Indonesian local "representatives" as to the future status of West Papua (the province of West Irian). At the time, the UN Rapporteur monitoring the procedure of the referendum questioned the legality of this procedure in international law, and its fairness, especially the tight political control over the population exercised by the Administration during the Act - these reservations were noted by the UN, but the referendum was nevertheless endorsed.

The raising of the West Papuan Morning Star Flag in 1988, signalled the determination of the Papuans gathered at the ceremony, to denounce the "Act of Free Choice". Similar ceremonies took place a year later in Jayapura and other West Papuan towns.

Many of the people participating in the ceremonies were arrested and given long jail terms. Thomas Wangai, for example, was sentenced to 20 years imprisonment. Participants in the flag-raising ceremonies form the majority of the 80 prisoners of conscience reported upon by Amnesty International.

Summing up on the state of fairness of subversion trials in West Papua, AI states that "Amnesty International knows of no case in Irian Jaya in which a person charged with subversion has been found innocent by the courts. . . What occurs in the courtroom, if it is publicized at all, is a deliberate display of the government's uncompromising attitude toward political dissent, however peaceful it may be. Subversion trials are, in effect, political show-trials." (AI Index ASA 21/06/91 p.16).

Political prisoners and detainees from West Papua continue to be subjected to ill-treatment and torture, and possibly extrajudicial executions by police and military authorities while under detention.

On 22 July 1990, the suspected OPM leader Melkianus (Mecky) Salosa was deported from Papua New Guinea to Indonesia, and placed immediately in military custody. On 18 March 1991, Salosa was convicted of subversion and sentenced to life imprisonment by the district court in Jayapura, the provincial capital of Irian Jaya. Reports received by AI alleged that Mecky Salosa was badly beaten and tortured while in Indonesian military custody, where he was said to have his fingernails and toenails pulled out.

On 20 August, Mecky Salosa was found dead near the Indonesian-PNG border, allegedly after escaping from the military prison. Amnesty

International, in an Urgent Action, has expressed serious concerns about the circumstances of Mecky Salosas death.

The fate of Mecky Salosa gives reason for continued concern for the many refugees and border crossers who have been, or may in the future be, returned against their will to West Papua from neighbouring Papua New Guinea (PNG). Recent changes in the policy of the PNG authorities towards refugees and asylum seekers from West Papua, gives serious cause for added concern.

In the past years, the Papua New Guinea Government has shown an increasing willingness to cooperate with the Indonesian Government by forcibly returning suspected rebels, in spite of the fact that they may be facing death sentences for political crimes. In these cases, the PNG authorities have refused claims for asylum, on the grounds that the persons concerned were illegal border crossers, wanted by the Indonesian authorities for criminal acts. When receiving the alleged Papuan criminals on request, the Indonesian authorities, however, have treated the suspected rebels, not - as PNG claims - as ordinary criminals, some of whom may have used or advocated violence, but as suspected political opponents engaged in criminal political activities.

Delegates from the West Papuan Peoples Front, of the OPM, represented West Papua at the UN Working Group on Indigenous Populations this year (1991). The issues brought before the UN were: The suppression of West Melanesian nationalist and cultural feelings; The continuing human rights violations in West Papua; The non-recognition of all of the 240 indigenous Papuan languages at the Indonesian courts and in the educational system; The discrimination against Papuans both in the private labour market and in the government job-sector; The deprivation and over-exploitation of natural resources by foreign companies; The alarming health situation in West Papua; The military dominance at all levels of the political and administrative structure from village- to provincial councils; The problems facing the thousands of West Papuans living in refugee camps in PNG; and, The rights of West Papuans to self-determination.

Of these issues, the human rights situation has already been discussed above, and the presentation below is limited to focus on the issues of resources, health and refugee problems.

In 1967, two years before West Papua "voted" to become part of Indonesia, the Indonesian government initiated a systematic policy of largescale expropriation of indigenous resources. Today, apart from the five percent tax paid to Jakarta, an estimated 125 000 000 US Dollars in profits leaves West Papua each year to the US, Japanese and German investors in the Freeport Indonesia Incorporation. Besides large deposits of copper and silver, Freeport II holds concessions to the largest publicized gold reserves in the world. On 30 December 1991, Freeport II

signed a renewed contract with Indonesia, permitting Freeport to explore a 2.61 million hectare area stretching through the Baliem valley almost to the PNG border - 260 times the original exploration area - for the next 30 years.

Meanwhile, the indigenous *Aungme* people still resent the lack of compensation for their 10 000 ha. of traditional land and hunting grounds, lost to the company as part of the initial concession area in 1967. The indigenous *Aungme* were never consulted on this expropriation of their land.

The history of relations between the company and the indigenous peoples has been conflict ridden, as in 1977 when powerless indigenous locals turned to sabotage to defend their traditional land rights, and were defeated by the army who allegedly used aerial shelling of cluster bombs to drive the survivors into the bush.

Resettlement programmes have been offered by the company instead of compensation, but the malaria prevalent in the new lowland settlement has driven many to their traditional homes.

"We *Aungme* feel we are being pushed around, driven from what have long been our homes", *Aungme* community representatives complained to an Indonesian NGO.

Besides mining and logging, the main threats to indigenous land, and to the resource potential for future indigenous self-development, have come from Indonesia's transmigration programme. The placement of transmigration sites have been intruding upon and neglected local indigenous land rights. Some 30 000 families, or about 120 000 people were moved to West Papua in the 1980's, mainly from overpopulated Java. The present indigenous population is estimated to about 800 000 Papuan people. Non-Papuan persons today constitute 65% of West Papuas urban population.

Upon their arrival, each transmigrant family has been entitled to 3,5 ha. of land according to the programme.

According to *Far Eastern Economic Review* (11.7.1991), that the transmigration programme is now slowing to a halt. Of the 137 000 families earmarked for transmigration to West Papua from 1984-89, less than 10 % have arrived. Many of the transmigration sites had proven to be in such a poor shape or so isolated that Jakarta had to initiate an unexpected stage in the programme for the rehabilitation of abandoned existing sites. Spontaneous immigration does, however continue to constitute a larger problem.

The health situation of the indigenous West Papuans is alarming. During 1991, the Yali people were stricken by famine, leaving 119 people dead of starvation. Malaria and tuberculosis are still common. According to a 1986 census, infant mortality in West Papua is 133,4 per million, 85% higher than the Indonesian average. More than half of the married

Papuan women have had at least one child die; life expectancy is just 48 years.

Health may also become a major problem of the West Papuan residents of the East Awin refugee camp in Papua New Guinea. Presently an estimated 7000 people remain in refugee camps inside PNG, including the 20 000 ha. East Awin camp 100 km. from the border, where 3,500 of the West Papuan refugees have been relocated under the auspices of UNHCR. Refugees report they have been told by PNG authorities, that the camps are declared self-supporting by the UNHCR, and that they therefore will not receive any more help. The prospects of this decision, are that supplies of food and medicine will be cut. Already, living conditions in the camps are difficult; the camps are isolated and refugees have to pay for truck transport to bring in supplies; soils consist of clay, and the rivers have no fresh-water source.

The failure of the PNG to compensate local people whose land has been taken over to accommodate the East Awin Camp, has been drawing the refugees and camp officials into conflict with local landowners. Roads connecting the camps with the river have been blocked by local people, who direct their protests at the PNG government for its failure to provide for compensation.

Bougainville. In January 1991 the so called *Honiara Declaration* was agreed upon. This agreement should establish a multinational supervisory team to end the more than 12 month long blockade of the island, and restore badly needed services. Included was a ceasefire between the Bougainville Revolutionary Army (BRA) and PNG Defence Forces. But on Saturday the 13th of april 300 PNG Defence Force Troops surprisingly landed on the island in an attack, that effectively cut the island in two. This happened when Prime minister Namaliu was out of the country, and shows, that the PNG military can run its own agenda, whether it has the full backing of the PNG cabinet or not.

The result is a military stalemate, where the civilian population of 160.000 continues to suffer, as normal services have nowhere been restored, even though this was a point in the declaration.

The attempts in the Honiara Declaration has failed for several reasons. The establishing of the peacekeeping force, the Multinational Supervisory Team (MST), was a concession offered to the Bougainvilleans under the Honiara talks, and was later counteracted by the PNG government, when they should establish the force. Australia, which was supposed to be a key nation in the MST turned down this active role, and declared that they might be prepared to *oversee* an already created peace, but they would not actively *create* it. Also the Bougainvilleans were reluctant to let the Australians in, because of their ownership to the mines that originally started the conflict, and their aid to the PNG armed forces,

both weapons and training, which has escalated to more than \$50 million a year, as a direct result of the crisis.

Pacific News Bulletin quote from Radio Australia (16.12.1991) that PNG has turned to Indonesia and Malaysia for military advice and support because of "their experience in coping with internal insurgency".

In the last quarter of 1991 a Interim authority was established to restore services, but NGO's is still not allowed into areas with no military personnel, although military according to the honiara-declaration shouldn't be involved in the restoration of services at all.

In december the second Red cross shipment was delayed by the military, and the blockade is re-imposed from the 19 of december.

The latest incident from the PNG government ist the cancelling of passports belonging to Bougainville representatives. Latest Bernard Tunim and Stephen Monei had their passports denied to prevent them from participating in a Diplomacy Training Course at the University of New South Wales in Sydney, Australia.

During Japans rule over **Belau**, **Bebeldaob**, the central island accounting almost 90% of the country's area, hosted major commercial agricultural projects. 150 km paved roads was connecting villages to the agricultural and extraction operations. To day there is only 15 km paved roads left.

Since 1947, Belau has been ruled by the United States under United Nations trusteeship agreement (Trust Territories of the Pacific Islands; TTPI). The goal in this agreement was to make Belau a self-reliant independent country. But this has not been a part of the US policy. For the US its simply a matter of military presence and power in the western Pacific.

Instead of developing the Belauan economy, based on own natural resources, the US has created a "false economy" based on welfare and government employment.

Since 1969 attempts has been made to change the political status of Belau. In 1979, 92% of Belauans endorsed a constitution with the world's first nuclear-free clause.

The US wants to establish a military base on Belau to secure its influence in the western Pacific. This is the main part of the so called "Compact of Free Association", which the US try to force Belau to accept.

To do this it requires a referendum with an accept of more than 75% of the voters. Until now, there have been held **seven** referenda on the Compact and two of the amendment referenda (oct.'79 and Aug.'87) on the Constitution. Apparently a result of sustained pressure on Belau by the Administering Power, the United States.

At the last referendum on the Compact held in february 1990, 59,8% voted yes, the lowest until now. After that the OEK (Belauan congress)

decided a 3 year moratorium on voting, to "heal the wounds" and to spend more energy solving internal problems.

At the may meeting of the UN Trusteeship Council (UNTC), Belauan representatives told the Council, that the present Compact of Free Association died at the seventh referendum and will not be accepted in its present form.

In august 1990 the US Department of the Interior issued "Secretary's order 3142". This implies:

- Direct rule from Washington on many issues. US Government appoint the Special Prosecutor and the Public Auditor.
- Extensive power over financial transactions of both the national and the state governments in Belau.
- Communication with international organisations and United Nation agencies other than UNTC has to be approved by US Department of State.

the order was met with strong opposition, and after massive protests the order was changed, so less power was given to the commissioner.

In the beginning of december the US clearly demonstrated its power, and willingness to use it. Stella Guerra, the Assistant Secretary of the US Department of the Interior issued orders to close nearly all government operations because the Department did not approve the budgets and funding bills to finance them. After hard negotiations a new budget more in line with the US wishes was signed, and most services was restored at the end of the year.

On april 29th 1991, Belau's High Chief and other traditional leaders filed suit in U.S. District Court for Washington D.C. as a Class Action against the U.S. Department of the Interior and its Secretary and Assistant Secretary. The Belauans charge the US with a "regressive action" in the secretarial order, arguing that it moves Belau away from self-government. They also claim that the US has failed to promote the political and economic development of the islands as provided in the UN Trusteeship Agreement.

On their way to the UN Trusteeship Council¹ meeting in may, President Etpison, Senate President Koshiha and House Speaker Kyota met with assistant secretary of state Marilyn Meyers. He stated, that "Modification of the compact is an impractical idea" and that the only alternative was "immediate and complete independence", that is, US will simply pull the plug on the aid-dependant Belauan economy if the compact is not ratified.

1. The speak at the UNTC meeting was held by Meikam Weera, and is printed in IWGIA Newsletter 2/91

The way the US stick to the Compact, in spite of the great changes in international power relations, may be seen in the light of the US forces forced withdrawal from the Clark Air-force base on the Philippines. The US still want to be present in the area.

In the end of may a working group was set up by President Etpison, to "explore and identify key areas for Compact modifications". During informal talks Ambassador Wilkinson stated, that "the Compact is still very much on the table". He also said, that the alternative to the Compact is a termination of the trusteeship Agreement, but that "Such an agreement, of course, would be, by nature, substantially less generous than the Compact". Until now, the US is still unwilling to make any changes to the Compact.

Kanaky. After almost one year without president following the assassinating of Jean-Marie Tjibaou and Yeiwene Yeiwene, FLNKS elected Paul Neaoutyine as president and Rock Wamytan as vice-president on a special congress on March 24-25 1990.

Paul Neaoutyine is a leader of Palika, and Rock Wamytan comes from UC (Union Caledonienne), in FLNKS he will be responsible for external relations.

Great dissatisfaction and disappointment has arisen with the implementation of the requirements in the Matignon Accords.

Under the Matignon Accords the French Government was to establish the separate electoral roll and a system for monitoring the eligibility of those listed. Those eligible to vote in the 1998 referendum on independence would be those on the electoral roll for the 1988 referendum. It is a vital issue for the Kanak population, but nothing has been done since the accords. In the meantime thousands of migrants have entered the territory, supported by the french authorities. Unless proper documentation is done, it will become impossible to determine who is eligible under the Accords.

Also the redistribution of lands is seriously delayed. Most of the land problems remain unsolved, with people waiting 4-6 years for their title-deeds.

The investments and the economic development is still concentrated in the southern province, which is dominated by the anti-independence RPCR party.

During the FLNKS congress in april 1991, a widespread dissatisfaction with the Accord was expressed. As Gabriel Moenteapo (co-founder and member of Palika) later expressed it in an interview:

"The so-called Rocard Plan isn't aimed only at Kanaks. It should be seen as part of the overall strategy of French Imperialism, as managed by the current administration. If you look at the situation before and after the Matignon Accord, it's perfectly clear no fundamental change has occurred to the economic

system or political institutions. Kanaks didn't own their country before the Accord, and they still don't. [. . .] The reform measures agreed to at Matignon were designed to corrupt, obstruct and divide the independence movement. We have to admit that they have succeeded in creating considerable confusion".

During the *South Pacific Forum* meeting in Vanuatu in July 1990, it was decided to establish a ministerial committee to monitor the decolonisation of New Caledonia. The Committee was formed by representatives from Fiji, Solomon Island and Nauru.

After a long dispute, where France denied the committee to visit New Caledonia, the visit finally took place 10 days in August 1991. The committee delegation was led by Fiji Trade and Commerce Minister Berenado Vunibobo, and included Solomon Islands Foreign Minister Sir Peter Kenilorea, Solomon Foreign Affairs officer Colin Beck, and Forum Secretariat officer Makereta Waqavonovono. Nauru was unable to send a delegate.

FULK (a political party which is not a member of the FLNKS) are organising a "large congress" of all Kanak peoples 24 September 1992. The plan is to have an open discussion on building the Kanak society in the light of the "Demobilisation" which has occurred since the signing of the Matignon Accords.

The Pacific

N.Z. Steel in Aotearoa still have the right to dig ironsand on the sacred burial ground of the *Ngati-Te-Ata* tribe, following courtcases, blockades, and other troubles in 1990.

Claims on one of the biggest tribal territories on the south island, belonging to the Ngai Tahu tribe, have now been heard by the Waitangi Tribunal. Although the report is restricted to making findings on the facts, it says that "Ngai Tahu are entitled to speedy and generous redress if the honour of the Crown is to be re-established". Now it is up to the government to negotiate a just settlement with the tribe.

The restoration of the Maori culture continues. After more than 1,5 years of preparation, the three main tribes in the Kaitaia area are expecting to open a Whare Waranga (house of higher learning). It is a sort of university, which will aim to retain the old history and languages from the north, as well as the old land laws. It will take up things important to Maoris, which may not necessarily be important to the Pakeha educational system.

Another initiative is the extension of the Kohanga Reo (Language nests), education of pre-school children in Maori language. Now a similar scheme is used for primary school children, because investigations

IF IT IS SAFE;

- DUMP IT IN TOKYO
- TEST IT IN PARIS
- STORE IT IN WASHINGTON

BUT,

KEEP MY PACIFIC NUCLEAR-FREE

© 1985 - International Campaign for Nuclear Free Zones

shows, that the primary school children start losing their Maori language fluently after 3-4 years.

Fiji. In september 1990 "Fiji Intelligence Service" was established on a presidential decree. The decree gives officers of the service powers to enter private premises, seize documents, and plant listening devices.

The body is under direct control of the prime minister, and no budget will be disclosed, and there will be no public accountability.

A new constitution was created in 1990. It provides for a 70 seat elected House of Representatives, in which Fijians would hold 37 seats, Indians 27 and 5 for other races. The Upper House of Parliament (Senate) appointed by the president, will consist of 34 members. 24 of them indigenous Fijians appointed by the Great Council of Chiefs, one nominee of the Council of Rotuma, and 9 others representing various sections of the non-Fijian community.

The president will be appointed by, and responsible to, the Great Council of Chiefs. Given the composition and the power structure of the council, it is a foregone conclusion that the president will be a high chief from the numerically small but powerful confederacies of eastern Fiji.

There have been many protests against the inequality build in to the constitution. Not only the Indians are underrepresented, but also the Fijian's are discriminated; the urban areas is only represented by 5 seats, although they hold 32% of the Fijian population, and the eastern provinces, governed by the ruling Chiefs (Rabouka, Ganilau and Mara are from this area), are greatly overrepresented.

In december 1990 the Government threatened to close the University of the South Pacific if political activity on the campus is not stopped, and in january, Dr. Tupeni Baba, head of the USP's School of Humanities, was forced to resign, after protesting against the ban on political activities.

During 1991, there have been growing dissatisfaction with the interim government, and a growing number of restrictions has been put on the peoples of Fiji.

The interim government has extended a month-old ban on public meetings indefinitely, which makes any democratic process impossible.

The labour-NFP Coalition will boycott the fielding of candidates in any election called under the new constitution, and demands that it will be submitted to a referendum.

Elections for the parliament are supposed to take place in march 1992. At present, there are 17 political parties in Fiji. It will be almost 5 years since the last general election in Fiji.

Western Samoa. On October 29 the Western Samoans went to the polls to decide whether voting rights should be extended to all people over 21 years of age.

Until then, only matai (extended family heads) can vote and be elected to the Fono (Parliament). The yes vote received a majority, 49,3%, and 44,4% voted against.

Under the new law, more than 70.000 adults will be eligible to vote compared with 20.000 in the old system, but the right to stand as a candidate will remain restricted to matai.

Hawai'i. The fight for Hawaiian sovereignty grows. Organisations and persons across political borders are working together to seek independence for Hawai'i, and to restore *Kanaka Maoli* (indigenous Hawaiians) community.

In may 1990 *Ka Pakaukau*, a coalition of organisations and single persons dealing with Kanaka Maoli affairs, was established.¹ It is a meeting of persons, connected with the Ancestral Bone campaign, (see below), Kanaka Maoli input into public access TV, representation of Hawaiian sovereignty issues in international forums, video makers, and the Kings Landing occupation.

Hui Na'Auao represents an attempt by conservatives, moderates liberals, and radicals to speed up the process of decolonisation and a fast recovery towards sovereignty, independence, and self-determination.

The Ancestral Bone campaign is concerned with the offence of sacred hawaiian burial grounds. More and more developers are moving into areas which are sacred burial grounds. Now burial councils have been established on all islands, to ensure that the bones of the ancestors are properly treated.

The US government's decision to temporarily suspend the bombing of Kaho'olawe was followed by the establishment of a commission to make recommendations on the future of the island. A series of public meeting was held around the islands, and the majority of people testified in favour to protect Kaho'olawe, which is to return the island to Na Kanaka Maoli o Lahui Hawai'i under the stewardship of *Protect Kaho'olawe Ohana*.

When Hawai'i was formally annexed by the United States, 1,5 million acres (6070 km²) of stolen land was held in trust for native Hawaiians. after the pass of the "Hawaii Homes Commission Act of 1921", the amount of land to be made available had dwindled to 200.000 acres (810 km²). This is more than 70 years ago, and most of Kanaka Maoli are still waiting. More than 62% of this land are used by non-natives, often for minimal compensation.

1. Current member organisations of Ka Pakaukau are:

Ka Na Ha, N.F.I.P, Hawai'i, Kanaka Maoli, 'Ohana O Hawai'i, King's Landing, Pele Defence Fund, La Ea O Hawai'i Nei, Pro-Hawaiian Sovereignty Working Group, Na Koa Ikaika, Protect Kaho'olawe Ohana, Na 'Oiwai O Hawai'i, 'Uhane Noa, United Hawai'i Aloha, Na Maka o Ka Aina, Pono Lahui Hawai'i.

The "Hawaii Advisory Committee to the United States Commission on Civil Rights" released a report On december 12 1991, about this issue: *"A Broken Trust: Seventy Years of Failure of the Federal and State Governments to Protect the Civil Rights of Native Hawaiians"*. Even though it is limited to the question of landrights, it is a severe exposure of the governments failure to fulfil its obligations to Kanaka Maoli. The report concludes: *"The United States government has failed to fulfil its trust obligations to Native Hawaiians (Kanaka Maoli) to implement the Hawaii Homes act of 1921."* The Failure to enforce the trust constitutes *"a denial of the civil rights of Native Hawaiian beneficiaries."* The report is further described and analyzed in IWGIA Newsletter 2/92.

French Polynesia. Despite of local and international protests, France continued to test nuclear bombs at Moruroa and Fangataufa. Serious doubts have been raised about the safety.

Professor Manfred Hochstein, director of Auckland University's Geothermal Institute, has constructed a detailed computer model of Moruroa. Simulations indicate, that waste could come to the top of the atoll in about 30 years.

The samples taken by French marine explorer Jacques Cousteau in 1987 shows that the Moruroa lagoon is contaminated with iodine-131, Cesium 134 and 137. Evaluation of the samples by American Norman Buske (Masters degree in physics and oceanography) indicates, that the time required for radioactive leakage to reach the open environment from the nuclear explosions under Moruroa is probably less than 6 years.

In december 1990 Greenpeace applied to the French government to allow the Rainbow Warrior II to take plankton samples inside Moruroa atoll, but was refused permission. The team did, however, take samples outside the 12-mile limit of Moruroa lagoon. The samples show traces of Cesium-134 and Cobalt 60.

Fifteen leading scientists from France, UK, USA, Germany, Japan, Aotearoa and the South Pacific advertised an open letter to the French PM Edith Cresson, supporting Greenpeace's demand for an International Independent scientific Investigation at Moruroa and Fangataufa with full data and access for sampling. According to the group, cesium 134 could be an indicator of leakage already occurring from the underground tests.

Can we look forward to a gigantic ecological disaster in the south pacific?

At the March elections for the Territorial Assembly in Tahiti-Polynesia, Gaston Flosse, leader of the pro-French Tahoeraa Huiraatira (Popular Union), went back on the stage. At first it seemed to be a great victory for those supporting the colonial system, but in fact the reality is far more blurred.

The truth is, that the number of votes which allowed Tahoeraa Huiraatira to gain as many as 18 seats (out of 41) was only as little as

31.5%. The loosing Union Polynesienne obtained the same percentage of votes, but in constituencies with twice or three times more voters, which gave them only 11 seats.

Among other reasons are the so called "Guillotine decree", which diminish many small local groups. Those electoral lists were all for more power for the polynesian people, for the development of natural resources for their own benefit and for the revival and encouragement of their ancestral culture and language. The French administration disliked this indigenous renewal so much that it stipulated that all candidates on lists obtaining less than 5% of the votes cast in each constituency were to be eliminated. In this election there were 34 such small groups.

Ironically also French military personnel are allowed to vote!

To form a government, Gaston flosse had to obtain support from Emile Vernaudo, whose Aia Api (New Country) party had secured 5 seats.

In June 1991 the dissatisfaction with the new government culminated in bloody street battles. It was a reaction on new taxes on common consumer goods as petrol, beer and tobacco. A peace conference was established by the religious bodies, and an agreement to abolish all the new taxes was rapidly reached and signed.

Australia

The foundation of the ATSIC (Aboriginal and Torres Strait Islander Commission) by the Australian Government in the beginning of 1990 was done with remarkable few comments from the indigenous population, which appeared to be a sort of "wait and see" attitude.

ATSIC was set up to the delivery of services to Aboriginal communities, not to be concerned with Aboriginal self termination, independence and land rights. ATSIC is about self-management, not self-determination. The Australian government try to promote ATSIC as "the" organisation. In International fora ATSIC applies for "Independent status" not as an Aboriginals NGO, not as an government organisation, but seeking new criteria as an "independent body".

"First we had decimation, then we had assimilation and integration, now the new word is 'reconciliation'". On 16 August, 1991, the Senate passed the "Council for Aboriginal Reconciliation Bill 1991". From the beginning, serious debts have been raised about the interpretation of the Bill. Those opposed to Aboriginal self-determination see the process as a tool to finally integrate Aboriginal people. What 3 years ago started out as a treaty, is now being called a reconciliation council. The "reconciliation process" over ten years, will consist of:

1. An educational campaign among non-Aboriginals;
2. Social justice for Aboriginal people in health, medical, legal terms etc;
3. A document of reconciliation.

Why hope for better in another ten years of government policies? A huge amount of work have been put into commissions, and a start to implement some of the recommendations pre-empt the need for another 10-year process and go a long way towards dismantling racist structures. "The report of the National Inquiry into Racist Violence" was released in 1991. Originally it was initiated by the "Human Rights and Equal Opportunity Commission" following representations to it about an apparent increase in the incidence of racially motivated violence in Australia. Some of the important findings of the Inquiry was that:

- Racist violence, intimidation and harassment against Aboriginal and Torres Strait Islander people are social problems resulting from racism in our society, rather than isolated acts of maladjusted individuals.
- Racist attitudes and practices (conscious and unconscious) pervade our institutions, both public and private.
- Aboriginal-police relations have reached a critical point due to the widespread involvement of police in acts of racist violence, intimidation and harassment.
- The activities of extremist groups, which have become more violent in recent years, constitute a small but significant part of the problem of racist violence in Australia.

As a result of these findings, the Inquiry has made 64 recommendations. The federal Crimes Act be amended to create a new criminal offence of racist violence and intimidation. In addition, there should be a clearly identified offence of incitement to racist violence and racial hatred which is likely to lead to violence.

Discrimination on the basis of religion should be prohibited under the racial Discrimination Act, where religious belief is used as surrogate for race and ethnicity.

Racist practices by police officers should be rigorously investigated and treated as serious breaches of duty attracting severe penalties, including dismissal.

The Inquiry also recommends that Ombudsman's offices and Police Complaints Tribunals establish designated positions for Aboriginal and Torres Strait Islander People to investigate complaints and inform their communities of complaints mechanisms.

In the judicial area, the inquiry recommends that witnesses and parties to legal proceedings who are unable to understand the proceed-

ings should be entitled to specially trained interpreters, that objections to potential jurors on the basis of ethnic or racial background, and that appropriate information and education should be provided to enable all members of the community to act as jurors.

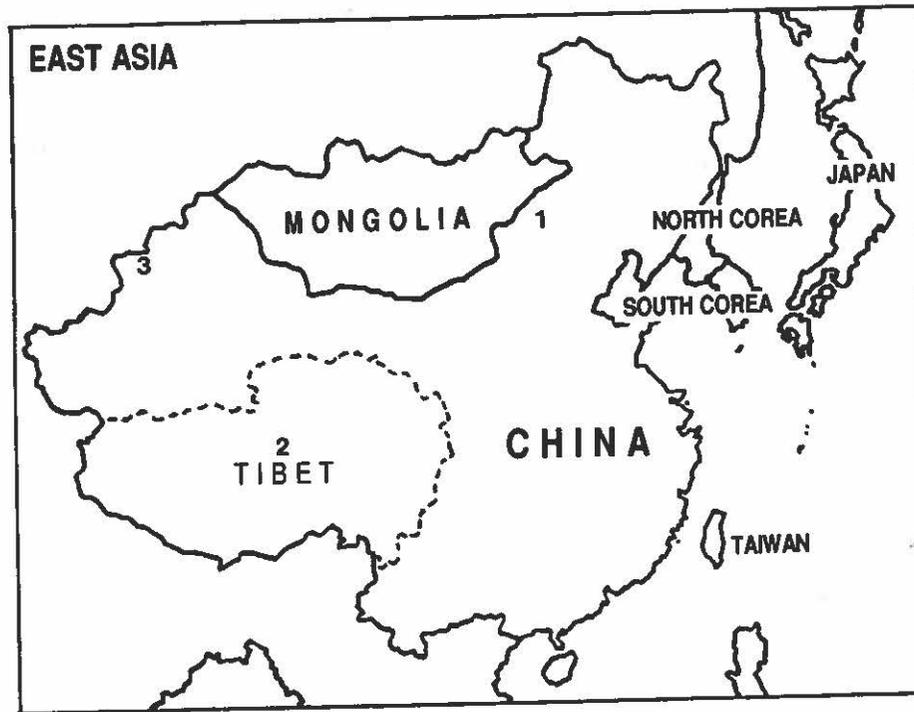
Also there is a series of recommendations concerning the press, generally asking the press to strive for more balance in the reporting of race related issues.

The report from the "Royal Commission into Aboriginal Deaths in Custody" was also released in 1991. The Commission was established in 1987 and investigated the deaths of 99 Aboriginal and Torres Strait Islander people who died in custody. It contains reports on the underlying social, cultural and legal issues behind the deaths and covers issues including self determination, health, housing, infrastructure, schooling, economic opportunity, land needs, the problems of Aboriginal youth and the criminal justice system. The Commission made 339 recommendations.

It is interesting, that the link between social and economic well-being and land use resulted in specific recommendations concerning land problems.

Between 1956 and 1963 Great Britain blasted of 7 atomic bombs in southern Australia, and now it is time to clean up. The area belongs to the Aboriginal people of Maralinga. The Maralinga Commission set up in the 1980's recommended that the cleanup of the area was given top priority. The government appointed another group, Technical Assessment Group (TAG) to present options to clean up the land. They estimated that a proper cleaning up will cost AU\$513 million, and would involve removing the topsoil and trees and everything within the 120 km² area. After looking at it carefully, the Tjarutja community decided that they do not want this to happen. They prefer an option that costs about AU\$82 million, with the high contaminated area fenced, and a sign saying no trespassing for the next 250.000 years. That is about 10 times the number of years since the first Aboriginals arrived in Australia

Sources: Anthropology Today, Sikkerhed og udvikling i stillehavet, Tok Blong SPPF, Pacific News Bulletin, Aboriginal Law Bulletin, Land Right News, Pacific Concerns Resource Centre, The report of the National Inquiry into Racist Violence, Amnesty International Report "Indonesia: Continuing Human Rights Violations in Irian Jaya", Al April 1991), UNWGIP statements, West Papuan Peoples Front, TAPOL, Far Eastern Economic Review 11.7.91, UN Spetial Rapporteur Kooijmans report.



Indigenous Population: 67 million

1. *Mongols*
2. *Tibetans*
3. *Uighur*

EAST ASIA

In Inner Mongolia, China, the Communist Party authorities in China's Inner Mongolian Autonomous Region (IMAR) reportedly ordered a major crackdown in May 1991, on two ethnic Mongolian organisations struggling against the cultural domination of the majority Han Chinese. The two organisations were the Ih Ju League National Culture Society (in Ih Ju), and the National Modernization Society (in Bayahnur), both of which had been recently formed by ethnic intellectuals and Mongolian cadres of the communist party in the region. The two organizations were dedicated to researching and promoting traditional Mongolian culture and identity.

At least two of the leaders were reportedly arrested, and 26 other members were placed under house arrest, after the organizations had tried to register legally with the authorities.

The formation and suppression of the two unofficial ethnic Mongolian organizations, seems to mark the latest phase in the development of a pro-Mongolian identity and an emergent ethnic movement in Inner Mongolia.

Along with these latest oppressed attempts of ethnic consciousness, there have reportedly been several other such manifestations of Mongolian movements in the recent past. The ethnic struggle in Inner Mongolia culminated in a major Mongolian student uprising which staged large-scale demonstrations in Inner Mongolia during May-June 1989, at the height of the Tianamen Square Demonstrations in Beijing. Between December 1989 and April 1990, according to Hong Kong Press reports quoted by Asia Watch, some 20 rallies and demonstrations demanding democracy and independence had taken place in Inner Mongolia. In early February 1990, about 80,000 nomads, students and workers demonstrated in the streets. Two organizations, the Inner Mongolia National Autonomous Committee and the Asia-Mongolian Front for Freedom were named in the article as organizing the demands for autonomy and freedom. Between May 26-28, 1990, according to the same article, more than 40,000 people demonstrated in Hohhot. Armed police reportedly opened fire, clashes with demonstrators ensued, and more than 200 people were injured. Seven people were reportedly killed.

In Inner Mongolia, it was said that the Cultural Revolution had claimed more lives among the Mongols than the Massacres of the famed "slayer of the Mongols" (a famous Han general) of the Ming dynasty. By the Communist Party's own admission, the history of communist rule in Inner Mongolia during the Cultural Revolution and the massive abuses committed by the Party from 1966-69 includes the detention of 790,000

people. Of these, 22,900 people died. Official estimates calculate that 16,222 of them were persecuted to death, for their participation in a non-existent Mongolian insurgency. According to one scholar's calculations, if the ethnic Mongolian population in Inner Mongolia was 1.45 million in 1965, then more than 20 percent of the Mongolian population was persecuted and purged for alleged conspiracy, and more than one percent killed. (Thomas Heberer quoted in ASIA WATCH July 1991). 120,000 were maimed. Further, an estimated 1000 herdsman families were forced to move from the frontiers to the interior, where some 1000 people died. According to a dissident appeal of May 1991, as many as 50,000 people may actually have died in Inner Mongolia from the atrocities committed during the Cultural Revolution. The appeal stresses, that this figure does not include those injured and crippled people who returned home and died later, and those children and the old and the weak who died because of lack of care. ("Appeal and Statement of the Inner Mongolian League for the Defense of Human Rights", published in Asia Watch Report July 1991).

In the late 1970's, Beijing started to rehabilitate the victims of the Cultural Revolution.

At the same time however, in 1981, the central committee demanded administrative reforms in Inner Mongolia, which would ensure that Han Chinese would occupy all the key positions in most parts of Inner Mongolia. The administrative reforms stipulated that people's representatives at various levels should be elected, and local officials should be appointed, according to the population ratio in Inner Mongolia. In all of the 70-odd banners and counties, only a very few reportedly remained, where Mongolians outnumbered the Han Chinese. Further, it was instructed that no restraining measure should be taken to keep the Han Chinese migrants from the Chinese provinces from settling in Inner Mongolia. Regardless of Inner Mongolia's status as an Autonomous Region, with the present population ratio of 1:7 Mongolians to Han Chinese, any sense of ethnic autonomy was totally neglected.

By 1962 the ratio had become 1:7 between the Mongol and the Han population in Inner Mongolia. According to Mongol sources quoted by Asia Watch, of Inner Mongolia's 1962 population of 21,6 million people, 3,6 million has been quoted in the official census as belonging to the Mongol population. Among these, reportedly, are included hundreds of thousands of Han Chinese who were reclassified as Mongols.

As part of unchecked Han colonization since 1948, Inner Mongolia has reportedly been subjected to wholesale environmental destruction. Reported conversion of grasslands into fields, overgrazing and indiscriminate tree felling have greatly accelerated the desertification process in the region.

The Mongol statement quoted above, sums up China's policy toward the Minority Nationalities:

"History of the past forty years and more shows that China's policy towards the minority nationalities only serves one single purpose: to occupy the land and resources of these nationalities, and move the surplus population in the inland areas to those nationalities areas. . . and to assimilate the real masters of these lands and resources - the Mongolians, Uighurs, Tibetans and other non-Han people. The so-called policy of "national regional autonomy" is simply a hoax. China's policy toward the minority nationalities is essentially a most despicable mixture of authoritarianism and colonialism. For forty years, the people of Inner Mongolia, Xinjiang and Tibet have been the victims of that policy. They experienced great hardship and suffered untold losses."

(Inner Mongolian League for the Defense of Human Rights, quoted in Asia Watch Report July 1991)

Source: Asia Watch Report July 1991



Indigenous population of Mainland Southeast Asia: 15 million
Indigenous population of Southeast Asia archipelago: 15 million

1. Timorese
2. Moluccans
3. Orang Asli
4. Shan
5. Karen/Mon
6. Arakene
7. Nagas
8. Juntma
9. Iraya-Mangyan
10. Aggay, Isneg, Ibaloi, Kankaney
11. Manobo, Maranao

SOUTHEAST ASIA

The Philippines. Whatever might have distinguished the outgoing Aquino government from its predecessors in terms of its minority policies - autonomy provisions for the *Igorot* people in the North and the *Bangsa Moro* in the South and legislative steps to remedy the injustices in the legal system regarding indigenous land rights - vanished into final oblivion in 1991.

As will be remembered, both autonomy laws for the Cordillera and Muslim Mindanao were voted down by the Philippine people in 1989 after genuine advocates for self-rule as well as its enemies had found cause for rejecting the drafts. Left with only a tiny minority of the provinces in favour of the government's brand of autonomy, The Aquino administration all the same opted for the creation this year of "transitional" administrative regional set-ups. Whereas these structures are completely meaningless of the aspirations of the Igorot and the Bangsa Moro, they have put into place a new bureaucratic maze providing for additional positions and revenues for local and regional politicians. The idea of regional autonomy has winded up as a footnote to Aquino era. It was supposed to be one of its centrepieces.

The long standing and crucial demand for genuine and comprehensive land rights, captured in two law bills filed in the Philippine Senate and the House of Representatives, respectively, has not been acted upon, either. The bills seek to give substance to the 1987 constitutional provision on the recognition of ancestral land rights. They are providing for mechanisms by means of which indigenous Filipinos/as could secure and utilize their ancestral domain and its resources according to their wishes and customary laws. Indigenous organizations have long given up lobbying for House Bill 428 and Senate Bill 909. It is obvious that the strong vested interests of the logging - and mining - business have so far Kept Congress from deliberating on the issue. The necessary further readings, observers say, may well be deferred far into the next administration's term or never come a all.

Such government neglect under Aquino's reign has long proven to be coupled with military and development aggression against indigenous people and their territories. While half-heartedly engaging in peace negotiations with the rebel National Democratic Front (NDF) the military has throughout 1991, on the other hand, launched sustained offensives in the uplands to crush the insurgency still before the end of Aquino's presidency, as it has wowed. Careful reading of the army's nationwide OPLAN HOT SUMMER, however, indicates that the indigenous communities which have been the targets in many cases, owe this to a

"national security" doctrine which can hardly conceal its economic underpinnings. Going against the rebels and their alleged tribal mass base more often than not serves as a mere pretext for facilitating the intrusion of big-time loggers, plantations or state-run development projects.

One of the most devastating military attacks purportedly aimed at uprooting a rebel shadow governments seated in Marag Valley in the northernmost reaches of the Cordillera, Northern Luzon. The area, inhabited by several thousand *Aggay* and *Isneg*, underwent a series of prolonged carpet bombings from the air, combined with attacks by ground troops and sometime even naval artillery. A preliminary account of civilian victims of the operations which had taken their start already in July this year listed aside from four people wounded by the bombings a total of 76 children who succumbed to a measles epidemic, more than 50 people who died from tuberculosis, asthma and other illnesses, and all in all 1600 *Aggay* and *Isneg* families who had to evacuate their settlements. The army through Brig. General Homer Capulong before had declared that "nobody lives in Marag Valley but members of the New People's Army (NPA)".

The rigid food blockades imposed by military, its efforts at barring relief missions from reaching the valley and the mere timing of the main offensives - harvest time - has led human Rights advocates to speak of genocide committed on the *Aggay* and *Isneg* peoples. As of October 1991, the operations were again resumed.

The villagers of Marag and advocacy organizations for indigenous peoples trace the army's persistence back to on one hand logging companies' desire to get access to the valley's still rich timber stands UTLI (United Timber Licenses, Inc.) immediately after the first offensive brought their equipment in and consequently had their personnel escorted by army platoons), and to recent moves to resume the construction of the Abulog/Gened dams in the vicinity. The said dams, to be constructed on a loan by the Asian Development Bank (ADB), are supposed to produce 1200 MW and will, at the same time, dislocate 18'000 *Isneg*. The project, a carry-over from Marcos-days, was brought to a halt in 1986 when NPA-guerillas raided and subsequently burned a field office of the government agency in charge of the project.

Military operations in the Cordillera, however, were not confined to Marag Valley. Since last May, an additional 6000 troopers were deployed to the provinces of Kalinga-Apayao, Abra and Mountain Province. In conner, Pinukpuk and Balbalan, all in Kalinga-Apayao, mortar shelling and bombardments in June left five people hurt while some six, among them children, died or were severely wounded during ground attacks. In Pinukpuk, soldiers set fire to 100 has of a government-reforestation project, allegedly to deprive the guerilla of cover for ambushes. In

Conner, the predominantly *Kalinga*-and *Isneg*-population suffered the loss of two of its leaders when government soldiers and paramilitary elements gunned down leading activists Henry Domoldol and Santiago Sibay of NACA (Nabuangan Community Alliance) on July 26 and April 23, respectively. Waves of government offensives in Upper Apayao which caused numerous displacements among the indigenous population are seen to be connected with the planned reopening of the controversial Batong Buhay gold mines announced for last October, and the construction of the 55 MW-Saltan-and Tanudan-Dam which had been heavily opposed by the affected villages in the early 1980ies.

The eradication of the local insurgency within three month and the testing of new military strategies were the rationales behind intensified attacks by the army on Mindoro island, starting last March. The reshuffled island-wide army command launched air-and ground-attacks on settlements of the *Iraya-Mangyan* in the North and the Buhid in the South, end of March and April 11-18, respectively. A total of 750 *Mangyan* in the hinterlands of Abra de Ilog and Bongabong town were compelled to abandon their homes by seeking shelter either in the lowlands or deeper in mountains. Buhid areas in Oreintal Mindore were subjected to bombings by aircraft and helicopters during one whole week, while ground troops occupied a Buhid village for over a month.

In the course of the operations, one Buhid man panicked and committed suicide by hanging himself, while a child of four months lost its life during the hasty evacuations. Moreover, troopers forced the inhabitants of one village to carry the corpses of government casualties to the costal highway ignoring the *Mangyan*'s deep-seated fears of dead bodies as taught by their culture.

The large island of Mindanao likewise wasn't spared by the AFP's (Armed Forces of the Philippines) summer offensive. In San Augustin, Lianga and Marihatag, Surigao del Sur, in the first week of May around 400 *Manobo* families had to flee from heavy, combined air, ground and artillery attacks. Hiding in caves for weeks, the Lumad villagers faced starvation due to the deliberate destruction of their ricefields and the looting of their livestock by the soldiers. Observers point to the Andap Valley Development Project as one of the motives behind the military's depopulation-strategy in the area. Industrialist and agribusiness-tycoon Jesus Ayala, one of Aquino's presidential advisors, has eyed the fertile valley for the expansion of his palm oil-, coffee-and cocoa-plantations while the multinational Atlas Mining Corp. reportedly has shown interest in exploiting its mineral resources.

Other instances of destructive military campaigns with economic ramifications in the island include the Banwaon of San Luis del Sur, who on may 9 suffered four casualties by the hands of government troops, among them a 10-year-old child and a pregnant woman who was raped



*Evidence of bombing operations in Paco Valley, Kaligat-Apayao.
Photo: Nico G. Sepe.*

before being killed. A total of 131 *Banwaon* families had to flee to the woods while their houses and fields were burned by the troopers. Local logging companies are reported to be involved in the effort to rid the still thickly-forested *Banwaon* territories of its inhabitants.

On the development front, the Aquino government has shedded its last guises of environmentally concerned politics. "It's too early to talk about conservation. We have to consider development first", DENR (Department of Environment and Natural Resources)-Secretary Factoran resolved the deadlock in the controversy around the planned *MT. Apo* geothermal plants in favour of the government. On May 17, Factoran's agency finally issued an Environmental Clearance Certificate (ECC) to PNOC (Philippine National Oil Company), Removing the legal obstacles for continuing their exploration activities in the heart of both Mindanao's largest National Park and the ancestral territories of six Lumad groups.

It seems, however, that President Aquino would rather wait for her prospective successor after the May presidential elections to give the final go-signal. According to reports, the government though leaves no doubt that construction activities will be resumed at the latest in 1993, "against any resistance", as executives put it. While Manila stubbornly clings to the project, despite of available alternative locations, the World Bank has in 1989 withdrawn its funding for the *Mt. Apo*-geothermals. There is in fact reason to assume that the real issue for the government in the *Mt.*

Apo-case is not really the geothermal potential below the mountain but to stake a claim to the commercial exploitation of natural resources in protected areas in general. This comes in the face of recent pressure by the World Bank to turn all remaining primary forests in the country into National Parks.

Bracing for confrontation with the Lumad bagani (warriors) who in 1989 had declared to fiercely defend *Mt. Apo*, the military has begun to recruit some 400 CAFGU (Citizens' Armed Forces Geographical Units) militiamen tasked with protecting PNOC-personnel in the area.

Power generation will also wreak havoc on the muslim *Maranao* people inhabiting the shores of Lake Lanao in Western Mindanao. The planned operation of August 1, the latest in a series of six hydropower-plants which have been built mainly in the 1950ies might cause the country's biggest freshwater lake to dry up, says the Save Lake Lanao Movement (SALLAM). Environmentalists and human rights activists are warning of disastrous environmental consequences and all-embracing social dislocation among the *Maranao* who depend upon the lake for fishing and irrigation. Because of the tapping of the lakewaters by the Agus River Dams and-plants the water level has already receded, which has forced as many as 300'000 *Maranaos* to migrate elsewhere.

Another issue which deserves attention is open-pit mining on indigenous lands. The *Ibaloi* and *Kankaney* pocket miners and villagers of *Itogon*, *Benguet* seem to fight a losing battle against the powerful *Benguet Corporation*, the world's seventh-largest producer of gold. The company's expansion program, called the *Antamok Gold Project (AGP)*, is bound to flatten seven among nine indigenous mining communities of *Itogon* and destroy the traditional lifebase of near to 3200 families. Already before the start of full-blown operations of the *AGP*, scheduled for June 1991, some 700 indigenous small-scale miners were ousted through the project while their communities were complaining about the drying up water sources, air pollution and the massive erosion of ground surfaces. In spite of their protests the government through the DENR approved the project in June 1990. Ever since, the *Ibaloi* and *Kankaney* residents have in vain appealed to government agencies to stop the project on account of the company's failure to properly compensate the locals for the destruction of their properties and the exceeding dust and noise pollution.

Similar prospects are looming in the *T'boli* territories in and near *Maitum*, *South Cotabato*, where a big Australian mining company, *Western Mining, Inc.*, has recently started with the exploration of gold reserves in the area. *Western Mining*, too, has already been able to obtain an *Environmental Compliance Certificate* from the authorities for large-scale open-pit operations.



*Death from the air: Air Force gunship over indigenous "trouble area".
Photo: Lito Ocampo*

A year of calamities for the Philippine indigenous peoples was topped when last June the longdormant vulcano Pinatubo, last resort of the *Aeta* People, erupted and devastated large parts of Central Luzon including the city of Angeles and the US-Military facilities at Clark Air Base.

The disaster, culminating June 9, 12 and 15, buried some 300'000 has of farmland under thick layers of mud and ashes and made far more than 300'000 people homeless. 292 people were killed, among them many *Aeta*, while a still unknown number of the latter are still missing. To the Pinatubo *Aeta*, the drama of losing at one stroke almost all of their remaining ancestral domain was compounded by the hardship in the state-run evacuation centers where they were exposed not only to unfamiliar living conditions and nutrition, but also to severe racial discrimination on the part of non-minority evacuees. Majority of official 2326 *Aeta* families in these center therefore opted to join their political organizations who gathered them in secluded quarters. According to available reports, the *Aeta* organization have performed very well in running their own camps.

Despite of the prediction of experts that the farms around Mt. Pinatubo will remain unproductive for up to ten years, the *Aeta* organizations have encouraged the former indigenous inhabitants to return to their land and start clearing it from the rubble and ashes. Responsible for this move was the fear of landgrabbing which had even

during the eruptions prevented as many as 400 *Aeta* to leave the danger zone.

For many among the *Aeta*, permanent resettlement seems to be the only viable option. *Aeta* organizations therefore have laid claim to Clark Air Base which after the expiry of the US-Philippines Military Bases Treaty was supposed to be turned over to the Philippines last November. *Aeta* leaders have appealed to the government to declare the former military facilities their ancestral domain. Clark Air Base which also includes large tracts of forest was built on former *Aeta* territory.

The existing conversion plans, however, do not consider the *Aeta* at all. Planning to turn the base into an industrial estate and a civil aviation complex, officials talk of relocating the surrounding *Aeta* communities in "subdivision-type resettlement areas" in the plains which would inevitably result in the loss of whatever has remained of the people's traditional culture. Prospects are very dim that the *Aeta* will be able to successfully assert their rights to Clark in the political arena or in court.

Rehabilitation of a dubious sort for the displaced *Aeta* came from a Germany-based support organization called "Friends of Peoples Close to Nature". Two of their leaking members hit the national dailies' headlines when they tried to smuggle a second badge of some 60 *Aeta* to the island of Palawan in the far south of the archipelago, in order to bring them to new settlement areas in the territory of an ethnic group called *Batak*. A group of over 100 *Aeta* had already been brought to their territory beginning of July. The *Batak*, according to the activists, were of the same race as the "Negrito" *Aeta* and therefore could well accommodate the Pinatubo victims. It turned out, however, that the *Aeta*'s self-proclaimed benefactors had neither informed the evacuees of the remoteness of their new haven nor sought the consent of their leaders. It also showed that the *Batak*'s territory could actually not support an additional population such as the *Aeta* refugees.

In **Indonesia**, torture is routine in politically unstable regions like Aceh, East Timor and Irian Jaya (West Papua).

This is the conclusion of the report on Indonesia by UN Special Rapporteur on Torture, Professor P.H. Kooijmans, who visited the country from 4-17 November. Kooijmans further says: "The Rapporteur cannot avoid drawing the conclusion that torture indeed exists in Indonesia, particularly in cases which are considered to threaten state security." The Kooijmans report places the blame for these human rights violations on the "virtually unlimited and unbridled power of the police," and states that the police exert unrestricted control over detainees during the first twenty days of detention. This means that it is impossible to deal properly with complaints about torture. Kooijmans met prisoners who had been detained for more than ten years without seeing a lawyer.

Professor Kooijmans was in Dili, East Timor, on 12 November when the Santa Cruz massacre occurred, but he was not an eyewitness as he was with the army commander at the time. Later, he was prevented by the army from meeting any of the wounded.

The Kooijmans report will be tabled at the UN Human rights Commission in Geneva in February 1992 (Quoted in Tapol Bulletin 109).

On 12 November 1991, in Dili, the capital of East Timor, between 75 and 200 people are estimated to have been killed when Indonesian troops opened fire on a demonstration at the Santa Cruz cemetery.

The demonstration was calling for the independence of East Timor, the former Portuguese colony of some 700 000 East Timorese People. The more than one thousand demonstrators were gathered at the Santa Cruz cemetery to commemorate Sebastiao Gomes, a Timorese Youth who was shot dead at Mortal Church, Dili, two weeks earlier.

Since the November 12 massacre, the situation in East Timor has remained tense. Families are afraid of asking about their relatives for fear of being arrested and interrogated themselves, and many families are unaware of the fate of their relatives. No final list of the dead has been completed, and the bodies of the dead were reportedly buried immediately, without attempts to identify the dead or inform the families.

Many of the wounded were fearful of seeking medical treatment, for fear it would lead to arrest, and a number of wounded may have died in their homes, adding to the number of reported death victims. Meanwhile, all of the wounded who sought treatment at the civilian hospital immediately after the shooting, were forcibly transferred to the military hospital.

Immediately after the shooting, some 300 people were rounded up in trucks and arrested. By January 1992, thirty seven East Timorese were held in custody in Dili, awaiting for trials for being involved in the 12 November demonstrations. Fourteen of the defendants will be tried for subversion, a charge which carries a possible death sentence.

There were widespread reports of executions of witnesses to the massacre on November 15, 17 and 18, and into early December, contributing to the atmosphere of terror and fear. Three days after the Santa Cruz massacre, 80 people were killed in Bemusi near Dili, according to reports received by TAPOL. The next day, witnesses to this second massacre were killed; a day later witnesses of the day before were killed. Jakarta denied these second and third massacres. A Timorese student wrote to TAPOL of his impressions of the aftermath of the Santa Cruz massacre: The Indonesian commander is right. There was no second massacre - the massacre continues every day, every night".(TAPOL, Feb.1992)

The Indonesian army brutality was condemned from all over the world. Concern over the killings was expressed by Japan, United States,



Hilltribes girl. Photo : Elaine Briere.

Canada; the EC, the Nordic countries, Australia, Venezuela, Guinea Bissau, Cap Verde, Angola and Mozambique.

Three countries - the Netherlands, Canada and Denmark - suspended their aid programmes to Indonesia. Others, including Japan and the US, linked their reviews of aid-programmes to Indonesia to the results of the Indonesian government-appointed National Commission of Enquiry. Japan is Indonesia's largest development donor, in 1990, US Dollars 867 million were offered in official development aid.

The US Senate called for the US to seek a resolution in the UN Commission on Human Rights to appoint a Special Rapporteur on East Timor "to assist in the resolution of the East Timorese conflict in pursuit of the right to self-determination by the East Timorese people".

The European Parliament, in a resolution adopted almost unanimously on 21 November 1991, condemned the "Brutal murder of these latest victims of Indonesia's illegal occupation of East Timor"; urging a prosecution of those responsible. Few days later, the Parliamentary Assembly of the Council of Europe passed Order No.470, which calls for a "detailed, impartial and internationally supervised inquiry" into the killings, and demands that the Indonesian government "withdraw the armed forces from the territory of East Timor so that the governing authority can fulfil the mandate recognised by the United Nations and create the political conditions necessary for the free exercise of the right to self-determination.

At the UN Working group on Indigenous Populations in July/August, the Homeland Mission 1950 presented a review of the human rights situation of the indigenous people of the **South Moluccas**.

In their statement, the Homeland Mission 1950 appealed to the international world to officially rebuke the Indonesian state for its application of the state philosophy of "Panca Sila" against the rights and will of the indigenous peoples. "Panca Sila" is supposed to embody a principle of "Unity in Diversity", but when applied to the indigenous situation of the Moluccan islands, this totalitarian philosophy of state rather takes the ordinary form of military control by the means of force or threat, demanding the total subjugation of the indigenous peoples to the Indonesian regime. Like in West Papua, the Moluccan people have not surrendered to this command, but continue to commemorate the proclamation of the self-determination and independence of the Republic of the South Moluccas on 25 April 1950, five months before Indonesian troops invaded the Moluccan islands on 25 September 1950.

In the "mother island" of the South Moluccas, Moluccan guerillas has been fighting an endless war against Indonesian occupation, lasting for more than 30 years now.

South Moluccan popular resistance, as reported by the Homeland Mission 1950, has been centered on non-violent manifestations of indigenous identity and political beliefs.

In an atmosphere of totalitarianism; - where reportedly military control may close off islands from the outside world, as happened to the island of Saparua during April 1991; in a system of control and denial of indigenous rights, where the religious-cultural churches, the baileo's, are pulled down by the military police; in an educational system where the indigenous Moluccan language is being systematically undermined by central government policies; and in a health care system where enforced sterilizations as part of birth-control is believed by the indigenous people to happen frequently - in this political atmosphere the non-violent expressions of Moluccan identity are all important for the indigenous sense of survival.

Since 1990, the *Centre for Orang Asli Concerns* has been documenting the situation of the 83.000 indigenous Orang Asli living in **Malaysia**. During 1991, Orang Aslis continued to suffer from the insecurity arising from the absence of inalienable rights to traditional lands. Any Orang Asli community may at any given moment, regardless of the legal status of their land, be dispossessed of their land by the state.

Government policy towards the Orang Asli is aimed at their integration into the Malay national society, for Orang Asli to become sedentarized and to be resettled in re-groupment schemes, often without indigenous consultation, let alone consent. Re-groupment schemes are frequently criticised as being outrightly paternalistic, ingraining in the

Orang Asli a sense of dependency of the Department of Orang Asli Affairs (JHEHOA).

Beginning in 1979, re-groupment schemes aimed at the formation of development schemes within or close to the traditional homelands of the Orang Asli. With the re-groupment strategy, the JHEHOA required the Orang Asli to accept a twin development concept based on sedentarization and integration. Springing from the historical experiences of counter-insurgency with the strategy of hamletting (cluster villages) in the early 1950's and later during the Emergency (1948-60) when police surveilled Jungle posts were established for the Orang Asli, sedentarization of the nomadic (such as the *Semai*) Orang Asli became a strategic imperative as well as a development effort.

With the regroupment schemes of the 1980's, coercion was not employed. Instead persuasion was prompted by promises of permanent housing, piped water, schools and hospitals.

Most significantly, with the regroupment schemes, Orang Asli were left with far less land per capita than they had held as communal land previously. In two schemes studied by Colin Nicholas (1990), available land decreased from 180 ha. to 0,8 ha. per person in one case, and from 68 ha. to 0,8 ha. in the other.

At the root of the problems facing the Orang Asli, is the insecure legal situation of their traditional land rights. Only about 17 percent out of the 667 Orang Asli villages are gazetted as Orang Asli Areas or Reserves. Even in regroupment schemes, land tenure is not permanently secured. Orang Aslis have repeatedly applied for titles to their lands, but the results have been characterised as "sluggish" at best.

The lack of titled lands has resulted in many Orang Asli communities loosing their lands to government land schemes, private plantations, logging and mining concessions, highway and dam projects, etc.

Even in places gazetted as Orang Asli Areas or Reserves, there is no security of tenure. The Aboriginal Peoples Act (1974), at best considers the Orang Asli as tenant-at-will. The Act also gives the state authority to withdraw the status of any Orang Asli Area or Reserve, without any need for compensation. Nowhere in the said legislation (1974) is there provision to allow the Orang Asli any role in the determination of their own affairs.

Like land; their water and livelihood are all important to the Orang Asli. In the Perak state, six Orang Asli villages near the projected Simpang Pulai - Pos Slim highway depend on the water resources of the Sungai Raya river for their fishing and drinking water. Over a hundred Orang Asli families (105), may be facing disastrous consequences in the near future, from the construction of the highway. Already, the highway construction is reportedly causing massive erosion from the large tracts of hills and steep forest landscape that has been stripped off vegetation

and left exposed. The fish catch in the silted Sunguya Raia river has reportedly dwindled drastically, and the people are forced to walk for more than a mile to fetch their drinking water.

In Thailand, there are serious reasons for concern about the treatment of Burmese refugees.

There have been several instances in which refugees escaping the SLORC crackdown on political dissidents in Burma (Myanmar), were reported to be severely ill-treated in Thai detention centres. Burmese refugees who had been imprisoned in Thailand, were reportedly subjected to beatings and lack of medical care. On several occasions prisoners were beaten immediately after arrest, or during detention.

According to Amnesty International, the Thai government has not established any procedure whereby Burmese asylum-seekers can present their asylum claims and their reasons for fearing a forcible return to Burma. Detained Burmese refugees were not provided with legal council or with translation services, and they were often not allowed to contact the local Office of the United Nations High Commissioner for Refugees (UNHCR) office, as is required by international standards for the detention of refugees and asylum-seekers.

Most of the 69,000 Burmese asylum seekers in Thailand belong to ethnic minority groups, living along the Thai-Burmese border. The single largest group are the *Karen*, who now number 47,000, following an influx of 8,200 more refugees in January. There are also 12,000 *Mon* refugees and 3,500 *Karenni*. The number of Burmese student activists now in Thailand is estimated at around 3,000, half of whom are living along the border.

Ethnic minorities, including *Arakanese* and other so-called "Indian" Burmese, who are numerous in Thailand, and suspected political activists face great risk of interrogation, detention, torture and ill-treatment, according to Court Robinson from the U.S. Committee for Refugees.

Karen and Mon refugees who are unable to document legal residence in Thailand since 1976, may be facing arrest and possible deportation. An October directive from a district office in Sangklaburi ordered unregistered Karen residents in the S'nay Pong camp to move from the camp into the Burmese interior by November 1991. Unregistered Mon refugees could be facing deportation to Burma by April 1992. Despite the intense fighting along the border in January 1992, that led to the influx of more than 8,000 new refugees, the deportation edict appears to remain in force, Court Robinson reports. No details, so far, are given of actual deportation of unregistered Karen and Mon refugees.

In addition to the ethnic minority groups and political activists, an estimated 160,000 other Burmese are living in Thailand without documentation. Many of these have fled the risk of forced conscription, portage, or other abuses of the Burmese authorities. Since 1988, Thai

authorities have repatriated thousands of "illegal immigrants". There are, at the moment, about 900 Burmese "illegal immigrants" in the Suan Phlu detention center. Unless some of them happens to be "persons of concern" to the UNHCR, hardly a word will be said by the international community when they are deported to Burma, Court Robinson fears.

The U. S. Committee for Refugees, in their testimony before the Senate committee on foreign relations presented by Court Robinson ("The Widening Crisis: Burmese refugees and asylum seekers in Asia", March 1992), recommends the international community to call the Thai government for a moratorium on all forced repatriation on Burmese asylum seekers in Thailand, and prevent the forced return of any vulnerable Burmese group in Thailand. Their status is secondary, particularly if it excludes large numbers of people from protection against repatriation. Thailand should also be encouraged to permit UNHCR and the International Committee of the Red Cross to maintain a presence on the border.

The Thai government has reportedly allowed thousands of women refugees from Burma to be forced into prostitution, according to the testimony presented to the U.N. Working Group on Slavery by Anti-Slavery International (ASI), the London based human rights group.

The Amnesty International similarly reports on Burmese women or girls, sold into prostitution through deals between Burmese authorities and Thai brothel operators. In one incidence, reported to Amnesty International (AI), police at the Immigration Detention Centre (IDC) in March 1991 beat and tried to force three female Burmese detainees to return to a Thai brothel where they had been made to work as prostitutes. (AI, op.cit)

In the Shan state of Burma, young Shan women are increasingly being sold into prostitution through agents for prostitution rackets in Thailand. The agents visit villages in Burma, and offer young women "good jobs". Their parents often receive an advance, the "strangle money", which leaves those families who accept the offer in bondage. The same, reportedly also happens to many of the *Thai* families in north east Thailand. Thousands of Shan women are locked up in brothels and are virtual prisoners. If the debt bondage is finally repaid, the young women are already dishonoured. Many will not want to return to their home village, where they fear ridicule and disdain. According to Chang Mai research, among prostitutes who had been in the trade for more than a year, 70% of those tested were HIV positive. Shan sources reported to FEER, how it was common for brothel owners to approach infected women, offer them a few hundred baht and tell them "It's time to go home and visit your mother." Returning prostitutes have reportedly spread AIDS to Burma at an alarming rate. (Bertil and Hseng Nong Lintner, in FEER 20.2 1992)

Burma. When in 1988 the Burmese military killed as many as 10,000 demonstrators in the streets of Rangoon and in the major cities and towns, it became evident that Burma (Myanmar) had become one of the most unstable states in the world, economically and politically. In 1988, the popular uprising and the struggle for democracy swept away 26 years of military rule under Ne Win's unique "Burmese Way to Socialism", the military chauvinist vision that had transformed Burma into one of the most isolated and hermetically sealed countries in the world.

But Ne Win's resignation was a change in name only. Even 22 months after general elections were won overwhelmingly by the opposition democracy movement, on 27 May 1990, the Burmese military backing the State Law and Order Restoration Council (SLORC) is still in power.

The military build up in Burma has escalated dramatically in the past years, from 190,000 personnel to some 300,000 troops at present, well equipped with relatively sophisticated weapons mainly from China.

Following the massive crackdown on the Burmese Sangha (the Buddhist monks demonstrating in Mandalay) in late 1990, and the massive arrests of any manifestation of political opposition (mainly the student demonstrations and what is left of the democracy movement who have not been detained so far, or escaped to Thailand, or have joined the ethnic insurgency in the mountains), and with dozens of the leading NLD members either detained or in house arrest, the urban population seems under firm military control.

In the latest crackdown on any public opposition to its policies, the SLORC regime, in early December 1991, reportedly arrested up to nine hundred students peacefully demonstrating to call for the release of student political prisoners and Nobel Prize Laureate Daw Aung San Suu Kyi.

As of early 1992, more than 1500 prisoners of conscience and possible prisoners of conscience continue to be detained by the SLORC regime, arrested in connection with anti-government activities such as advocating an early transfer of power from the SLORC regime to the democratically elected parliament.

Since 1984, the Tatmadaw, as the army is called, has been carrying out one of the most brutal military campaigns since Independence, the murderous "Four Cuts Campaign" in southeast Burma, against the Karen, Karenni and Mon insurgency. Several thousand Karen, Karenni and Mon villagers have been forcibly moved to the plains areas in the west, into new "strategic villages", comparable to the cluster villages in the Chittagong Hill Tracts, Bangladesh. Karen and Mon villages have been systematically looted and burnt by Tatmadaw soldiers - DAB mentions 117 villages destroyed, and 81 villages forcibly relocated. Forcible relocation of villagers are common practice by the army. Hundreds of

thousands of villagers, according to DAB, have been uprooted by army atrocities and now live displaced inside Burma.

With the four cuts campaign, still ongoing, the Burmese army is engaged in what can only be called a systematic campaign of genocide against the ethnic minority population. A military campaign which has gained the SLORC dictatorship probably the worst human rights record of any government in the world today.

"Over two thousand civilians were reportedly executed by soldiers, including children, women and elderly during 1991. . . In southeast Burma over 20,000 porters are being used for forced labour by the Burmese soldiers. According to testimonies by escaped porters, some 3000 civilian porters are women, some pregnant and some who were forced to leave behind their breastfed babies. Some relate how they were forced to sleep with the soldiers. . . In southwest Burma, Muslim youths were conscripted for forced labour and their wives and daughters were raped by the Burmese soldiers while they were away. . . More than one hundred civilian porters have already died in cross-fire and from diseases".

Victims seized as porters are all too frequently in no condition to perform the arduous labour demanded of them. In some instances the victims were seized because they were suspected of involvement with the armed opposition. More often, reportedly, porters were apparently seized at random, as an expression of the Tatmadaw's de facto power to detain arbitrarily, ill-treat and even kill people in its custody with impunity - especially when the victims come from particularly weak sectors of the Burmese society. (op.cit:p.3)

When porters are seized in conditions of ill-health and it is impossible to perform the work load demanded from them, they may be facing execution.

These are the serious charges against the Burmese government put forward by the Democratic Alliance of Burma (DAB), before the United Nations Human Rights Commission, February 1992.

Military campaigns have escalated in the past years against the ethnic insurgent held, mountainous frontier areas. Since 1984, the Karen liberated area of Kawthoolei, has been under intensive attacks by the Burmese forces. In 1989 and 1990, a number of the most important Karen, Mon and student insurgent bases were captured by the Burmese army, including the strategic Three Pagoda Pass. This has left the besieged DAB (Democratic Alliance of Burma) and Karen headquarters of Marnerplaw as one of the few remaining insurgency strongholds near the Thai border. Since the crushing of the pro-democracy movement in the cities in recent years, Marnerplaw has also become the refuge for most anti-SLORC groups in Burma, including the Burmese coalition government in exile - NCGUB. (see below). More than 25,000 Burman troops, according to

DAB, are employed in launching an all-out offensive against the Karen in southeast Burma. Burman troops frequently intrude into the territory of neighbouring Thailand to pursue the insurgents.

The Burman Tatmadaw army destroyed 21 villages in the country's southern Irrawaddy Delta when, according to DAB, in October and November they attacked Karen villages indiscriminately by bombing, shelling and military assaults.

The Irrawaddy Delta is an old rebel stronghold in the early days of the Karen insurgency. In October as many as 1000 Karen insurgents managed to recapture bases in the Delta, only 100 km. southwest of Rangoon, according to Bertil Lintner (FEER 14.11.91). The army atrocities reported by DAB, seem to be part of an intensive reprisal campaign, after armed encounters between Tatmadaw troops and Karen National Union (KNU) insurgents were reported in October and November.

Outside of the insurgent held territories, villages are being systematically burnt, as in April 1991 in Pa-An township in the Karen state. Here, Tatmadaw soldiers were pursuing insurgents of the New Mon State Party, who allegedly had been in the village the night before to collect money. Unable to speak Burmese and answer the soldier's interrogation, a Mon farmer was reportedly ill-treated and beaten with rifle-butts. Following this incident, the soldiers set fire on a number of houses, as a result of which half the village reportedly burnt down. (Amnesty International (AI): "Myanmar Burma: Continuing killing and ill-treatment of minority peoples." AI: August 1991 p. 11)

In the Arakan state, Rohingya Muslims, who form the majority in the Arakan region and trace their origin to Arab, Persian and Moorish settlers since the 8th century, have faced persecution by the Burmese regime since the late 1940's after Burma gained independence from Britain.

Among the first things the new Burmese regime did, was to deny citizenship to most of the Muslims, which in turn led to denial of property rights and educational opportunity.

Oppression intensified after Gen. Ne Win took power in Rangoon in the early 1960's leading to the formation of insurgency movements. (S.Kammaluddin in FEER 26.3.92)

In 1978 a Burmese military campaign codenamed "Naga Min" or Dragon King forced more than 200,000 Muslims from the Arakan state across the border into Bangladesh. According to Bertil Lintner "The refugees who arrived in the 13 camps established across southeastern Bangladesh in 1978 told stories of killings, rape, pillage, and arson committed by the Burmese army." (FEER 29.8.91)

This refugee crisis was eventually resolved after intervention by the U.N.

Since 1991, the Burmese army is carrying on a similar campaign against the *Arakanese Rohingya* Muslims - an ethnic minority who are different both from the Buddhist Arakanese and Bangladesh's majority Bengali population.

The campaign seems to have begun two years ago when, according to Bertil Lintner (op.cit), the Burmese army started moving people into new satellite towns in an attempt to impose direct military control over the population in the aftermath of the 1988 mass uprising for democracy.

In late 1989 the campaign reached Akyab, Arakan state capital, and the old Muslim quarter of Akyab was razed. Thousands of people were resettled, Lintner reports, in a site which lacked sanitation, drinking water and other basic facilities.

Rohingya villages near the Bangladesh border were reached by the Tatmadaw campaign, when the first villages were demolished and their lands confiscated by the army in October 1990. Thousands of Rohingyas were conscripted to construct a new army-camp, by forced-labour, at the site. Forced labourers interviewed by the FEER were from ten to sixty years of age. To populate the deserted Rohingya villages, Non-minority Burmese were brought in from southern Arakan.

Before they managed to escape from the army atrocities into the camps in Bangladesh, Rohingya women had been systematically raped by Tatmadaw troops, many refugees told Bertil Lintner (op.cit.). Most of these refugee claims are reportedly supported by independent observers, including Dhaka-based diplomats.

A new wave of Rohingya refugees was pushed by Burmese army violations towards the frontiers, and 16,000 escaped across the border into Bangladesh by August 1991. Many of them are known to have resettled in the Chittagong Hill Tracts. The entire area along the Bangladesh Border inside Burma has been increasingly militarized. The Burmese army presence in southwest Burma has more than six doubled during 1991, to 25-30,000 troops, including paramilitary police forces. The military build up in Burma as a whole, has been dramatically increasing in the past few years, from 190,000 personnel to some 300,000 troops at present, and better equipped than previously, with relatively sophisticated weapons, mainly from China.

Sixty Thousand refugees had been pouring into Bangladesh in January 1992. In late March 1992, the number of Rohingya refugees has reached 145,000 people.

Among the five ethnic insurgency groups operating in the Arakan region of Burma, two of them reportedly have joined the DAB: the All Burma Muslim Union, and the Muslim Liberation Organization of Burma. (MLOB). Another Arakanese opposition group, the National United Front of Arakan (NUFA) among the Rakhine Buddhist (ethnic minority

Arakanese) has long been a DAB member. Among the refugees from Arakan, some 1000 are ethnic minority Rakhines.

The genocidal policy against the ethnic minorities, is intimately connected with the refusal of the Rangoon regime to hand over power to the rightful government of Burma - the M.P.s elected from the pro-democracy movement by 80% of the Burmese voters in 1990.

Most observers agree that the Burmese war against the ethnic minority populations such as the Karen and Rohingyas are not only aimed at wiping out the ethnic resistance on the borders. By intensifying the civil war, the SLORC regime also hope to draw public attention in Rangoon away from the major political events in the past years - the righteous nonviolent struggle from her house arrest, of Aung San Suu Kyi; a courageous struggle for democracy and peace which won her the Nobel Peace Prize.

In December, the National Coalition Government of the Union of Burma (NCGUB), based at the DAB (Democratic Alliance of Burma) headquarters at Marnerplaw, held talks with Norway's Prime Minister Gro Harlem Brundtland at a meeting in Oslo on 11 December. The NCGUB is made up of MP's elected in May 1990, but denied power by the military regime in Rangoon (for the background of the formation of the NCGUB, see IWGIA Yearbook 1990). In Oslo, the NCGUB was represented by NCGUB Prime Minister Sein Win, and its Foreign Minister Peter Limbin. After this meeting, according to Far Eastern Economic Review (26.12.91), Norway has accorded de facto recognition to the NCGUB Government. Norway is also to make a grant of Nkr. 2 million (US\$ 320.000) to the NCGUB.

Chittagong Hill Tracts. In May 1991, the Chittagong Hill Tracts Commission published its report "Life is not ours: Land and human rights in the Chittagong Hill Tracts", based on information received in the Chittagong Hill Tracts (CHT), Bangladesh and Tripura, India, in December 1990.

The Commission was the first independent body to undertake an open fact finding mission to the CHT. The report of the Commission documents massive human rights violations in the CHT, which constitute a process of genocide.

The large number of reports received since the fact finding mission of the CHT Commission give renewed evidence to the findings and conclusions of the Commission report.

The report describes a pattern of military induced terror, of extrajudicial killings and torture by security forces. One of the most salient features of the CHT is the all-pervading presence of military and paramilitary forces. The military is linked at the highest levels with the civil administration. Although multiparty democracy has been restored in Bangladesh, the Chittagong Hill Tracts are under military control.

The context of the military build-up in the CHT, and the justification as held by the army of actions of state violence, is the policy of "pacification" of the *Jummas* (the indigenous peoples of the CHT), and the counter-insurgency operations against alleged members of the Shanti Bahini (SB), the armed wing of the Jana Samhati Samiti (JSS) (the underground political organization of the CHT Jumma peoples).

The incidents of gross violations of human rights contained in the CHT Commission report took place while the government of President Hossain Mohammad Ershad was still in power, and under the caretaker government under acting President Shahabuddin Ahmed, who was appointed after the resignation of President Ershad on 6 December 1990.

Renewed incidences of human rights violations in the Chittagong Hill Tracts are reported to have taken place since the beginning of 1991, both under the Interim Government and under the present government of Bangladesh, under Prime Minister Begum Khaleda Zia who was sworn in as prime minister on 20 March 1991, after the parliamentary elections on 27 February 1991.

During 1991, IWGIA has received numerous reports containing massive indications that the hill peoples in the Chittagong Hill Tracts continue to be subjected to gross violations of basic human rights. The CHT Commission summed up this pattern, which seems valid throughout 1991: "Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied civil and political rights. They have been denied economic, social and cultural rights."

When one considers the army and government politics of terror in the CHT, the clear case of "over-kill" (as the CHT-Commission puts it) and the wilful and calculated mixture of mass-violations and surveillance, the present policy in the CHT constitute a genocidal process.

Or, in the words of the CHT Commission: "The innumerable accounts of human rights violations in the context of development implementation in the Hill Tracts by the army and the government are not accidental actions of soldiers with a low IQ, as some military officers suggested, but are part and parcel of the overall policy for the Hill Tracts."

The end justifies the means. But the means seems clearly to have become ends in themselves.

Clearly, such allegations can't be proved until it is too late. But by actively endorsing the policies of the former Ershad regime concerning the CHT, by not dismantling the cluster villages immediately, and by not publically condemning the use of torture and mass violations in the Hill Tracts, the present government has done little, from a human rights perspective, to prevent the nourishing of such serious concern.

Arakanese) has long been a DAB member. Among the refugees from Arakan, some 1000 are ethnic minority Rakhines.

The genocidal policy against the ethnic minorities, is intimately connected with the refusal of the Rangoon regime to hand over power to the rightful government of Burma - the M.P.s elected from the pro-democracy movement by 80% of the Burmese voters in 1990.

Most observers agree that the Burmese war against the ethnic minority populations such as the Karen and Rohingyas are not only aimed at wiping out the ethnic resistance on the borders. By intensifying the civil war, the SLORC regime also hope to draw public attention in Rangoon away from the major political events in the past years - the righteous nonviolent struggle from her house arrest, of Aung San Suu Kyi; a courageous struggle for democracy and peace which won her the Nobel Peace Prize.

In December, the National Coalition Government of the Union of Burma (NCGUB), based at the DAB (Democratic Alliance of Burma) headquarters at Marnersplaw, held talks with Norway's Prime Minister Gro Harlem Brundtland at a meeting in Oslo on 11 December. The NCGUB is made up of MP's elected in May 1990, but denied power by the military regime in Rangoon (for the background of the formation of the NCGUB, see IWGIA Yearbook 1990). In Oslo, the NCGUB was represented by NCGUB Prime Minister Sein Win, and its Foreign Minister Peter Limbin. After this meeting, according to Far Eastern Economic Review (26.12.91), Norway has accorded de facto recognition to the NCGUB Government. Norway is also to make a grant of Nkr. 2 million (US\$ 320,000) to the NCGUB.

Chittagong Hill Tracts. In May 1991, the Chittagong Hill Tracts Commission published its report "Life is not ours: Land and human rights in the Chittagong Hill Tracts", based on information received in the Chittagong Hill Tracts (CHT), Bangladesh and Tripura, India, in December 1990.

The Commission was the first independent body to undertake an open fact finding mission to the CHT. The report of the Commission documents massive human rights violations in the CHT, which constitute a process of genocide.

The large number of reports received since the fact finding mission of the CHT Commission give renewed evidence to the findings and conclusions of the Commission report.

The report describes a pattern of military induced terror, of extrajudicial killings and torture by security forces. One of the most salient features of the CHT is the all-pervading presence of military and paramilitary forces. The military is linked at the highest levels with the civil administration. Although multiparty democracy has been restored in Bangladesh, the Chittagong Hill Tracts are under military control.

The context of the military build-up in the CHT, and the justification as held by the army of actions of state violence, is the policy of "pacification" of the *Jummas* (the indigenous peoples of the CHT), and the counter-insurgency operations against alleged members of the Shanti Bahini (SB), the armed wing of the Jana Samhati Samiti (JSS) (the underground political organization of the CHT Jumma peoples).

The incidents of gross violations of human rights contained in the CHT Commission report took place while the government of President Hossain Mohammad Ershad was still in power, and under the caretaker government under acting President Shahabuddin Ahmed, who was appointed after the resignation of President Ershad on 6 December 1990.

Renewed incidences of human rights violations in the Chittagong Hill Tracts are reported to have taken place since the beginning of 1991, both under the Interim Government and under the present government of Bangladesh, under Prime Minister Begum Khaleda Zia who was sworn in as prime minister on 20 March 1991, after the parliamentary elections on 27 February 1991.

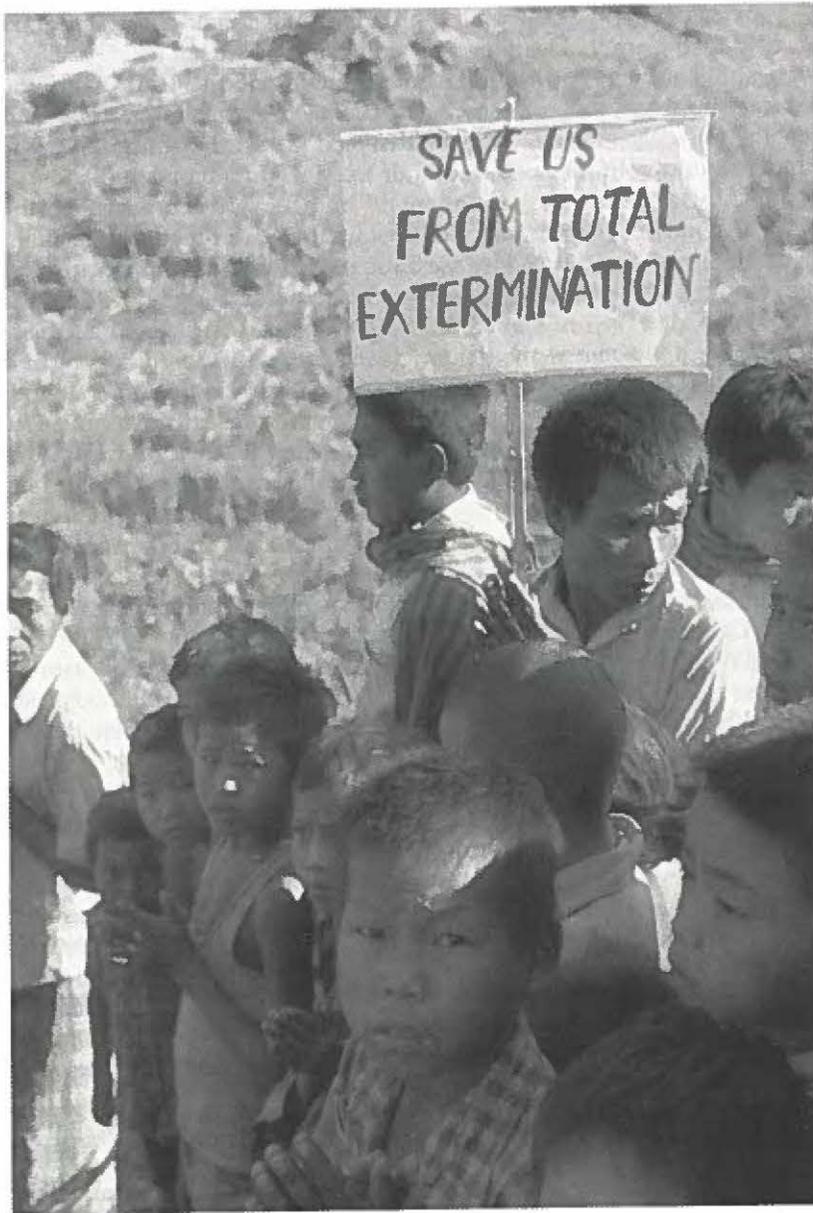
During 1991, IWGIA has received numerous reports containing massive indications that the hill peoples in the Chittagong Hill Tracts continue to be subjected to gross violations of basic human rights. The CHT Commission summed up this pattern, which seems valid throughout 1991: "Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied civil and political rights. They have been denied economic, social and cultural rights."

When one considers the army and government politics of terror in the CHT, the clear case of "over-kill" (as the CHT-Commission puts it) and the wilful and calculated mixture of mass-violations and surveillance, the present policy in the CHT constitute a genocidal process.

Or, in the words of the CHT Commission: "The innumerable accounts of human rights violations in the context of development implementation in the Hill Tracts by the army and the government are not accidental actions of soldiers with a low IQ, as some military officers suggested, but are part and parcel of the overall policy for the Hill Tracts."

The end justifies the means. But the means seems clearly to have become ends in themselves.

Clearly, such allegations can't be proved until it is too late. But by actively endorsing the policies of the former Ershad regime concerning the CHT, by not dismantling the cluster villages immediately, and by not publically condemning the use of torture and mass violations in the Hill Tracts, the present government has done little, from a human rights perspective, to prevent the nourishing of such serious concern.



Refugees in Chittagong Hill Tracts. Photo: Andrew Gray.

The differences between the plains and the hills are clearly marked:

"The Chittagong Hill Tracts, until the 1970's, were inhabited by people numbering only 0,7 per cent of the total population. These, the 600.000 or so tribespeople, have traditionally made their homes in the tracts, identify themselves with pride as hillmen and historically have kept a distance between themselves and the majority population of Bangladesh, the Bengalis. They are of Sino-Tibetan descent, have distinctive Burmese appearance and are short in stature. In physique, in religion, in lifestyle and, in some cases, in language, the hillmen are closely identified with their neighbours in northeast India and Burma.

The indigenous people of the Chittagong Hill Tracts contrast greatly with most of the people in the rest of Bangladesh." (Anti Slavery Society, 1984: "The Chittagong Hill Tracts" p.11)

"The differences between the plains and the hills. . . are by no means confined to the matters of economy or demography. There are, for instance, very important ethnic differences. The inhabitants of the plains are very largely Bengali; they belong to an ethnic group of some 150 million people whose culture is part of the South Asian culture complex and whose language is Indo-European. Their main religions are Islam and Hinduism. The hills people, on the other hand, constitute a very varied group of small peoples whose cultural links tend to be with the Southeast Asian populations. They speak a great variety of languages, most of them belonging to the Tibeto-Burman family. Some have retained their own religions, but others profess Buddhism, Christianity or a form of Hinduism. One result of these multi-dimensional differences between plains and hill people is a very low incidence of inter-marriage between these groups in the past and thus fairly clear physical distinctions between them. (Mey, Wolfgang: "IWGIA Document 51, 1984" pp 11-12.

The differences between plains and hills, from the anthropological perspective as illustrated above, is a complex pattern of ethnic, religious and racial differentiations.

However, the constitution of Bangladesh gives no reason to suspect an institutionalized pattern of apartheid to arise in the Chittagong Hill Tracts.

Yet the army practices witnesses to the contrary, by systematically inflicting upon hill people, and upon hill people only, almost any inhuman acts mentioned in the apartheid convention.

In some cases during the years, Jumma persons seems to have been murdered outright. During 1991, these included at least two cases, reported to IWGIA at the end of the year:

In fall 1991, (date and village known to IWGIA) one (named) six-year-old Jumma girl was shot dead, reportedly by patrolling soldiers. The girl was murdered while going outdoors at night for "natural calls", accompanied by her mother. The following day her parents went to the

army camp to bring home the dead body of their child. Here they were reportedly threatened. The Upazilla chairman was later compelled, according to the said report from a (non-SB) Jumma source, to report on the incident that the girl was killed by the Shanti Bahini.

Jumma reports mention several cases where tribal villagers have been shot dead on the spot by army soldiers, either murdered or extrajudicially executed.

On 3 October 1991, a group of soldiers entered a (named) Chakma village in Khagrachari Hill District. Here, they burnt down one house, and fired at all members of the family. Two (named) Chakma victims, man and wife, were shot dead on the spot. During the firing one of their children, a six year old son, was seriously injured, as were his father's eleven year old sister-in-law. The Chakma boy continues to be under medical treatment, whereas the fate of the girl is still unknown.

The reports received during 1991, severely indicate a continuation of a pattern of gross violations of human rights, including widespread use of torture. In most of the atrocities reported by Jumma sources, army groups are alleged to use torture and inhuman treatment while indiscriminately beating up Jumma men, women and children. Security forces and paramilitary groups are further alleged of having committed torture during interrogation or in reprisal attacks. The various forms of indiscriminate torture and ill-treatment mentioned in the dozens of cases reported, are most frequently not specified. In the cases where they are, these include beating and having hot water (in reports from earlier years, "hot" is meant to be water mixed with chilli) poured through mouth and nostrils. In other reported cases, victims have been subjected to electric shocks. Torture is often accompanied by humiliation; people are stripped of their clothes, or forced to eat live earth worms at gunpoint.

The use of torture is attributed to members of paramilitary forces, the Village Defence Party (VDP) as well. In October, one Marma villager (named) was brought to the Khagrachari Hospital, reportedly after being tortured (form not specified). The only reason offered for the atrocities, was the Marma's disapproval to offer his younger sister to marry one of the VDP commanders.

When torture is specified, rape is the most frequent form reported. This includes reported cases of gang-rapes.

Ethnic tensions between Bengali settlers and indigenous Jummas have been conflict-ridden during 1991, and in at least two instances reported by Jumma sources, communal riots have erupted in retaliation to Shanti Bahini violence.

On 30 June, following Shanti Bahini killings at Burighat Bazar (reported below), communal riots erupted when Bengali settlers attacked and beat up 15 Jumma persons, of whom three were reported to have

hands and legs broken before the army arrived and dispersed the crowds.

On 21 August, the marked day at Marishya Bazar, communal riots erupted following bomb blasts at different shops at Baghaichari Upazilla, killing two Bengali shopkeepers. According to reports a crowd of Bengali settlers attacked Jumma men, women and children. One Jumma boy was killed, Shishu Moy Chakma, 11 years old. Forty-five others were wounded before army personnel had reached the Bazar and dispersed the crowds. Among the wounded Jumma victims, two children (named) aged 2 and 6 have been reported. Twenty-five victims altogether have been identified by name in reports from Jumma sources.

The first reports of the post-election violations were issued by JSS in July 1991, and were later followed by reports from independent Jumma human rights organisations, refugee organisations and student groups, and other reliable Jumma sources.

It deserves mentioning that in all of the cases quoted below, from reliable Jumma sources (and in the majority of cases reported, but not quoted), details such as army regiments, headquarters/camps and army commanders in charge of operations have been identified by name in the reports received. Atrocities are not simply committed by an unknown group of men in uniforms, coming unexpectedly like a thief in the night. Violations are committed by the personnel of named army officers, some of whom seems well known to the Jummas for their notorious harassment. Thus, one (named) army group, in June, seems behind all of the following reported burnings of houses of tribal villagers.

On 1 June 1991, army personnel from the East Bengal Rifles (EBR) burnt down 9 houses from the village of Pattari Chara, to compel the villagers to be shifted to the cluster village of the local army camp. The same motivations were presumably behind the attacks on 1-3 June, when the same army group burnt down 56 Jumma houses at Satbheiya Para rubber plantation area, Harinath Para and Inner Betchari Christian Para. Names of 43 Jumma victims have been reported. The list continues: On 25 June, Inner Bechari Para was again attacked, and more Jumma houses were burnt to force the villagers to move to the Gucchagram near the Jaduram Para camp, Khagrachari Upazilla. Names of 14 victims were reported. On 27 June, the same army group burnt down the houses at the Jhum (swidden) cultivation area of Kudukchari Mon (Hilly) village in Khagrachari district. In the later report from Jumma sources, a list of 12 named victims from the said incident has been compiled.

During 1991 the Shanti Bahini reportedly continued their armed actions to resist the Bangladesh armed forces and the presence of Bengali settlers in the CHT.

On 14 November 1991, according to a recent update to the CHT Commission report, six Bengalis were reportedly killed by armed Shanti

Bahini men when they were harvesting paddy in Damdambil village, Panchari upazilla. The dead bodies were brought to Dhaka and displayed in front of the National Press Club and there was a rally protesting against the killings. According to the CHT Commission, the Bengalis were reported in the Bangladesh press to have been killed while harvesting paddy. What was apparently left out of the press report was the fact that the paddy they were harvesting was from land belonging to hill people. This in no way justifies their killings, but it tells a great deal about the level of information one can expect to find in Bangladesh press reports such as this, and the difficulties in assessing the actual situation in the CHT.

In early July a number of Jummas were reportedly detained on suspicion of being members or supporters of the Shanti Bahini. Some of them were still in detention by the end of the year, whereas the whereabouts of others after detention are not known at present.

On 24 December, the Chittagong Hill Tracts People's Council was set up with a view of furthering negotiation between the new democratic government and the Shanti Bahini (SB), for a political solution to the CHT conflict. Although not advocating violence or being involved with the insurgency, the founders of the CHT Hill People's Council have reportedly been continuously harassed for their political activities. On 7 August 1991, Bijoy Ketan Chakma, a member of the organization's advisory committee, was arrested from his home in Rangamati and illegally detained at Rangamati Jail on the pretext of alleged involvement with the SB. Bijoy Ketan's arrest came only two days before the CHT Hill People's Council was going to make public their findings concerning black marketing activities of the Upazilla chairmen, who were responsible for the administering of relief supplies to the cyclone victims in the Hill Tracts. A written petition was filed on 21 July with the High Court in Dhaka. On 18 November Bijoy Ketan was released, after the Supreme Court had ruled in his favour.

Jumma villagers are frequently the targets of military attacks and violations for their refusal to shift to cluster villages (Guchagrams). Given the close army surveillance of the cluster villages, these may also be considered as a form of illegal detention.

At the end of 1990, the CHT Commission was permitted to visit several such Guchagrams. The CHT Commission described the cluster village program as a "massive and largely involuntary reorganisation of population occurring in the CHT". The creation of cluster villages for hill people and settlers has been rapidly expanding. Based on their visits, the CHT Commission could conclude that: "It is clear that the programmes are forcibly and illegally separating hill peoples from their traditional lands".

Jumma sources frequently assess the human rights conditions and the quality of life in such cluster villages, to be nothing short of the conditions in concentration-camps. In many cases, established tribal villages are deliberately being damaged, and the villagers are subsequently resettled in cluster villages directly controlled by the army. The presumed implicit army purposes of these cluster villages, as conceived by Jumma observers, adds several dimensions to the stated army strategy of counter-insurgency and "protection". According to the said observers, cluster villages are implemented to increase the economic crisis of the tribals; to make them dependent on relief goods supplied by the army (this dependency is severely aggravated by the restrictions on buying and selling of foodstuffs and medicine imposed by the army, see CHT Commission Report "Life is not ours, pp 53-55"); to make easy the army's direct control over the tribal people; and, to rehabilitate the non-tribals to the forcibly vacated tribal areas.

Not only have hill people in cluster villages become dependent upon military food rationing, but their lives have been made still harder by a military prohibition on fishing and on the collection of forest products (for both hill people and Bengalis). However, influential Bengali merchants are reported to continue their logging businesses as usual.

According to The CHT Commission update, there are perturbing reports about starvation in the CHT as a result of these restrictions. According to newspaper reports, nine hill people died of starvation in Rangamati in May 1991, after the cyclone. Hill people reported to the Commission that for the first time some of their people have had to resort to begging.

On 12 January 1991 the East Bengal Regiment carried out operations against the Jumma inhabitants of Kamalchari Aga, for their refusal to shift to cluster villages. During the operation, houses were destroyed and properties including foodgrains were looted by the army personnel.

On 14 January 1991, the same pattern was repeated when a group of 70 army personnel entered Goda Bannya Mono Ghag (or Godabanya Monchap). During the attack, Jumma villagers were reportedly tortured. Names of 17 victims were given in a later report from Jumma sources. During the attack, the Mon Tala primary school was burnt down. Reportedly, the purpose of the attack was to force the Jhum (swidden agriculturalist) villagers to move into cluster villages.

On 19 June 1991, 13 houses with all household belongings were burnt down at Kudachara village to pressure the Jumma villagers to be relocated to the Jurachari Upazilla HQ Guccha Gram (cluster village) under Rangamati district.

On 27 June, in Dhaka, the three Hill District Council Chairmen in the CHT discussed the problem of the continued influx of Bengali settlers in the Hill Tracts and the transfer of landownership to Bengali settlers with

Prime Minister Khaleda Zia and the Law and Justice minister Golam Hafz Mirza. During the meeting, the Justice Minister reportedly reiterated that no steps would be taken against the Bengali influx, as the Bangladesh constitution permitted its citizens to settle in any part of the country. What was supposedly not mentioned by any of the ministers, was the crude irony of the fact that while any citizen of Bangladesh is free to move into the CHT, the indigenous population inhabiting the Hill Tracts are free to move nowhere in the CHT but to cluster villages - a situation that is true of the many Bengali settlers transferred to cluster villages as well.

Shortly after the resignation of former president Ershad, Acting President of Bangladesh, Shahbuddin Ahmed, on December 30, 1990, held a general meeting at Rangamati with Jumma leaders, including the Chairmen of the three Hill District Councils. At this meeting, the Acting President reportedly declared that his government would pursue the same policies in the CHT as his predecessor, and announced that the Hill District Councils would continue in the CHT. The importance of this announcement was immediately felt in the Chittagong Hill Tracts. Although democracy had been restored in Bangladesh, any hope for reopened discussions concerning a peaceful future in the CHT soon turned pale. The Jumma leaders in the JSS might rightly have felt the statements concerning the qualities of Ershad military rule in the CHT, as a condonement, on behalf of the Caretaker Government, of the army atrocities of the past. That the army might have felt encouraged as well by such announcements, would at least explain part of the continued human rights violations during 1991, by an army who could well feel confident of impunity for the gross violations of the past and for their continuation.

Parliamentary elections were held in the CHT, as elsewhere in Bangladesh, on 27 February 1991. In all of the three constituencies of the CHT - Rangamati, Khagrachari and Bandaraban, a majority of the Jumma people cast their votes in favour of the Awami League candidates, the present opposition party in Bangladesh, who in its manifesto declared its willingness for a political solution to the CHT conflict. At the election, Awami League candidates won all the three seats in the CHT. After the elections, the present government was formed by the Bangladesh Nationalist Party, under Prime Minister Begum Khaleda Zia, on 20 March 1991.

On 22 October 1991, the government declared a general amnesty to the Shanti Bahini insurgents who surrender their arms and give up their struggle. However, if the government as stated is determined to continue the policies of former president Ershad concerning the CHT, such a movement should not necessarily be interpreted as a step towards a political solution to the CHT conflict.

Already on 14 April 1991, the government apparently again felt it necessary to express its continuity of the former Ershad rule, at a meeting in Dhaka of the Council Committee on CHT, presided over by Acting President Ahmed and attended by Prime Minister Zia. At the meeting, the Council Committee reportedly decided to pursue the policies of the previous Ershad regime concerning CHT. Again, the CHT conflict was glossed as a socio-economic problem. This forewarned the continued dual administration in the CHT, where the army is in charge of large developmental efforts, based mainly on relocation programmes, such as the resettlement of the "nomadic Jhummas" (swidden agriculturalists), the implementation of afforestation programmes (pulpwood production and teak), and the establishing of a plantation economy, based on rubber, where wage labour is done by the hill people.

Sustained by the government policy of dual administration in the CHT, the army plays a crucial role in the development of the Hill Tracts. Development programmes, and the transformation of a partially self-sufficient indigenous economy of the hill people into a dependent economy controlled from the plainlands, and by the army itself, serves the purpose of an overreacting counter-insurgency strategy of the army. It further secures control over the resources in the Hill Tracts. Hence the CHT Commissions allegations that the gross violations in the CHT are not simply outrageous, but also motivated political decisions.

During 1991, huge amounts of money were reportedly transferred to the Chittagong Development Board, headed by the army G.O.C. of 24 Infantry Division, Chittagong. The said CHT Board, as reported by Jumma sources, seems to have taken up an extensive program to hand over farmland vacated by the Jumma people who have been detained in cluster villages, pushed to remote hills in the CHT or compelled to take shelter in the relief camps in Tripura, India. There is a strong suspicion circulating among the hill people, according to Jumma observers, that land records, proving indigenous titles to tribal lands in the Khagrachari district, were intentionally destroyed by Bengali settlers, when the district office burnt down on 8 August 1991. Following this incident, the district administrative authority, Jumma sources report, passed orders to the Upazilla Nirbahi officers to hand over the uncultivated farmlands to proper farmers staying in the area. This apparently was taken to mean transfer of lands vacated by the hill people to Bengali settlers. In August 1991, the Land Ministry of Bangladesh passed orders to the Deputy Commissioner to speed up transfer of ownership of land to proper landless farmers. Whatever proper farmers means in this connection, Jumma observers may be justified to presume that these orders indicate an increase in the transfer of land to Bengali settlers.

As a minimum condition for the restoration of human rights in the Chittagong Hill Tracts, the democratic government of Bangladesh must



Burned houses in Betchari. Photo: Andrew Gray.

be urged to dissociate itself from the legacy of Ershad rule, of the deteriorating human rights situation in the Chittagong Hill Tracts, and publically condemn the use of torture in the Hill Tracts.

The cluster villages must be dismantled immediately. Government and military representatives constantly assured the CHT Commission that both settlers and hill people voluntary chose to live in cluster villages. The Commission, however, had to conclude that the whole program involves a forced relocation of population. Military attacks on hill peoples villages have occurred to force people to move to particular cluster villages.

The government of Bangladesh must be called to allow for international supervision of a voluntary return of hill peoples to their land. The UNCHR, who has the relevant technical competence with repatriation programmes (considering that the non-combatant hill people are in fact refugees in their own country, from the civil war) or an international team from the International Committee of the Red Cross should be called to undertake such a mission. Either of these organisations should be permitted to maintain a continual presence in the CHT, in order to supplement emergency assistance and to provide international monitoring.

Considering the reported gross violations of human rights during the Ershad administration as well as under the present government;- the reported cases of murder, extrajudicial executions, deaths in custody as

a result of torture, the serious allegations of secret detention, the grave reported cases of killings, torture and inhuman treatment of tribal children, and the cases of torture in the form of rape of tribal women by security forces or official civilian defence units - the government of Bangladesh should be called immediately to institute a detailed, impartial and internationally supervised investigation into these reported violations.

The results of this investigation should be made public in their entirety.

In all cases, the perpetrators should be brought to justice, and the victims or their relatives be given access to redress under the law, including the means for as full rehabilitation as possible.

While the above mentioned investigations are in progress, those potentially implicated in extra-legal, arbitrary or summary executions should be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.

Any law enforcement personnel, including official civil defence units, against whom there are reasonable grounds to suspect involvement in human rights abuse, should be immediately removed from any position in which they would come into contact with potential victims until such time as the allegations may prove to be unfounded.

The government should, while the above mentioned investigations into abuses are in progress, or whenever substantive complaints of abuses are received, take effective measures to protect witnesses and potential witnesses from all forms of threats and intimidations. Complainants, witnesses, and their families should be protected from army-police- or paramilitary violence, threats of violence or any other form of intimidation in accordance with the advisory services offered by the U.N. Subcommittee on Prevention of Discrimination and Protection of Minorities.

Considering the reported cases of gross violations of human rights in the context of forced relocation of hill people, and the reported grave human rights situation in the cluster villages, the implementation of the above mentioned preventive and protective measures must again necessarily include an immediate dismantling of the cluster villages.

A process of demilitarization must begin immediately. The present military occupation of the area and the military programmes the present report and the CHT Commission has described involve massive violations of human rights and have not created the preconditions for peace and political and economic development.

The CHT Commission found evidence that the settlement of Bengalis from other parts of Bangladesh has occurred with massive violations of property rights of hill people. Effective protection of hill people from

continued human rights violations should be undertaken with a view of legal restoration and protection of hill people's rights to land. The issue of protection against human rights violations, is closely linked with the issue of land. Considering the fact, that the majority of reported cases of cruel harassment and degrading and inhuman treatment of tribal people have been perpetrated with the obvious view of forcibly and illegally separating hill peoples from their traditional land, the resolution to the land issue is an urgent precondition for restoration of human rights in the CHT.

Considering the prospects of massive land conflicts in the CHT, a neutral investigation of titles to land and of illegally occupied land should take place. This body should be unconnected with the present local land administration and allowed to function without interference from the military. The said investigation should be given maximum priority and considered an urgent national interest. Under no circumstances should land conflicts be sought solved by such outrageous measures as a continuation of the cluster village program in any form.

With respect to the political problem in the Chittagong Hill Tracts, the government should be urged to dissociate itself from the policy of dual administration of the CHT, being civilian on the one hand and military on the other, as has been designed and implemented during the rule of Gen. Ershad. Autonomous political institutions stronger than the now existing District Councils should be established, as recommended by the CHT Commission.

Any form of autonomy by the hill people, on which a necessary political solution to the CHT conflict must inevitably be based, can only be achieved if there is a corresponding reduction in the power and presence of the military. The issue of autonomy is closely linked with the issue of the demilitarization of the CHT, insofar as, at the moment, the military are the main holders of both military and civil power in the CHT.

Considering the national interests in a reduction of the Chittagong Hill Tracts conflict, and with a view of the promotion of the welfare of Bangladeshi citizens, the Bangladesh government should establish the conditions for a voluntary relocation of Bengali settlers to outside of the CHT, in the context of foreign aid support to such a programme. Clearly, the plains are very densely populated, but some resettlement programs would be possible, provided that the necessary aid is available. After all, it must again be stressed that the national society at large, can only benefit from a de-escalation of the conflict.

As a precondition for such foreign aid, no further settlement in the Chittagong Hill Tracts by outside settlers should be permitted, and such restriction should be enforced.

The government must be urged to immediately establish the conditions where the Jumma refugees presently living in relief camps in Tripura, can feel safe to voluntarily return to their lands under direct supervision of international human rights organizations. Again, these measures should be discussed within the context of foreign aid support. As the CHT concludes; "only a resolution to the issues of land rights and autonomy will persuade the refugees to return from Tripura and end the justification for the Shanti Bahini insurgency."

In 1989 the Bangladesh Government brought in a new District Council Law, claiming that councils led by predominantly tribal people would bring autonomy to the hill tracts. However, there have been serious problems with the process of developing the new system of District Councils in the area. The CHT Commission, commenting on these problems, notes that "the very limited power of the Councils and their establishment by force has greatly discredited their claims as autonomous bodies."

Any political solution to the CHT conflict, will be faced the problem of establishing the constitutional protection and the institutional framework for establishing a viable form of autonomy that should be exercised by hill people in the CHT. In this respect, the Bangladesh Government should be called to seek means to implement the recommendations of the report of the CHT Commission, including the stipulations concerning repeal or amendment of the present District Council laws.

Legal provisions regarding autonomous political institutions in the CHT should be made, to ensure that peace in the CHT is part of a political process. These provisions must include constitutional protection of the hill people's autonomy in the CHT, and the establishment of subsequent autonomous political institutions and stronger than the now existing District Council Laws provide for.

There should be a referendum in the Chittagong Hill Tracts on autonomy with the voting confined to hill people.

At the 1991 session of the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities, the case of the Chittagong Hill Tracts was raised by the CHT Commission. The CHT Commission, in their intervention before the U.N. Subcommission recommended a continuing monitoring body to continually monitor human rights in the Chittagong Hill Tracts.

In Nagaland, on the Indian side of the Indo-Burmese border, the Indian Security Forces reportedly continue the pattern of human rights violations described from earlier years, as recently documented by Amnesty International in 1990 (for a summary, see IWGIA Yearbook 1990, entry India, Manipur). Since 1947 the 1.2 million people of Nagaland have been under military occupation and surveillance by some 150,000 Indian troops. Human Rights violations occur in the context of

the sweeping provisions vested in Security Forces, such as the Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972.

According to Amnesty International (AI), Indian troops unleashed a reign of terror (the expression used in the Naga press) in October 1990, after NSCN insurgents ambushed an army patrol near Botsa, killing three soldiers and injuring several others. In retaliation, several villages were raided by the Assam Rifles during reprisal operations. According to press reports cited by AI, Naga villagers (including the maimed and the old) were beaten with fists, sticks and rifle butts. The villagers were tortured by having chilli powder rubbed in their eyes and water forced up their nostrils. Over 30 people reportedly required hospital treatment for injuries suffered during these raids. (AI 1992: "India" p 28)

Reports from the Naga People's Movement For Human Rights (NPMHR), published by the Nepal based Human rights organisation INSEC, indicate a continuation of the earlier years human rights violation. During 1991, India reportedly continued its policy of occupying village lands. The Indian army, reportedly, has been subjecting villagers to forced labour. Logging is another problem mentioned by Naga sources.

In April 1991, the army reportedly subjected people in four villages in the Ukhrul district to mass torture.

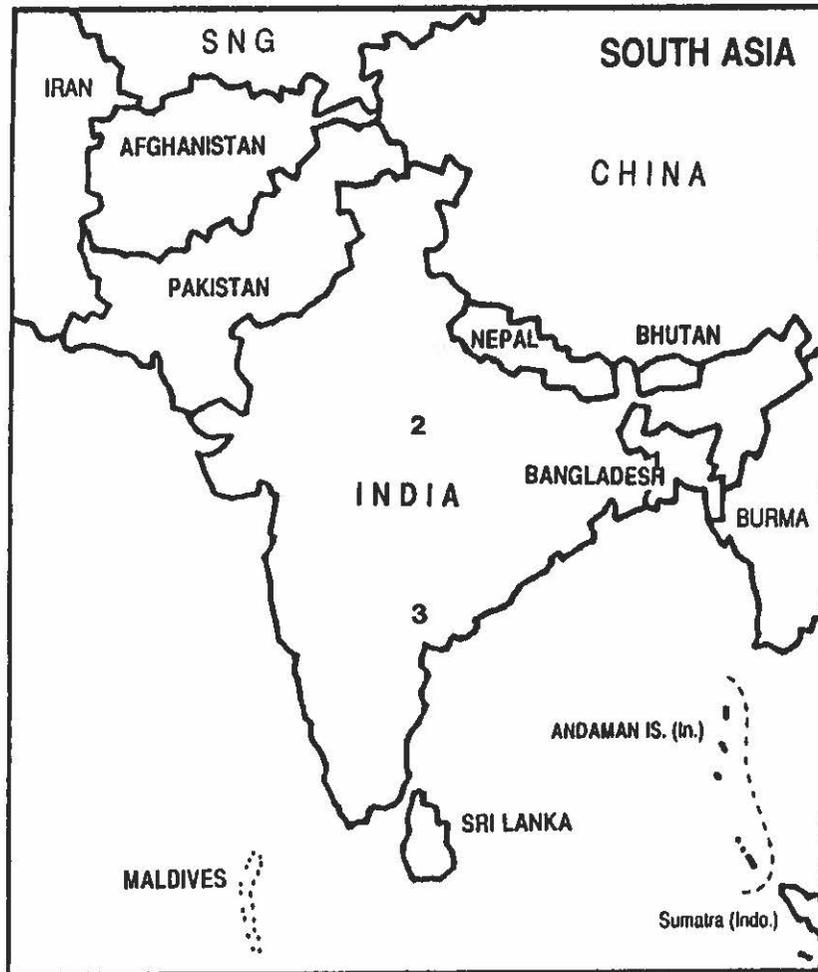
In 1991, two teenage girls were detained at Talloi military camp, suspected of being members of National Socialist Council of Nagaland (NSCN, formed in 1980) During detention, for ten days, the two girls were reportedly tortured, including being subjected to sexual assaults.

Fourteen hundred Nagas living in Burma escaped into Nagaland to the Indian controlled areas, fleeing Burmese army atrocities in December/January 1991/92.

Sources Philippines: Northem Dispatch, Philippine News and Features, Solidaredad, Nassa News, TABAK Action Alert Bulletins, Justice and Peace Review, Philippine Daily Inquirer, FEEDBACK, Justice and Peace Info Bulletin, Philippine News Digest, Justice and peace Issues, Special Report on the Antamok Gold Project, Releases by Philipinenburo Köln, Sudostasien-Informationen, Cordillera Currents, Kabalikat, National Midweek, Mercy Mission Reports, KAMP-releases, personal communications with different indigenous people's and support organizations.

Indonesia: Tapol, Asia Watch, JHEHOA. Nicholas Colin: "In the name of the Semai?" in: Lim Tech Ghee (ed.). "Tribal People and Development in Southeast Asia", University of Malaysia 1990. Utusan Konsumer, mid-December 1991.

Thailand: FEER. Burma: FEER. Chittagong Hill Tracts: IWGIA Document 51, Anti Slavery Society 1984 "The Chittagong Hill Tracts". Nagaland: AI. IWGIA Yearbook 1990.



Indigenous Population: 51 million

1. Santals, Mandi
2. Dalits, Adivasis
3. Dalits

SOUTH ASIA

Caste- religious- and ethnic tensions in India have been conflict-ridden and violent in 1991. The recent years human rights reports on the gross violations and atrocities committed against tribal communities as well as in Kashmir and Punjab, have rightly been focused on the sweeping provisions vested in the security forces, and the right of these armed forces enjoy to shoot to kill on sight or to arrest on suspicion without needing a warrant.

To this picture of the political and human rights situation in India, focusing on state violence, one needs to add the new heights reached by Hindu militancy, fuelled by upper castes discomfort with the findings of the Mandal commission report. The Mandal Commission has been advocating an enforcement of the reservation policy providing for government jobs as an affirmative action toward scheduled castes and tribes. Hindu militancy has been propagated over the last few years, orchestrated most visibly by the Vishwa Hindu Parishad (VHP). This, in turn, is only part of the wider context in which a pattern of communal violence has been increasing both in frequency and scale during the 1980's.

The worst instances of recent violence within Indian society, such as in Bhagalpur 1989, Merut 1987, the anti Sikh "riots" in Delhi in 1984, the Hindu-Muslim "riots" in Moradabad in 1980, and others, have amounted to pogroms, organised massacres in which large crowds, of hundreds, thousands, and even, in places, tens of thousands have attacked the houses and property and lives of small, isolated and previously identified members of the "other" community. (Gyanendra Pandey in PEW). To quote one investigator, from the Peoples Union for Democratic Rights (PUDR): " Attacks on young and old, the blind and the maimed, women, children and infants; the aim of wiping out the "enemy" and hence physical destruction (of lives, property, tools for work, and standing crops) on a massive scale; the unashamed participation of the police; the lynching of people found on trains or busses passing through the affected area; all these have become standard features of today's "communal riot". (op.cit.)

A disturbing aspect of this reported social reality, is the pattern of violence that is systematically inflicted against Dalits (untouchables) by the upper castes/classes especially in the rural areas. One case, from Chundra, Andra Pradesh, reported in the Political and Economic Weekly, India, may serve to illustrate this point:

" On 4 July 1991, Govatoda Ravi, a Dalit graduate, decided to purchase a cinema ticket in the chair class, departing from and challenging the

tradition of untouchability. The offence committed by Ravi, as related (recast) after the carnage, is that he crossed his legs, which then touched an uppercaste viewer in the chair ahead. Upper castes (in this case Reddy). . . attempted to beat Ravi up, who retaliated with the help of his friends. . . A reception party awaited Ravi on return July 6, and beat him up severely. he was forced to swallow liqueur and was taken to the police station. Ravi was accused of harassing upper-caste women in an inebriated condition.

The uppercaste men demanded that the family should leave the village. The Dalitwada, however, unitedly supported Ravi's family, and insisted that the latter should not submit to this humiliation. Ravi and his family, however had enough and left the village, fearing for their lives. The Reddys saw this aborted show of solidarity among the Dalits as an affront to their supremacy and decided to boycott the Dalits from that day on. This resulted in unimaginable hardships to the latter, with no field work coming their way. . . As part of the boycott, the landowners refused to permit the Dalits to work in the fields which the latter had rented, and in many cases, did not return the money paid as rent for the land.

The resulting tension saw the police sub-inspector Srinivas Rao assigned to handle the problem. Srinivas Rao, a backward caste himself, saw through the game and decided to protect the Dalits. . . One day, on some pretext, uppercaste men came armed to the Dalitwada to attack the residents, who quickly prepared to retaliate. Srinivas Rao opened fire in the air to disperse the groups. During this process, circle inspector Saibaba, reputed to be strong anti-Dalit, took charge of the police station.

He, with the connivance of the Reddy power group, managed transfer orders for Srinivas Rao. . . On August 6, when the event took place, Saibaba and five sub-inspectors were in the village. . . Around 11 am., the police party (without Srinivas Rao), under the leadership of Saibaba, told the Dalit men to leave their houses as they were about to be attacked by the upper castes. Saibaba and his cohorts instructed the men to run west toward the Tungabhadra canal, in order to escape. The Dalits did so, and found gangs awaiting for them with knives, axes, spears and gunnybags. In the span of an hour, at least six Dalits were killed and their bodies mutilated. These were put in the bags, tied to rocks, and then thrown into the water. Three of the Dalits, who tried to escape were caught and killed in the surrounding fields. When the women in the Dalitwada heard the screams, and approached the police who were still nearby, they were reassured that the sounds were made by cattle chased around the area." (ref: Political and Economic Weekly)

In Madhya Pradesh, Dalits and Adivasis who are trying to organize themselves to fight for their rights, have been met with increasing attacks by forest officials and police. On 30 August, over a hundred women and

more than 800 men were reportedly beaten up by the police, injuring 10 people. Eighty people got arrested in the incidence. The people were protesting against the construction of a bridge near Kasavarad, which is part of the Sarovar dam.

At Bankhedi, on 5 September, four (named) Adivasi girls were arrested by two forest guards and six watchers ("chowkidars") on a false charge of cutting teak, and taken to Kamti checkpost. Here, the four girls were reportedly forced into a small room and gang-raped by the forest staff

Again on 8 September a squad sent by the forest department, went to the village of the girls, and forced their way into Adivasi houses to take away wood stored for daily use. During the "raid", they reportedly abused people, beat whoever they could and extracted money and gold. Two Adivasis reportedly were illegally detained at the Bankhadi Office, and tortured for two days. In the events that followed, a delegation of villagers went to inform the local organisation Kisan Mazdur Sanghatana (KMS) about the atrocities. On the morning of 9 September, five KMS activists were called to Bankhedi range office on false premises. Here, forest officials surrounded them, and reportedly started beating them up. As news of the fate of the activists reached the village, 30-40 villagers gathered at the range office. Many people were severely beaten up. One Adivasi, Somti Bai, reportedly was beaten up until she was unconscious. At least five, including Somti Bai, had their bones fractured. Some villagers retaliated to this attack by throwing stones. Many of the villagers tried to escape, but were chased and beaten up by uniformed staff as well as plain clothes thugs from Bankhedi, some of whom reportedly had been brought from outside in jeeps by local "mafia"-leaders. Over two hundred people received injuries in the attack, both men and women were seriously injured.

In the afternoon, beatings and lootings by this group of persons continued in the village of Palia Pipariya.

In the subsequent police action, 25 villagers, mainly Dalits and Adivasis, 10 of them women, were arrested, reportedly on false charges of attempted murderous attacks on police and forest officials. No one of the persons involved in the attacks on villagers were arrested. About 14 of those arrested received serious injuries, reportedly from police beatings. No one of these have been medically examined or treated, or allowed to file any report. When an activist from the organisation Samata Sanghatana was visiting the village as part of an investigation team, together with representatives of various political parties, he was severely beaten by thugs. The activist, Shrigopal Gangora, received injuries to his skull and spine from the attack, and had to be hospitalised from the injuries.

While the gross human rights violations perpetrated against the indigenous Jummas of the CHT are widely documented, the situation of the indigenous Adivasis of the Bangladesh plains has so far escaped attention. This, notwithstanding the fact that the plains living Adivasis are facing the same underlying problems concerning development, land and ecology as are the Jummas.

Whereas the problem of Bengali invasions of indigenous lands is a fundamental feature of ethnic conflict both in the hills and on the plains, the genocidal process of counter-insurgency operations, indiscriminate punitive raiding and the program of forcible relocation of tribal villagers into cluster villages, is restricted to the CHT where the only tribal insurgent group, the Shanti Bahini is operating. No similar pattern of resistance and oppression can be found on the plains, although here also, the Adivasis have to struggle to retain their already tenuous rights to land, against creeping corruption by local officials.

The Adivasis (original inhabitants) is the collective name used for the many indigenous tribal peoples of India and Bangladesh. In India, according to the 1981 census, 51 million people -7% of the population- are classified as members of Adivasi communities (scheduled tribes). In Bangladesh the proportion of Adivasis is much smaller, an estimated 1% of the population - well over 1 million indigenous people if the Jumma population of the CHT is included. What the indigenous peoples of Bangladesh have in common, is their disadvantaged position within the Bengali-dominated political and economic system, and the shared experiences of landlessness, ecological destruction, violence and discrimination. A chief complaint of the Adivasis is that the legal system serves only certain (wealthier Bengali) segments of the Bangladesh society. Adivasis also complain of arbitrary or discriminatory police treatment, especially police brutality.

Over the years, the Adivasis of the plains have gradually lost their land to Bengali settlers. Presently, both the demographic frontier of Bengali settlers as well as the economic frontier of government plantation projects, continue to engulf and encroach onto Adivasi lands, and today the vast majority of Adivasis are landless.

Historically, the Adivasis of the plains were people of the hills and forests. Some, such as the Mandi (also known as the Garo), migrated centuries ago from the Himalayan foothills of Meghalaya at a time when the plains were lightly populated. Although formerly swidden agriculturalists, today most plains Adivasis depend mainly on settled agriculture. Social organization among the Adivasis varies, where societies such as the Mandi's are matrilineal. In terms of religious affiliation, the majority of the Adivasis of the plains are Christians. The major plains Adivasi groups are the Santals (200,000 people) living in the North-West, and the Mandis (60,000 people) living in North-Central Bangladesh.

With the British rule, Adivasi lands were for the first time put directly under foreign control, when the Permanent Land Settlement Act of 1793 placed agricultural lands, both tribal and non-tribal, in the hands of rent-collectors (Zamindars). The British administration, however, gave special recognition to the indigenous tribals through preferential protection. Legislations as the Choto-Nagpur Tenancy Act of 1908 aimed at keeping non-tribals away from tribal lands.

Under British rule, Adivasis received titles to their land on an individual basis. Mandis have had their lowlands (and some of the highlands) registered under the Indian Tenancy Act (1878) since 1878, which is their oldest claim in written law. The annual tax is still paid to the Revenue Department as the successor of the Zamindar and the British Raj. Today, the majority of lands to which the Adivasis have a claim, is registered land to which they, in theory, have a clear title. However, the major problem facing the plains Adivasis today, is the Bengali invasion of their territories, which has been continuous since the early 1960's.

In the Madhupur Forest, the Bengalis outnumber the Adivasis four to one, and the original environment, home of the Mandi and Koch, has been rapidly destroyed by this recent invasion of Bengali settlers.

The biggest opportunity for land-seizing in tribal areas came in 1964, when there was a strong demand for land for Muslim refugees from India. This Bengali colonization of tribal lands, allegedly with the silent acquiescence of the government, led to a mass exodus of Mandi across the northern border. The majority of the Mandi returned to East Pakistan (since 1971 Bangladesh) later in the year to find their lands illegally occupied by Bengali settlers. Many got their lands back, but others did not. Even today, there are reportedly still large numbers of illegal occupants holding the land of Adivasis who returned from India. The legal owners and heirs are ignored in the granting of leases for cultivation of these lands, which are counted as Khas lands (Khas land is government land for which cultivation leases are granted annually). These leases can allegedly be obtained by non-tribals, by payment of bribes.

Moneylending is another persistent, and more creeping means, by which Adivasi lands historically, as well as in the present, is alienated and transferred to Bengalis. Among the most common practices involved, is the mortgaging of land on terms by which the Adivasi owners can never regain ownership. Indigenous lands may further be alienated from the Adivasi communities as Bengalis marry Mandi girls, allegedly often by abduction, in order to acquire their matrilineal lands. This practice is held to contravene traditional Mandi inheritance customs, which in such cases would require that matrilineal Mandi land revert to the tribal community. Other forms of land acquisition by Bengalis, requires the

participation or acquiescence of local officials or police. These practices involves the issuing of false land deeds on official paper, or the harvesting of Adivasi crops by force, by those who have powerful backing.

This pattern continues still today, and land disputes and dispossession of peasant land is reportedly a persistent feature of Bangladesh society, in no way restricted to the Adivasi situation.

Since the mid 1980's several Adivasi registered- and prescribed lands have been taken over by private entrepreneurs entrusted by the government to establish rubber plantations in the Madhupur Forest. In early 1990 eviction notices were reportedly served on Adivasis of the Forest.

So far, the Adivasis have been able to respond to the Bengali encroachment onto their land, by moving out to another place, or by emigration. Yet, with the present population density and land distribution of Bangladesh, there are few places they can retreat to today.

Since 1977, the Tribal Welfare Organisation (TWA) has been set up by Adivasis as a platform for negotiation with the government, and as a forum for the protection of tribal interests. In 1977 the TWA submitted 15 demands about land security, education and the power of Adivasi to decide on their own development. Their petition, to the president at the time, Ziaur Rahman, was never answered.

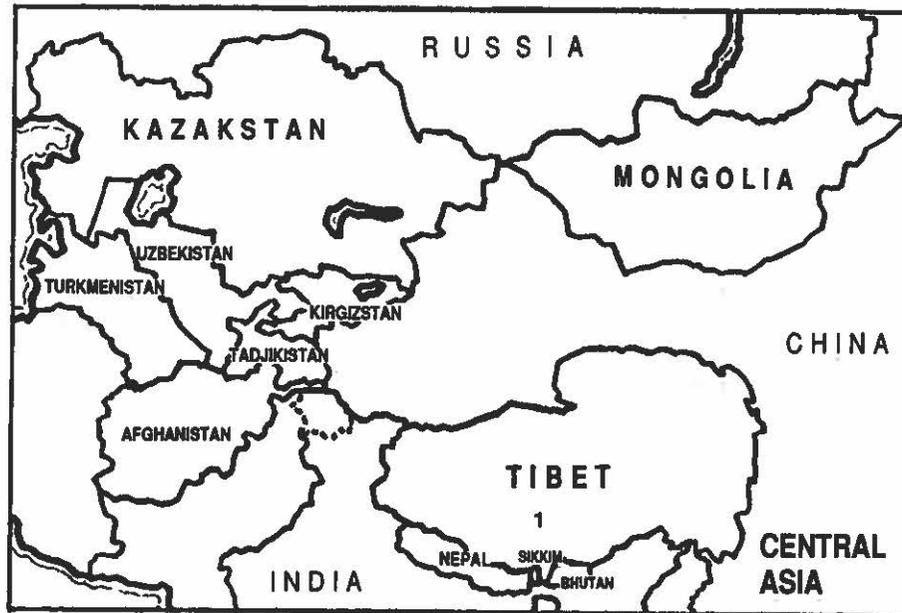
Since 1984, the Mandis living in the Madhupur Forest - the largest surviving forest of the Bangladesh plains - have been squatters of their own lands, even though the Mandi have been living there for generations. The Bangladesh government has reportedly reclassified lands to which the Mandi have legal title as Forest Lands, thereby expropriating the lands to the State Forest Department. In 1984, over 42,000 acres of forest was classified as Forest Land, but the Mandi owners were reportedly neither represented nor consulted at any time during this decision.

After the appointment of a Christian advisor in 1990, a delegation of the TWA met with then president Ershad and advisors, and appealed for guarantees of land security. Shortly thereafter, the cabinet appointed a committee of ministers to look into the Mandi problems, and president Ershad reportedly promised that all vested properties would be restored to them, and no more eviction notices issued. At a meeting of the Land Minister with tribal leaders in June 1990, the minister reportedly stated that a land survey would begin within 15 days, with tripartite representation of the Land Revenue Department (who possesses the relevant tax papers which proves Adivasi historical ownership), the Forest Department and the Adivasis. In the end, a paper survey began, but reportedly with no verification in the field, and without representation of the

Revenue Dept. On 12 June 1990, eviction notices were reportedly again issued against the Mandi.

Since 1986, when the first rubber plantations in Madhupur Forest were established, and legally titled Adivasi lands were taken over without compensation, the most immediate threat to Mandi lands have come from government projects. In January 1990, the government announced that 25,000 acres of rubber plantations had been completed. A few months later, eviction notices were served on Adivasis who reportedly were informed that they had been "10 years" on the land, and were now required to leave because their presence was illegal. A second phase of the Madhupur rubber plantation project, to be funded by the Asian Development Bank (ADB), was designed to cover 40,000 acres. Following pressure from Human Rights NGO's, including the informations brought forward by the Coordinating Council for Human Rights in Bangladesh (CCHRB) on the adverse social and human impact of the project, the ADB decided to review its position on the project, and has reportedly refused to continue its funding.

Sources: This section, on the plains Adivasis, is based on the timely and valuable informations contained in the report " The Adivasis of Bangladesh", by Father R. W. Timm, published by Minorities Right Group, London 1991.



1. Tibetans

CENTRAL ASIA

The previously independent country Tibet is, after 42 years of Chinese occupation, a classical example of colonialism. Behind the official facade as autonomous regions of prefectures, Tibet is in reality governed by Chinese leaders appointed by Beijing. The Chinese administration is supported by the presence of about 300,000 soldiers, an efficient system of informers, compulsory monthly indoctrination meetings throughout Tibet and Chinese propaganda in schools and the mass media.

The continuing Chinese immigration to Tibet has had the effect that the Chinese population in most towns in Tibet now outnumbers the Tibetans. In Kham (Eastern Tibet) and Amdo (now Qinghai Province) there is also extensive settlement of Chinese citizens in rural areas. Economic and administrative discrimination provides the Chinese with most of the executive posts, the best education, the highest wages and the best accommodation. Tibet supplies vast quantities of raw materials to China: timber, metals, minerals, precious stones, coal, natural medicines and food.

Between 150 and 500 Tibetans have been killed by Chinese police and the army since the onset of a series of demonstrations for Tibetan independence in the capital Lhasa on 27/9 1987. In the same period several thousand Tibetans have been detained in the prisons of Lhasa and exposed to systematic torture. Smaller demonstrations have also taken place elsewhere in Tibet. In 1991, small and peaceful demonstrations continued throughout the year in spite of the tightened control and massive military presence in Lhasa. The demonstrators who did not manage to escape have been severely beaten and detained. In 2 cases, on 26 May and 6 July, Tibetan demonstrators were stabbed by Chinese policemen.

A larger demonstration took place on 22 or 23 March in Gonjo in Kham. The military broke up the demonstration by shooting into the air and arrested 20 people. Apparently the demonstration took place because the Tibetans were refused permission to travel to Lhasa and as a protest against the planned Chinese celebrating of the 40th anniversary of the 17-point agreement of 23 May 1951, which made Tibet a part of China.

The Chinese authorities in Lhasa arrested 144 Tibetans in the beginning of April in order to prevent demonstrations during the preparations for the 40th anniversary celebrations. On 20-25 May a curfew was imposed in Lhasa. A list compiled in September 1991 gives the names of 251 of the political prisoners in some of the large prisons of Lhasa. Most of the prisoners are Buddhist monks. Three of the

prisoners on the list are 14 year old boys. One of them, Dawa, is serving a 3 year sentence in the Drapchi prison.

Torture and maltreatment is a routine part of political detention and imprisonment in Tibet. There are also reports of juveniles as young as 13, who have been exposed to torture.

At a large public meeting in Lhasa on 29 September, the Chinese authorities announced that the police and the army had been authorized to shoot people who participated in demonstrations or put up anti-Chinese posters.

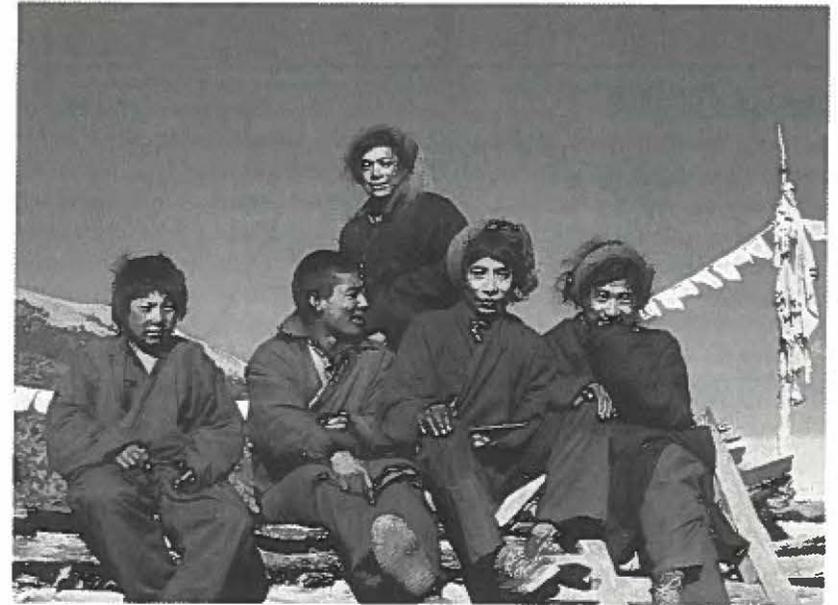
The deterioration of the situation in Tibet since 1987 has resulted in a new wave of Tibetan refugees to India and Nepal, where about 100,000 of their countrymen already live. By the end of September 1991, 2,500 new refugees from Tibet had arrived within 10 months. That was twice as many as in the same period in 1990. The Tibetan community in exile has great difficulties meeting their demands for food, clothes and accommodation.

As part of an ongoing democratization process the exiled Tibetan community elected their first democratic government in 1991. Because of the lack of a positive response from the Chinese government, Tibet's exiled leader, H.H. the Dalai Lama, and the government in exile withdrew their 1988 Strassbourg proposal offering the control of Tibet's defence and foreign policy to the Chinese. On 9 October 1991, the Dalai Lama took a new initiative. In a speech at Yale University he offered to visit Tibet together with the Chinese leaders to examine the situation and to listen to the wishes of the Tibetan people. The Chinese response was that the Dalai Lama would not be welcome before he "stops his fight for Tibetan independence".

In July 1991 an Australian delegation became the first official Human Rights mission to China and Tibet. The leader of the delegation, Senator Schacht, stated after the mission that Tibet is effectively under martial law, "that the support for the Dalai Lama is overwhelming, and that the problems of Tibet will continue so long as the Peking Government refuses to reach some accommodation with the Dalai Lama". An EEC delegation to Tibet on 20-23 September 1991 concluded that China should not receive aid from the EEC.

As the first UN resolution on Tibet in 26 years the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities passed a resolution on 23 August 1991 expressing "concern" at "continuing reports of violations of fundamental human rights and freedoms" which "threaten the distinct cultural, religious and national identity of the Tibetan people". The resolution did not mention Tibet as a part of China but concerned "the situation in Tibet".

Further signs of the increasing international recognition of Tibet and its problems were the reception of the Dalai Lama by the American

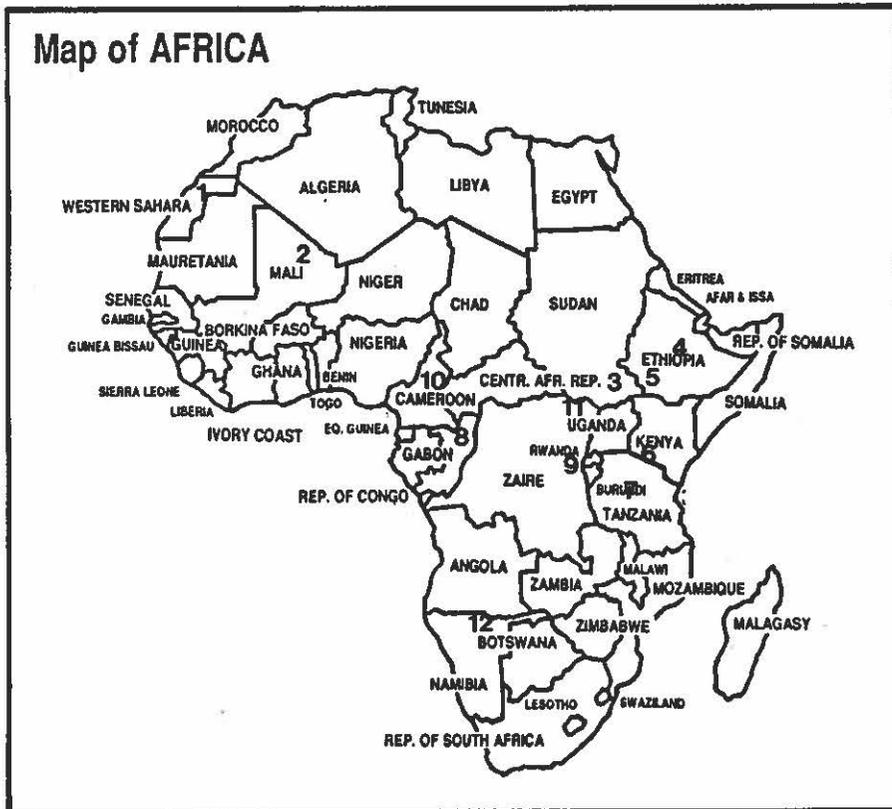


Semi-nomades from North Tibet. Photo: Anders Højmark Andersen.

President George Bush on 16 April 1991, followed by the Tibetan leaders' meeting with the Prime Minister of Great Britain, John Major, on 2 December. Western leaders have previously avoided the Dalai Lama because of threats from China.

On 28 October 1991 president Bush signed a bill passed by the US Congress, which declared Tibet "an occupied country" whose "true representatives are the Dalai Lama and the Tibetan Government in exile as recognised by the Tibetan people".

Sources: LAWASIA and TIN: Defying the Dragon - China and Human Rights in Tibet, Tibetan Bulletin.



Indigenous Population:

North African nomadic peoples: 8 million

East African nomadic peoples: 6 million

Pygmies: 200,000

San (Basarwa/Bushmen): 100,000

- | | |
|----------------------------------|-------------------------------------|
| 1. Sahrawi | 7. Barabaig |
| 2. Tuareg, Maure, Arab | 8. Mbuti (Pygmy) |
| 3. Shilluk, Nuer, Dinka, Mandara | 9. Hutu, Tutsi |
| 4. Oromo | 10. Ba Aka (Pygmy) |
| 5. Anuak | 11. Batua Ekonda (Pygmy) |
| 6. Maasai | 12. San (Basarwa, Ju/Wasi, Bushmen) |

AFRICA

Northern Africa

After 16 years of war in **Western Sahara** between occupant forces of Morocco and the liberation movement, the Polisario Front (Frente Popular para la Liberación de Saguia el Hamra y Río de Oro) the preparations for the planned UN organized 92-referendum was not proceeding well. Even if September 6th marked the start of the UN negotiated truce between the fighting partners, there was widespread fear that the referendum would not take place, or that Morocco would not respect the outcome.

The Western Sahara has one of the most fertile fishing coasts in the world and is rich in phosphate and mineral deposits and, possibly, also oil.

West Africa

IWGIA Newsletter 1/91 reported on the peace treaty between the *Tuaregs* and central authorities in **Mali**. After the military takeover in Mali at the end of March both parties have broken the peace treaty on several occasions.

During the year the so-called white-skinned people (a term used in Mali), that is *Maure, Arabs, Tuaregs*, have been systematically persecuted by other Malians as well as by the military forces. Such incidents have taken place in towns like Timbuktu, Gao, Sevare and Tilwat. The persecution and killings have lead to a flow of refugees to the neighbouring countries of Algeria, Mauritania, Niger and Burkina Faso. The situation of the refugees have been reported as very difficult.

In the meantime, some Tuareg rebels have continued their attacks on the military and governmental representatives, leading to revenge attacks on the civilian population. Massacres on civilians and summary executions have taken place on several occasions.

During 1991 representatives from the government and the rebels have gathered for talks and negotiations. The Malian National Conference in July brought no solution to this particular problem. Free elections are under way in Mali (planned for early 1992), but they have been postponed due to the security situation in the north. New negotiations are planned for 1992. In December anti-Tuareg demonstrations took place in the capital Bamako.

The Horn of Africa

The collapse of the Mengistu regime in **Ethiopia** and the overthrow of the government in **Somalia** were truly significant changes in the Horn of Africa. The events may change attitudes on the notion that the geographical borders inherited from the former colonies were unalterable. In 1991 we saw the de facto independence of **Eritrea** and the **Republic of Somaliland**. The new states will find themselves closely watched by the world, judging the development of democratic and legal institutions and the new government's policies towards minorities as well as their former enemies.

The developments in the region brought a semblance of peace to the Horn, but there was also massive and often tragic population movements. According to an Africa Watch report at least 750,000 civilians have lost their lives during the 30 year war between Ethiopia and Eritrea (150,000 civilian deaths caused by fighting, 600,000 died in human-induced hunger and sickness). A UNCHR estimate from September counts more than 1 million refugees in this conflict stricken part of Africa. In July the news agency Reuter reported that more than 10 million people in the Horn of Africa were suffering from drought and civil war.

In **Eritrea** the EPLF (Eritrean People's Liberation Front) took power in May after the downfall of Ethiopia's Mengistu-regime after a 30 year war for independence. With the long and bloody war in mind, one might have expected the worst in the last days of Ethiopian rule, but the final liberation of Eritrea took place in a relatively peaceful and orderly manner.

A fragile peace has been established in Eritrea. Since May Ethiopia and Eritrea have lived in peace with each other. The interim Eritrean government calls for a UN administred referendum after two years, on the future position of Eritrea. Most observers conclude that there will be a massive majority for Eritrean independence.

Despite the peace attained and the promising prospects for Eritrea, the entire country is threatened by famine and misery which poses a formidable task to overcome for the provisional government. The challenge now is to rehabilitate the country, a process which started only a few days after the liberation of the country. The thirty year long war and recurrent droughts as well as crop and pasture failures mean that there continues to be great emergency food aid needs, although some improvement from the present situation is anticipated. A rehabilitation of agriculture and pastoralism is clearly a top priority now in Eritrea.

IWGIA Newsletter 3/91 includes a long interview on the Eritrean liberation war and the prospects for peace and regional cooperation in the Horn of Africa.

In **Ethiopia** the EPDRF (Ethiopian People's Revolutionary Democratic Front - this front is dominated by the TPLF - Tigray People's Liberation Front) marched in May into the capital, Addis Ababa and ousted the Mengistu-regime. An interim government has been established, including a range of political groupings and ethnic groups and nationalities in the new Ethiopia. While international observers have praised the democratic attitudes of the EPDRF, there are still deep cleavages between various groupings in Ethiopia.

There have been reports on several clashes between the OLF (Oromo Liberation Front) and the EPDRF in the southern part of the country. Some *Oromo* leaders have called for a referendum for independence, claiming that they would continue their struggle against the Tigray occupier in the same way they did against the earlier Amharic occupier. The Oromo liberation front (OLF) have operated in Western Ethiopia and in parts of the Ogaden. The Oromos make up about 50 % of the population in Ethiopia.

In the north-west of Ethiopia the EPRP and EDU are supporting a new anti-government guerilla force. Similar groups may also emerge in other parts of the country due to dissatisfaction with the Tigrayan dominance in the interim government. On the banks of the Red Sea, the *Afar* question also underlines the complex political and military situation of this region. *Afar* claims for regaining land lost to wealthy state farms under the former government may cause problems to the government in Addis Ababa. Further more the *Afar* community may challenge EPLFs control of the Dankalie region and the important port of Assab.

In the Ogaden the suffering reported in the last edition of the Yearbook has continued. A number of former Ethiopian soldiers fled to this part of the country. Together with the influx of Ogadenian and Somalian refugees from the civil war in Somalia, this has lead to a difficult and complex situation.

In **Somalia**, the longstanding dictatorship of Siad Barre ended in January after months of intense fighting. The change of power did not, however, bring peace to the country. Since the downfall of Barre the southern part of Somalia has been in constant crisis and chaos. The brutality and the killings, specially in Mogadishu, is said to be worse than what took place in Liberia. The continued fighting is linked to internal fights among members in the ruling United Somali Congress (USC). The number of dead in 1991 is counted in tens of thousands, civilians being the majority of the victims. Large parts of the country's infrastructure is in ruins and the suffering among the civilian population is extremely serious. Thousands have fled to Ethiopia, Kenya and Djibouti. The difficult security situation has made it almost impossible to undertake humanitarian relief efforts in the southern half of Somalia.

The situation in the northern part of Somalia has also been extremely difficult. As the Somali National Movement (SNM) took full control in January, the northern part was in May declared an independent country under the name **Republic of Somaliland**. The situation in the north is far more peaceful than in the south, but the challenges posed by the need for rehabilitation is enormous. IWGIA Newsletter 3/91 brings reports from the capital Hargeisa as well as a declaration issued by the republic's Minister of Foreign Affairs, Yusuf Ali Sheikh Madar.

Since the coup in **Sudan** 1989, the Islamic fundamentalists (National Islamic Front - NIF) have tightened their control of the government of the Revolutionary Command Council of National Salvation (RCC) in Khartoum. The war between the North and the South, which re-started in 1983, continued with tremendous suffering and destruction and there are few prospects for peace. Severe drought and famine was only reluctantly admitted as a problem by the government. In January the government of Bashir proposed a federation, bringing back the provincial boundaries from the time of independence in 1956. The southerners are not able to accept that the federation will put emphasis on the primacy of the Arabic language and culture in the country as well as giving a central role to Islam.

The government in Khartoum has received new shipments of weapons from China and members of the Iranian Revolutionary Guard are reported to be sent for training in Sudan. The SPLA (Sudanese People's Liberation Army) has experienced a year of internal fighting. The SPLA controls large parts of southern Sudan. The SPLA received support from the former Mengistu regime in Ethiopia and there was a large camp for refugees from southern Sudan in Itang, in the western part of the country. Two days after the shift of power, forces from the OLF attacked the camp and more than 200,000 refugees fled in panic. The refugees were also attacked by Sudanese forces. After two weeks around 100,000 refugees were trapped in the swampy areas along the Sobat river in Nasir district of the south-eastern Sudan.

The SPLA was suddenly faced with not only the loss of their bases as well as their allies in Addis and an important supply of weapons, but they also had to take responsibility for a large contingent of refugees.

Central Africa

The some 200,000 *Pygmies* in **Central Africa** and other *traditional forest populations* (horticulturalists, hunters, fisherfolk) face continuing hazards from mounting pressure on the tropical forest resource from new road projects, lumber and mining companies, government policies and an influx of immigrant farmers from outside the forest. In IWGIA Newsletter 3/91 we reported one example from the **Central African Republic**



Group of Efe people in the Ituree forest. Photo: Espen Wæhle/IWGIA archives.

on how a rural development programme on coffee production, forest exploitation and timber export threatens the local BaAka Pygmies and other forest peoples as well as a protected reserve and a national park. Several other new plans have been reported during the year from **Cameroon** and **Zaire**. In the discussions and criticism of the Tropical Forestry Action plan in 1991, we saw an increasing demand for taking in account the needs of forest dwelling peoples.

The coffee growing project proposal in the Central African Republic, about to be proposed as a loan by the African Development Fund, has been withdrawn until a comprehensive assessment of the environmental and social impact of the project has been undertaken. The withdrawal came after intense pressure from various human rights groups and environmental NGOs.

A significant event took place in 1991 when the first representative of **Central African forest peoples** spoke to the UN Working Group on Indigenous Populations in Geneva in August. Mr. Bola-Bobonda represented the *Batua-Ekonda*, a group of Pygmies in the Central Basin of **Zaire**. He complained about how the *Batua-Ekonda* were treated by the neighbouring Bantu tribes. He suggested to the working group to establish direct links with his group and to invite further representatives to the meetings in Geneva. Mr Bola-Bobonda also presented claims for

territories, to be exploited by the Batua only and where they could choose a lifestyle according to their own traditions and decisions. He furthermore demanded the right to free education, recognition of the Batua as a people and the right of the Batua for self-determination in their own lands.

East Africa

In December the First Maasai Conference on Culture and Development was held in Arusha, Tanzania. The participants were Maa-speaking people from all over Tanzania. These includes the largest group *Il-Maasai*, but also the *Il-Parakuyo* and the *Il-Larusa*. Unfortunately, the government of Kenya had not allowed the Maasai from this country to participate. An earlier attempt to also include these resulted in cancellation of the conference when it was convened in 1990.

The conference dealt with a wide variety of subjects including a Maasai women's cultural exhibition. The conference adopted a number of resolutions. Of these, some requested better educational facilities for the Maasai and others took a self-critical look at some of the traditional Maasai cultural institutions like the warriorhood institutions and girls circumcision. Encroachments on Maasai land from governments, conservation agencies and others is a main problem, and among the resolutions adopted by the conference was a request for all pastoral villages to be surveyed and registered.

At the end of the conference it was decided to form a Maa-universal body, called *INYUAT e-MAA* (Maa Development Organisation) in order to stimulate and facilitate people's participation in their own development.

INYUAT e-MAA will, initially, deal with three types of activities. One is socio-economic development as it related to education, health, livestock, water, community development, children, women, etc. Another is cultural sustainability including religious affairs. A third area to be dealt with is research and economic diversification; so far the economy has been a subsistence oriented monoculture pastoral economy.

It is the aim of INYUAT e-MAA to organise a second Maasai conference on culture and development, geared on harmonising tradition and modernity sometime in the future.

Southern Africa

In Namibia the land issue has been a topic for discussion. The unequal distribution of land between the white settlers and the different Namibian ethnic groups is one of the many difficulties facing this recently independent nation. The San or the so-called Bushmen only count some 40,000 among a population of 1.3 million in this vast desert country. The San belong to three different groups, the *Haixon*, in the

northern districts of Otavi, Tsumed and Grootfontein, the *Ogu* in Bushmanland and the *Mbarankwengo* in West Caprivi.

The Namibian Bushmen have little education and to a large extent, through land loss and other changes, have lost the possibility to follow their traditional economic pursuits like hunting and gathering. They have not been able to free themselves from the colonial dependence on the South African army, which for a long time provided them with a regular income. With the arrival of independence the Namibian Government and the Bushmen are faced with the challenge of finding a new course for the future (see IWGIA Yearbook 1989 and 1990).

Sources: Klassekampen, Information, IWGIA Newsletter 1/91, documentation forwarded to IWGIA, Africa Watch, Eritrean Relief Association, The Indian Ocean Newsletter, Refugees, U-Nytt, IUCN Forest Conservation Programme Newsletter, On the Record, The Sunday Telegraph, Dagens Næringsliv, Ecoafrica.

INDIGENOUS RIGHTS

Report on the Ninth Session of the UN Working Group on Indigenous Populations, 1991

by Lone Andersen, Jens Dahl and Saskia Stenfert Kroese

The Working Group on Indigenous Populations, established in 1982, meets at Geneva every year during the last week in July and the first week in August in order to review developments which have taken place in the indigenous world and draw up a Declaration of the Rights of Indigenous Peoples. The Working Group consists of five independent experts: Erica Daes (Greece), Miguel Alfonso Martinez (Cuba), Danilo Türk (Yugoslavia), Christine Mbono (Nigeria) and Ribot Hatano (Japan).

These experts are chosen by the experts on the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the UN to look into the rights of indigenous peoples. The report of the Working Group passes to the Sub-Commission which meets every year for four weeks during August. The parent body of the Sub-Commission is the United Nations Commission on Human Rights which consists of government representatives. It meets for six weeks from January to March every year. The Commission is responsible to the Economic and Social Council of the UN which is responsible to the General Assembly. The Working Group is therefore the fifth and lowest level of discussion on human rights question in the United Nations.

Standard setting activities

As last year, the 1991 session was extended from its usual one week session to two weeks. Most of the time this year was set aside for drafting of the Universal Declaration on the Rights of Indigenous Peoples.

At hand was the 1989 first revised text proposed by the Chairperson/Rapporteur, Mdm. Erica Daes. In 1990 this text was discussed by three working groups. These three groups were: 1) Land and resources, 2) Political rights and autonomy and 3) All other principles. Suggested revisions from these working groups were also at hand this year as were comments made by governments and UNESCO. As a matter of fact very few governments have made comments.

The discussion on the revised text and on the suggested revision of this text took place in plenum and everybody was allowed to speak.

During the first day of the meeting it seemed as if it was the intention of the Chair to speed up the drafting process, but after some days the impression was that a final text will not be available before 1993.

There are several opinions on this point, as well among members of the Working Group as among governments, indigenous peoples and others. Some governments might wish to slow down the process simply because they do not want any declaration at all and others might be of the opinion that the composition right now is to their advantage or disadvantage. To some indigenous groups any kind of international instrument is a step forward; others might feel that they need more time in order to have a chance to make an impact on the drafting process; but no group want to see a declaration with no chance to pass the Sub-commission or the Human Rights Commission.

The comments from the floor were directed against as well the revised text as the proposals from the informal drafting groups and governments. Among the most outstanding discussions were the debate on self-determination. In general, the indigenous viewpoint was that the rights to self-determination should be stated clearly as inherent rights of peoples. The right to self-determination should be without discrimination. One speaker pointed at the danger of having one definition of self-determination for white people (as stipulated in the Covenants) and another definition for indigenous people. The definition of self-determination should be undifferentiated and cohesive.

References were made to the difference between the ILO Convention 169 (Convention Concerning Indigenous and Tribal Peoples in Independent Countries) and the drafting of a United Nations Universal Declaration. During the negotiation of the ILO Convention it was often stressed that the convention was binding and political questions should therefore be left for the UN process. The fundamental rights of indigenous people should thus be clearly stated in the Declaration and not reflect the wordings of the ILO Convention. Most indigenous representatives spoke for a fairly strong drafting in order to have something to ease on later instead of anticipating all kinds of objections.

During the session the discussions were followed up by meetings in the 5 membered Working Group in which a first reading of the revised text was done. From this reading the Working Group revised the preambular and the first 18 operative paragraphs. This second, partly revised text, was also commented upon in plenum, but lack of time made any indepth discussion impossible. Furthermore, the text was only available in English which left out comments from Latin America.

In general, the indigenous comments to the second revised text was quite positive. However, a number of indigenous people expressed grave concern that the new text in one respect was a retreat from the first revised text which had been submitted by the Chairperson in 1989. There

was thus, severe critiques of the self-determination paragraph. In contrast to the first revised text the new text has abolished many wordings like "greatest possible extent", "otherwise" and "generally" when referring to respect of indigenous rights, to compensation for damages done to indigenous land, etc.,

Compared to previous years there was comparatively little intervention from the governments to the drafting. This may reflect different trends. One might be that some governments feel that the drafting process is too slow and have chosen to vest less resources in the Working Group. Other governments might feel that the text of the Declaration goes too far in the recognition of indigenous peoples' rights. A strategy of the latter then might be to have it turned down at a higher level, in the Human Rights Commission, for example.

There is a dilemma between intensifying the drafting with the risk of having the text voted down in the Sub-Commission or in the Human Rights Commission and using more time for a general agreement in the Working Group, but losing support from other governments.

Review of developments

The Americas

From Latin America there were indigenous representatives from most regions. For the first time the Shavante in Brazil were represented with two delegates. One of them was invited by the "Human Rights Fund for Indigenous Peoples" (of which IWGIA is a member). It was the first time they had made a trip out of Brazil and their presentation to the Working Group made a great impression. Like the Shavante the Amaraakaeri of Amazonian Peru participated for the first time, invited by the Human Rights Fund. As most other indigenous groups of the Amazon and Brazil these groups are under severe pressure from goldminers, timber barons, infectious diseases and cattle ranchers. A most serious problem right now is the cholera epidemic.

There were delegates from Central America. In spite of the introduction of democracy in Guatemala the severe human rights violations against indigenous people and others continue.

There were fewer indigenous delegates from North America than usual, but, for example, the Cree of Quebec made very important inputs to the drafting process. The extensive use of Cree territory as test area for low-flying airplanes continues in spite of the NATO decision not to enlarge the base facilities. Representatives from the Mohawks complained about the unofficial economic blockade and other types of harassment following last years Oka-crises. The Mohawk people is likewise faced with arrest warrants and trials against the warriors who participated in



WGIP, Geneva. Xavante participants. Photo: Jens Dahl.

the incident. From Alaska the Human Rights Fund had invited a representative from Kodiak Island.

As a self-governing territory Greenland had send their own delegation of two, who acted independent of the Danish Government.

Europe and USSR

From Scandinavia their were Saami delegates representing as well the indigenous people, as members of the government delegations from Finland and Sweden. In Norway an advisory Saami parliament is now in function, but in Sweden years of negotiating have still let to no decision in the parliament. In Finland an advisory Saami parliament was established years ago.

In 1990 the Soviet Union took part in the Working Group for the first time and again this year it was represented by Yevdokija Gaer, indigenous member of the Supreme Soviet. As last year, the Human Rights Fund had invited the president of the "Association of the Indigenous People of the Soviet North", Vladimir Sangi. The problems facing the large number of small indigenous peoples of Soviet Union (Russia) are many, and demands for new types of autonomy and political representation on all levels of decision-making are put forward.

Asia

Taiwan is not a member of the United Nations, but the Human Rights Fund had invited the "Aboriginal Alliance of Taiwan" to come to Geneva. They revealed a grim picture of the situation in that country including forced assimilation and child prostitution. One practical problem for them in Geneva was that it was impossible to have interpretation to Chinese during the full session and they only spoke very little English.

As usual there was a large delegation of Ainu from Japan. Besides a Karen from Burma, the Human Rights Fund had made it possible for three Chakmas (living in Europe) to come to Geneva. This must be seen in the light of the report by the International Chittagong Hill Tracts Commission which was launched in May this year. IWGIA made a written statement to the Working Group on the situation in the Chittagong Hill Tracts and member of the Commission, Leif Dunfield, gave an oral presentation of the report. This was followed up by a joint statement to the Sub-Commission from Anti-Slavery International, Inuit Circumpolar Conference, the Nordic Saami Council and IWGIA. The Bangladesh government responded to the IWGIA statement and the Commission report with a 28 minute long intervention, unfortunately showing very little progression compared to the position taken by the former military government. There was also very little sign that the new government will receive the conciliatory proposals made by the Commission.

The indigenous statements from Indonesia (South Moluccans, West Papua) revealed very little positive change in that country.

Oceania and Australia

For the first time, the interim government of Bougainville, which has declared itself independent in May 1990, had sent representatives to the Working Group. The government of Papua New Guinea has established a physical blockade of the island even not allowing medical supplies to pass. At the moment they try to have the government of Papua New Guinea to resume negotiations, and their statement to and participation in the meeting of the Working Group was very important.

The Australian delegation was not as large as last year, but the government was represented by the Minister for Aboriginal Affairs. The statements made by the delegates from Australia showed quite different views on the newly established "Aboriginal and Torres Strait Islander Commission", which is an elected body formed by 17 representatives chosen from 60 regional Aboriginal councils.

Both the New Zealand government and the Maori were represented and the latters made important inputs to the drafting process. Land rights and the (non)observance of the Waitangi Treaty were the main themes.

Africa

The Maasai pastoralists in Tanzania were represented by two delegates from the KIPOC organisation. For the first time there was a representative from the Pygmies of Zaire. Their statements, together with a statement from the Hadzabe (also Tanzania) revealed the ongoing and serious conflict between hunters and pastoral nomads on one hand and the wildlife lobby on the other hand.

Reports

During the 1991 session of the Working Group four reports came out. The preliminary report on treaties, agreements and other constructive arrangements between States and indigenous peoples, a working paper on the ownership and control of the cultural property of indigenous peoples, a report on transnational investments and operations on the lands of indigenous peoples in the Americas, and a working paper on the International Year for the World's Indigenous People. UN has officially declared 1993 to be the International Year for the World's Indigenous People.

Member of the Working Group, professor Martinez came up with a preliminary report of his treaty study. The final report will hopefully be finished in 1993.

The working paper on cultural property was prepared by Mdm. Erica Daes. In the conclusions of the report it is recommended that the Sub-Commission consider a further study of the question for ownership and control of the cultural property of indigenous peoples. Emphasis in any further study must be placed on the protection of human rights and of indigenous peoples who have expressed the view that the restitution of cultural property, and particularly the return of human remains, funerary objects and sacred ceremonial and religious objects, is essential to the enjoyment of their human rights and fundamental freedoms especially the right to their own culture, to practise their own religion and to preserve their group identity. The proposal has since been entrusted Mdm. Daes by the Sub-Commission.

The report on transnational investments has looked into the situation in the Americas. Next year an equal report will come out which describes the situation in Africa, South East Asia and the Pacific.

Draft universal declaration on the rights of indigenous peoples

A. Preambular and Operative Paragraphs to the Draft Declaration as Submitted By the Members of the Working Group at First Reading

1st Preambular Paragraph

Affirming that all indigenous peoples are free and equal in dignity and rights in accordance with international standards, while recognizing the right of all individuals and peoples to be different, to consider themselves different, and to be respected as such,

2nd Preambular Paragraph

Considering that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

3rd Preambular Paragraph

Convinced that all doctrines, policies and practices of racial, religious, ethnic or cultural superiority are scientifically false, legally invalid, morally condemnable and socially unjust,

4th Preambular Paragraph

Concerned that indigenous peoples have often been deprived of their human rights and fundamental freedoms, resulting in the dispossession of lands, territories and resources, as well as in poverty and marginalization,

5th Preambular Paragraph

Welcoming the fact that indigenous peoples are organizing themselves in order to bring an end to all forms of discriminations and oppression wherever they occur,

6th Preambular Paragraph

Recognizing the urgent need to promote and respect the rights and characteristics of indigenous peoples which stem from their history, philosophy, cultures, spiritual and other traditions, as well as from their political, economic and social structures, especially their rights to lands, territories and resources,

7th Preambular Paragraph

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from adverse discrimination of any kind,

8th Preambular Paragraph

Endorsing efforts to consolidate and strengthen the societies, cultures and traditions of indigenous peoples, through their control over development affecting them or their lands, territories and resources,

9th Preambular Paragraph

Emphasizing the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, understanding and friendly relations among all peoples of the world,

10th Preambular Paragraph

Emphasizing the importance of giving special attention to the rights and needs of indigenous women, youth and children,

11th Preambular Paragraph

Recognizing in particular that it is in the best interest of indigenous children for their family and community to retain shared responsibility for the upbringing of the children,

12th Preambular Paragraph

Believing that indigenous peoples have the right freely to determine their relationships with the States in which they live, in a spirit of coexistence with other citizens,

13th Preambular Paragraph

Noting that the International Covenants on Human Rights affirm the fundamental importance of the right to self-determination, as well as the right of all human beings to pursue their material, cultural and spiritual development in conditions of freedom and dignity,

14th Preambular Paragraph

Bearing in mind that nothing in this Declaration may be used as an excuse for denying to any people its right to self-determination,

15th Preambular Paragraph

Calling upon States to comply with and effectively implement all international instruments as they apply to indigenous peoples,

16th Preambular Paragraph

Solemnly proclaims the following Declaration of The Rights of Indigenous Peoples:

PART I

Operative paragraph 1

Indigenous peoples have the right to self-determination, in accordance with international law. By virtue of this right, they freely determine

their relationship with the States in which they live, in a spirit of coexistence with other citizens, and freely pursue their economic, social, cultural and spiritual development in conditions of freedom and dignity.

Operative paragraph 2

Indigenous peoples have the right to the full and effective enjoyment of all of the human rights and fundamental freedoms which are recognized in the Charter of the United Nations and other international human rights instruments.

Operative paragraph 3

Indigenous peoples have the right to be free and equal to all other human beings and peoples in dignity and rights, and to be free from adverse distinction or discrimination of any kind based on their indigenous identity.

PART II

Operative paragraph 4

Indigenous peoples have the collective right to exist in peace and security as distinct peoples and to be protected against genocide, as well as the individual rights to life, physical and mental integrity, liberty and security of person.

Operative paragraph 5

Indigenous peoples have the collective and individual right to maintain and develop their distinct ethnic and cultural characteristics and identities, including the right to self-identification.

Operative paragraph 6

Indigenous peoples have the collective and individual right to be protected from cultural genocide, including the prevention of and redress for:

- a) any act which has the aim or effect of depriving them of their integrity as distinct societies, or of their cultural or ethnic characteristics or identities;
- b) any form of forced assimilation or integration;
- c) dispossession of their lands, territories or resources;
- d) imposition of other cultures or ways of life; and
- e) any propaganda directed against them.

Operative paragraph 7

Indigenous peoples have the right to revive and practise their cultural identity and traditions, including the right to maintain, develop and protect the past, present and future manifestations of their cultures, such as archaeological and historical sites and structures, artifacts, designs, ceremonies, technology and works of art, as well as the right

to the restitution of cultural, religious and spiritual property taken from them without their free and informed consent or in violation of their own laws.

Operative paragraph 8

Indigenous peoples have the right to manifest, practise and teach their own spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to religious and cultural sites; the right to the use and control of ceremonial objects; and the right to repatriation of human remains.

Operative paragraph 9

Indigenous peoples have the right to revive, use, develop, promote and transmit to future generations their own languages, writing systems and literature, and to designate and maintain the original names of communities, places and persons. States shall take measures to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary, through the provision of interpretation or by other effective means.

Operative paragraph 10

Indigenous peoples have the right to all forms of education, including access to education in their own languages, and the right to establish and control their own educational systems and institutions. Resources shall be provided by the State for these purposes.

Operative paragraph 11

Indigenous peoples have the right to have the dignity and diversity of their cultures, histories, traditions and aspirations reflected in all forms of education and public information. States shall take effective measures to eliminate prejudices and to foster tolerance, understanding and good relations.

Operative paragraph 12

Indigenous peoples have the right to the use of and access to all forms of mass media in their own languages. States shall take effective measures to this end.

Operative paragraph 13

Indigenous peoples have the right to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their own economic, social and cultural development, and for the enjoyment of the rights contained in this Declaration.

Operative paragraph (to be numbered)

Nothing in this Declaration may be interpreted as implying for any State, group or individual any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or to the Declaration of Principles of International Law on Friendly

Relations and Cooperation among States in Accordance with the Charter of the United Nations.

PART III

Operative paragraph 14

Indigenous peoples have the right to maintain their distinctive and profound relationship with their lands, territories and resources, which include the total environment of the land, waters, air and sea, which they have traditionally occupied or otherwise used.

Operative paragraph 15

Indigenous peoples have the collective and individual right to own, control and use the lands and territories they have traditionally occupied or otherwise used. This includes the right to the full recognition of their own laws and customs, land-tenure systems and institutions for the management of resources, and the right to effective State measures to prevent any interference with or encroachment upon these rights.

Operative paragraph 16

Indigenous peoples have the right to the restitution or, to the extent this is not possible, to just and fair compensation for lands and territories which have been confiscated, occupied, used or damaged without their free and informed consent. Unless otherwise freely agreed upon by the peoples concerned, compensation shall preferably take the form of lands and territories of quality, quantity and legal status at least equal to those which were lost.

Operative paragraph 17

Indigenous peoples have the right to the protection of their environment and productivity of their lands and territories, and the right to adequate assistance including international cooperation to this end. Unless otherwise freely agreed upon by the peoples concerned, military activities and the storage or disposal of hazardous materials shall not take place in their lands and territories.

Operative paragraph 18

Indigenous peoples have the right to special measures for protection, as intellectual property, of their traditional cultural manifestations, such as literature, designs, visual and performing arts, cultigens, medicines and knowledge of the useful properties of fauna and flora.

Operative paragraph (to be numbered)

In no case may any of the indigenous peoples be deprived of their means of subsistence.

B. Operative Paragraphs as Revised by the Chairperson/Rapporteur Pursuant to Sub-Commission Resolution 1990/26

PART IV

Draft operative paragraph 18

"The right to maintain and develop within their areas of lands and other territories their traditional economic structures, institutions and ways of life, to be secure in the traditional economic structures and ways of life, to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, including hunting, fresh- and salt-water fishing, herding, gathering, lumbering and cultivation, without adverse discrimination. In no case may an indigenous people be deprived of its means of subsistence. The right to just and fair compensation if they have been so deprived;"

Draft operative paragraph 19

"The right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities;"

Draft operative paragraph 20

"The right to determine, plan and implement all health, housing and other social and economic programmes affecting them, and as far as possible to develop, plan and implement such programmes through their own institutions;"

PART V

Draft operative paragraph 21

"The right to participate on an equal footing with all the other citizens and without adverse discrimination in the political, economic, social and cultural life of the State and to have their specific character duly reflected in the legal system and in political and socio-economic and cultural institutions, including in particular proper regard to and recognition of indigenous laws and customs."

Draft operative paragraph 22

"The right to participate fully at the State level, through representatives chosen by themselves, in decision-making about and implementation of all national and international matters which may affect their rights, life and destiny;"

"(b) The right of indigenous peoples to be involved, through appropriate procedures, determined in conjunction with them, in devising any laws or administrative measures that may affect them directly, and to obtain their free and informed consent through implementing such measures. States have the duty to guarantee the full exercise of these rights;"

Draft operative paragraph 23

"The collective right to autonomy in matters relating to their own internal and local affairs, including education, information, mass media, culture, religion, health, housing, social welfare, traditional and other economic and management activities, land and resources administration and the environment, as well as internal taxation for financing these autonomous functions;"

Draft operative paragraph 24

"The right to decide upon the structures of their autonomous institutions, to select the membership of such institutions according to their own procedures, and to determine the membership of the indigenous people concerned for these purposes; States have the duty, where the peoples concerned so desire, to recognize such institutions and their memberships through the legal systems and political institutions of the State;"

Draft operative paragraph 25

"The right to determine the responsibilities of individuals to their community, consistent with universally recognized human rights and fundamental freedoms;"

Draft operative paragraph 26

"The right to maintain and develop traditional contacts, relations and cooperation, including cultural and social exchanges and trade, with their own kith and kin across State boundaries and the obligation of the State to adopt measures to facilitate such contacts;"

Draft operative paragraph 27

"The right to claim that States honour treaties and other agreements concluded with indigenous peoples, and to submit any disputes that may arise in this matter to competent national or international bodies;"

PART VI

Draft operative paragraph 28

"The individual and collective right to access to and prompt decision by mutually acceptable and fair procedures for resolving conflicts or disputes and any infringement, public or private, between States and indigenous peoples, groups or individuals. These procedures should

include, as appropriate, negotiations, mediation, arbitration, national courts and international and regional human rights review and complaints mechanisms;"

PART VII

Draft operative paragraph 29

"These rights constitute the minimum standards for the survival and the wellbeing of the indigenous peoples of the world;"

Draft operative paragraph 30

"Nothing in this Declaration may be interpreted as implying for any State, group or individual any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein".

Declaration by the Indigenous Peoples

PARIS 1991

Introduction

We, the Indigenous People of the World since ancestral times, have been building up a culture, civilization, history and a world vision which has allowed us to co-exist harmoniously with Nature.

This natural process was interrupted in America in 1492 with the European invasion of the continent and has brought genocide, the denial of our culture, violation of our human rights, racial discrimination, the seizure of natural, economic and technological resources and the occupation of our territory and sacred sites.

Today, Indigenous Peoples are very much affected by the needs created by the economic and cultural system imposed by the great powers and governments.

We have contributed to "development" at the sacrifice of our Peoples and resources without being compensated. Concerned by these facts and other situations facing us, we declare:

Territories

Our territories have been preserved because we have managed them carefully and collectively, without geopolitical considerations, and we have sustained the physical existence and the cultural and spiritual development of our peoples. Nevertheless, in many countries of the world our rights over the land and the environment are threatened, some communities have been displaced to inhospitable and unproductive areas as a result of the exploitations of natural resources on the part of the dominant societies.

Faced with this situation we launch an appeal and request the governments of the countries and the international organizations to respect and guarantee, in real and legal terms, the demarcation of our territories. This process should be considered as a confirmation of an historic, natural and inalienable right as a means of achieving sustainable development and of ensuring the biological and cultural diversity of our Indian nations.

Self Determination of Peoples

We, the Indigenous Peoples, consider the self-determination of peoples as one of the essential bases for freedom, justice and consequently for peace, both in each individual country and internationally.

Without the recognition of this right one cannot speak of true democracy.

In international conventions on human rights and international law, the right of our peoples to self-determination must be established, as a consequence of their continued existence as free and distinct peoples.

We understand that within the exercise of the right to self-determination by the indigenous peoples is the right to autonomy, to self-government and to the choice of our own models of development.

As far as we are concerned, autonomy and self-development constitute basic prerequisites for achieving equality and dignity in the complete enjoyment of human rights and for the security of the different democratic systems of the world.

Within our right to self-determination, and given the current relations which we have with the States, we recognize the high level of influence which the political parties in the institutions of the State in question have, and we urge that they respect the cultural diversity and representation of our Peoples. We also urge that the States allow the indigenous peoples to participate equally in their institutions, within the range of recognition of said States of their being pluri-cultural, pluri-national, multi-ethnic and pluri-lingual.

The Environment

For centuries, we the Indigenous Peoples have had an intimate relation with creation in its natural state, based on respect, interdependence and balance which is currently called environmental awareness.

Our traditional spirituality, values, culture and societies are based on natural laws as dictated by Mother Earth. The world of Nature and the protection of the environment are aspects of utmost importance in our lives.

Ever since the holocaust which took place on our lands as a result of colonization, the ecological equilibrium has been disturbed, and entire populations of animals, fish, birds and other forms of life have been destroyed.

Due to our position in the colonial and neocolonial systems, we have been exposed to the aggressive degradation of the industrial and technological societies. Many environmental threats which are part of the microcosm of environmental crises which confront the world currently hang over our communities, such as nuclear contamination, heavy

metals, deforestation, and many types of damage to the air and water supply.

The indigenous peoples are still at the forefront in the struggle to protect the sacred circles of life.

As human beings we believe that it is our sacred and inherent hope and we must take care of the legacy of future generations.

For these reasons we have decided to continue working to stop environmental destruction and to restore a healthy and sustainable relationship with all our brothers.

Development

The ethnocide and destruction caused by the plunder of natural resources, following as a result of an insatiable appetite for accumulation on the part of major sectors of Western societies, have upset our equilibrium which we have maintained with Mother Earth for centuries.

Development has meant for us only evacuation, misery, death and genocide.

Therefore we Declare:

- That we can no longer allow "progress" and "development", in the acquisition of real estate in our territories, and which have direct prejudicial effects on us to continue.
- We do not want continued construction of gigantic works which flood our territories and destroy our cultures such as is the current case of the Nahuas of Mexico or of the Mapuches in Chile, in Canada, India and many other places
- We do not want continued relocation of our peoples to other regions as a result of these projects.
- Development in the indigenous territories should be carried out in close coordination with the indigenous communities respecting the opinion and participation of the indigenous peoples in all development activities.
- That effective policies which do not cause the deterioration of our ecological climate be implemented .

The Quincentenary of the Invasion of America

Before the invasion and its colonial consequences, the indigenous cultures were in full development in different directions to that of current Western development. The indigenous cultures were in harmony with nature, private property did not exist but rather, community work prevailed.



Brazil: Destruction of the natural resources. Photo: Carlos Ruggi.

The 11th of October 1492 was the last day of freedom for the indigenous peoples of the Americas and another form of life typified by the establishment of distance between cultural values and natural values began.

Today, sections of the countries in the north or so-called developed countries try to manipulate nature and the indigenous territories, under the full influence of foreign interests, without neither the consent nor participation of the original inhabitants of this continent and the imposition of development models which are not in accordance with the very values and reality of the indigenous peoples.

We express our rejection of the celebration of the Fifth Centenary and the policies of development in force, promoted by the governments, and we make the following proposals:

- We urge all governments of the Americas during 1992 to recognize during 1992 the historical rights of indigenous peoples to their lands, as the first inhabitants on the continent.
- We demand respect for the human rights of indigenous peoples, and launch a campaign for the release of indigenous and non-indigenous political prisoners.
- To take concrete action to define appropriate development plans directed at the welfare of the peoples based on our cultural and

spiritual values which are those which guarantee a harmonious relationship with nature.

- We demand the producers and traders of arms to cease their supply to the countries of the South, and of the governments, we demand that they do not introduce weapons or military activities into indigenous territories.

ECO 92

To our understanding the United Nations Conference on the Environment and Development, promoted by the United Nations in 1992, seeks to promote the consolidation of the current economic and development model. This Conference assumes the cancellation of the total external debt. New commercial and diplomatic relations based on justice and equality would not offer real guarantees of respect for our right to specificity and to have our alternative model of development through our own concept of life and our relations with Mother Earth and our fellow man. In the current context, we cannot accept new directions for development, which if it is correct to try to solve some of problems which confront the planet, it is also correct not to propose transcending the main cause, such as the imposed model of Western development and the market economy which only benefits the elite, both in the industrialized countries and in the countries of the Third World, with a better political position in international relations. This new model of sustainable development continues to propound the overexploitation of natural and human resources and to provoke the familiar pitiful social and ecological consequences.

Within this thinking, the Indigenous Peoples call for a relevant and specific forum during UNCED, at which we can express our alternative proposals for a new world order and where the moments of decision preparatory to the Earth Summit will undertake to give us the necessary political and economic support for the self-management of indigenous peoples, in the realization of our models of alternative economic development. We understand that a definite first step for this to take place, is for the United Nations to grant the indigenous people special status for their participation in UNCED scheduled to take place in Brazil in 1992.

Through all these considerations, we the indigenous peoples recommend and urge the international community that the United Nations, during the Conference on Environment and Development, consider and approve the following points, among others:

- 1) That the States recognize all Nations and Indigenous Peoples, their territorial, cultural, political, social and economic rights.

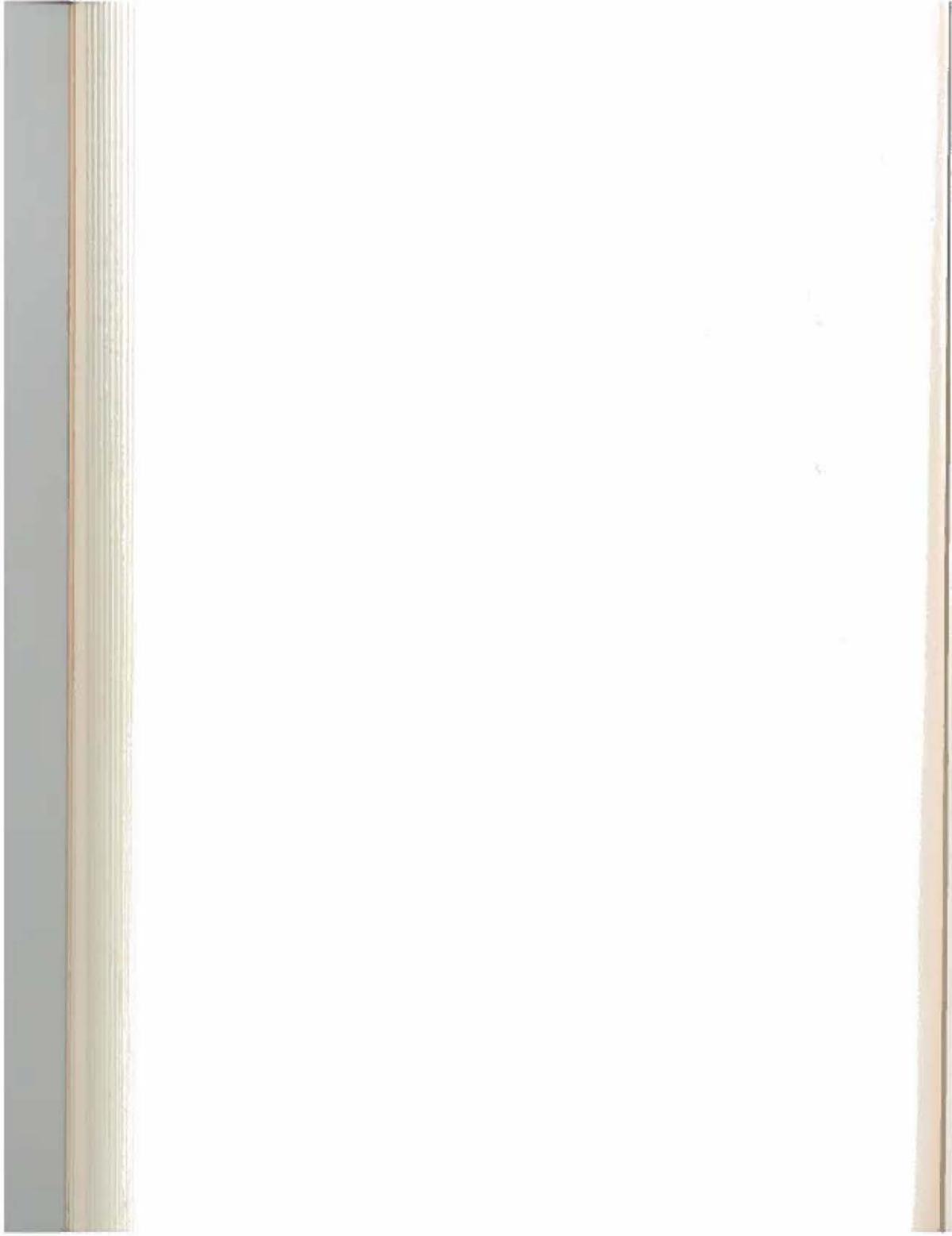
- 2) Insists that the governments of Europe and America return to the indigenous peoples all the resources extracted during colonization and after, in the current neocolonial period. Likewise the restitution to the indigenous peoples, for their administration and custody, the sacred and religious sites and other key locations.
- 3) That they respect, encourage and strengthen the economic, political, cultural, social and productive systems of the various Indigenous Peoples; given that these traditional systems offer alternative models of authentic sustainable development.
- 4) That the governments recognize the forms of traditional organization of the indigenous peoples, such as the value of the democratic systems of our peoples, different to that of the West. This also includes respect for the legal systems and the law of the indigenous peoples.
- 5) That the United Nations, during UNCED, approve an Economic Fund in order that the indigenous peoples promote their self-sustainable development of each people and that they can recuperate and make up for their current losses. This Fund should be controlled by the indigenous peoples and their representative organizations.
- 6) Insist that the governments of the industrialized countries pay just and preferential prices for the products sold by indigenous peoples.
- 7) That this Conference urges the States to ratify Convention 169 of the International Labour Organization.
- 8) That they urge the governments to revise and abolish all discriminatory laws, racist in nature, on natural resources such as mining, forestry, water, animal life, national parks and others which scar the integrity of our Peoples; and which prevent the native people from enjoying a full relationship with Mother Earth.
- 9) Finally, we urge the governments to adopt policies of cooperation in various fields (economic, technological, educational and others) with indigenous peoples instead of the present policies of confrontation.

Special Arrangement

We, the Indigenous Peoples attending the ONGs Conference in Paris, "Races of the Future", have decided to appoint Brother Marcos Terena as Coordinator of the Inter-Tribal Committee "500 Years of Resistance" of Brazil, as the official representative of the Indigenous People. He will coordinate and organize the participation of the various indigenous people throughout the world, in cooperation with their representative organizations, during UNCED, and in coordination with the Secretariat

of that body in the United Nations system. Likewise, a special appeal is being made to various financial agencies to contribute to the management, so that organization in Brazil might carry out the organization of the International Conference of Territory, Environment and Development - Earth Parliament - due to take place in Rio de Janeiro, Brazil, between 21 and 31 May 1992.

Adopted in Paris (France) on 20 December 1991.



INDIGENOUS
FOCUS

The Emerging Indigenous Human Right to Development

by Dalee Sambo

"A development strategy that disregards or interferes with human rights is the very negation of development"

Conclusion of the Global Consultation on the Realization of the Right to Development, Report prepared by the Secretary-General, February 1990

I. Introduction

Development, as we have traditionally known it, has put the world out of balance. It is much too easy to list the adverse effects of "development" on the environment: ozone layer depletion, atmospheric pollution, oil spills, ocean dumping, solid waste disposal, etc. The predominant cultural values and perspectives have generated a distorted view of development, in all its forms. Thus, the right to development¹ may be emerging just in time to make a difference in the way all humans live, now and in the 21st century.

The concept of the human right to development has stirred up much debate. The arguments, both for and against, contribute to the shaping and defining of the right. Those in opposition to the human right to development² have provided greater understanding of what the right to development should not be, thereby clarifying what the human right to development should be. Supporters of the human right to development have referred to this on-going debate as a "legislative"³ process. The debate is helping to flesh out the content of the right to development and exactly who the beneficiaries of the right are.

The nature of the right appears to hinge upon the realization of other human rights and fundamental freedoms. Indeed, the Declaration on the Right to Development ("Declaration") specifically calls for "universal respect for and observance of all human rights and fundamental freedoms" and that "equal attention...should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights".⁴

In order for all peoples to truly gain any "benefit" from the right to development, they must participate in the process of defining the right to development and its particular meaning for their state, territory, region or community. The right to development is subjective,⁵ making peoples a necessary part of the so-called "legislative" process taking place at the international level. Because the human right to development is subjective, it will have different meanings for different peoples. Therefore, the use of the term "peoples", in this context, necessitates a broader interpretation and cannot only be confined to "States" or to only some "peoples".

In the case of the world's indigenous peoples, the subjective nature of the human right to development is rather critical. The history and impact of "development", in the western sense, on indigenous peoples, their communities, lands, territories, and lifeways has too often been devastating. The emerging human right to development will have special significance for these culturally distinct peoples. There exists a real need for indigenous peoples to participate directly in the on-going "legislative" process, to ensure the recognition, protection and promotion of indigenous human rights and to minimize the possible future impacts of "development". Their participation may also generate awareness about indigenous values and principles. This contribution may ultimately help the rest of humankind to better understand the planet that we all share.

The purpose of this paper is to briefly review the evolution of the right to development thus far and to provide some elements that should be recognized in the future elaboration of the human right to development and the special characteristics and needs of indigenous peoples. The Declaration must be held up against the backdrop of the other collective and individual rights of indigenous peoples. In order to encourage indigenous peoples to participate in the forging of the right to development, I will attempt to relate elements of this emerging human right to other international indigenous human rights concerns and standards.

The survival of indigenous peoples, as distinct collectivities, will require their participation in overall international, national, regional and local processes relevant to the right to development, as well as the full realization of their other specific human rights and fundamental freedoms. Without the direct involvement of indigenous peoples in the dialogue about the right to development there is a real danger of only furthering the oppression, denial of rights, discrimination, and adverse impacts caused by the prevailing model of development.

In this way, the pre-condition (or inter-dependency)⁶ of respect and recognition of all social, cultural, political and economic rights may be even more crucial for indigenous peoples. Governments have generally denied these basic rights and have proceeded with their own agendas of

development, with no regard for the indigenous human right to development, within an indigenous framework.

II. History of the Right to Development

The human right to development has been largely couched in terms of economic development from an entirely statist point of view.⁷ The concentration of extensive political and economic control in the state has contributed to how the right to development has been forged thus far. Moreover, the strict view of international law as solely the "Law of Nations", and not of individuals, has furthered this statist approach to the right to development. This view of the right to development as a state right has prevailed in both the developing and developed world, often with unfortunate social, economic, environmental and cultural consequences: racial discrimination; disregard for human rights; inappropriate or destructive forms of development; economic, social, cultural, and political injustices; and inequalities of power and control of resources.

The notion of development can be linked directly to the affirmation of "permanent sovereignty over natural resources"⁸ and the rights of states to "freely utilize and exploit"⁹ their natural resources. The International Covenant on Economic, Social and Cultural Rights, adopted in 1966, addresses the right of self-determination and the pursuit of "economic, social and cultural development"¹⁰ Taken in context, the Covenant can generally be seen through an economic development prism. In particular, the provisions that address social development, i.e. employment, training, education and other means to socially develop or advance are primarily within the framework of economic development. This assertion is also evidenced by the link made between the right to development and the Declaration on the Establishment of a New International Economic Order (NIEO),¹¹ which spells out the need for cooperation and furthering international economic relations. Clearly this new order is attempting to be responsive to the "economic" needs of peoples in "least developed" or developing countries. Also the Charter of Economic Rights and Duties of States makes mention of "promoting the economic, social and cultural development"¹² of peoples but here again only within the context of economic development.

In 1977, the U.N. Commission on Human Rights began studying the right to development specifically, and in 1986 the General Assembly adopted the Declaration. Throughout all of these events, the right to development seems to have been drafted within the framework of economic development, "under-development", and the need to improve the overall economic conditions of peoples at the national level. Though

Article 1 of the Declaration discusses "social, cultural and political development", economic development is the prominent theme. The Declaration itself is written from the perspective of the long-established value system originating from the western world. A value system that measures development in terms of "material growth", the "bottom-line", improvement of "living standards", and other economic and industrial conditions.¹³

Despite this economic development orientation, the Declaration provides a concrete foundation and starting point for the further elaboration of other forms of development, above and beyond economic development. The realization and implementation of the **human right** to development requires this elaboration. Sensitivity to cultural diversity and different human conditions and needs will be required as well.

The necessity to speak of a human right to development, and not merely the right to development, testifies to the fact that change is taking place.

III. Greater Understanding of the inter-relatedness of Human Rights and Development

Since 1986, sensitivity to the needs of peoples outside the framework of economic development with respect to the right to development has been shown.¹⁴ The Declaration itself does recognize extreme conditions such as "apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, [and] aggression".¹⁵ These problems have interfered with the exercise of the human right to development and obviously other human rights and fundamental freedoms. They have also been recognized as obstacles to the implementation of the right to development and go hand in hand with the earlier assertion of the "statist" approach to development overall. These concerns are a product of the old guard that holds such a distorted view of development. A major feature of the Declaration is its recognition of the inter-relatedness and complementary nature of all human rights and the objective of elimination of obstacles resulting "from failure to observe civil and political rights, as well as economic, social, and cultural rights".¹⁶ Article 7 is important for its recognition of the need to maintain and strengthen international peace and security. The 1979 Report of the Secretary General¹⁷ also made the link between peace, human rights and environment. Thus, security and environmental protection have been recognized as important elements of the human right to development.

This is extremely critical, especially for those regions of the world that are heavily militarized. Militarization is often not seen as "development" yet it is one of the most blatant forms of development. Military-related

development often enjoys exemption from environmental and social impact assessments, and environmental regulation. Militarization is also a major factor in economic development, primarily in a negative fashion. Basic human needs, even in developed super power nations like the United States, go unheeded because of defense and military spending. Possibly the peace/human rights/development/environment linkage can help to reverse this trend.¹⁸

This demonstrates a positive evolution, and a marriage of different concepts¹⁹ and the inter-relatedness of human rights and needs. In many ways, the Declaration can be seen as a reflection and statement about the unfortunate current state of human rights today. Though international conventions addressing human rights exist, many human rights violations occur daily. If governments and others fully recognized and respected all human rights, then the world would probably not need the human right to development.

IV. Indigenous Peoples and International Law

Modern international law has subsumed the rights of indigenous peoples and nations. The international legal order is extremely Eurocentric and has been largely successful in the subordination of collective indigenous rights to self-determination, lands and resources, and subsistence. Most of the early scholars writing on indigenous rights have defined them out of the international legal order entirely. There were also several scholars who very aggressively and eloquently defended the rights of indigenous peoples.²⁰ However, for political reasons as well as the need for the great powers to justify "conquest" and colonialism, they did not prevail.²¹

The early debates about conquest and occupation of inhabited lands refer to indigenous peoples as "backward peoples"²² without the capacity to develop. Further, indigenous peoples are "outside the community of International Law they are not members of it; and that International Law knows nothing of the rights of independent tribes".²³ Also because indigenous peoples were considered pagans, uncivilized, and without any measure of political development, the concept of *terra nullius* became entrenched as a method to justify the conquest and occupation of indigenous lands, even though the lands were inhabited. The concept of *terra nullius* has been soundly denounced by indigenous peoples and others, at the international level but the underlying views, prejudices and perceptions of the majority society still exist today.

The pressure to assimilate and become "civilized" has been great, nonetheless indigenous peoples have resisted assimilation. Assimilation or forced adaptation are the social consequences of development that does not respect cultural diversity. Some development schemes have

even included the specific objective of acculturation, with the underlying intent to eventually terminate state obligations and extinguish indigenous rights. A more horrifying result of development is the actual extinction of some indigenous tribes and nations. For example, the Ona Indians who once occupied present-day Tierra del Fuego.

A majority of those who presently support indigenous rights are considered purely naturalist, with little understanding of the "real" world. Indigenous peoples likewise have been told that "we can't change history" and "please be practical" when they assert their rights. Indigenous peoples are finally being afforded the opportunity, at the international level, to speak out about their legal rights and the need for international attention to further protect, preserve and promote their rights.²⁴ Through these processes, the international community is being encouraged to provide for the evolution of indigenous rights within a positive law framework.²⁵ Indigenous peoples are slowly returning as an international personality within the international legal order.²⁶

Because the focus of this paper is on the human right to development and indigenous peoples, I have only provided a glimpse of the environment in which indigenous rights have evolved. However, this brief glimpse provides you with the conceptual framework in which the right to development, with respect to indigenous peoples, has emerged.

Throughout the years of discussion surrounding the right to development there has been no previous mention of indigenous peoples and the right to development. Though other international forums have recognized indigenous peoples as distinct peoples, both collectivities and individuals, the Declaration does not make special mention of them. Despite this lack of mention, some indigenous peoples have made very preliminary contributions to the dialogue on the human right to development.²⁷

V. How Development has been perceived by Indigenous Peoples

Development has been perceived by indigenous peoples as a very negative concept. The large scale economic and industrial development that has taken place without recognition of and respect for fundamental rights has left indigenous peoples adamantly opposed to the whole notion of "development". Capitalism dominated development has been imposed from outside without respect for land and resource rights or the right to participate in the control, implementation and benefits of "development". The adverse impacts of this kind of development has had untold consequences for indigenous peoples.

The orientation of development strategies have been largely related to economic growth and financial considerations. One of the best contem-

porary northern examples of a development and acculturation strategy is the Alaska Native Claims Settlement Act of 1971 (ANCSA).²⁸ ANCSA was originally prompted by the discovery of oil at Prudhoe Bay, on Alaska's north slope. Without settling the question of aboriginal title to the lands, the oil companies could not go through with the construction of the Trans-Alaska Pipeline System (TAPS). With little participation by Alaska Native peoples, the Settlement Act resulted in 44 million acres of land and 962.5 billion dollars to be channeled through profit-making Native corporations, shares and all! Yet another northern example of development vis-a-vis aboriginal rights is the James Bay and Northern Quebec Agreement of 1975,²⁹ prompted by the large scale development of hydro-electric power by Hydro-Quebec. In the James Bay Agreement, the government provides:

"Development" or "Development Project" shall mean a project consisting of any work, undertaking, structure, operation, industrial process which might affect the environment or people of the Territory, exclusive of the operation and maintenance of such project after construction. . . ; and For purposes of the Agreement in respect to Category II lands, development shall be defined as any act or deed which precludes hunting, fishing and trapping activities by Native people except for pre-development; and predevelopment shall be defined as any act or deed of an exploratory nature exercised during a limited time with a view to decide if development will take place or not".³⁰

The U.S. and Canadian examples are exceptions to the way development has proceeded in other parts of the world. These are legislated or negotiated agreements (respectively), with some indigenous participation albeit minimal and under asymmetrical conditions.

One of the more blatant capitalistic forms of development, complete with gross human rights violations is the Calha Norte project in Brazil. In particular, the gold mining done under this project, has had horrific impacts on the Yanomami Indians and their traditional lands. The state felt that the lands were so "underpopulated" that the Indians "should not seriously be considered an obstacle" to development. In response to criticism, the Governor of the state of Roraima stated: "An area as rich as this, with gold, diamonds and uranium, cannot afford the luxury of preserving half a dozen Indian tribes who are holding back development".³¹ The government initially supported the "gold rush", and assisted with the construction and patrolling of air strips to facilitate miners' travel to and from the region. Yanomami lands were then invaded by approximately 45,000 miners. The mining operation includes the dredging and panning of the earth along the rivers, and then processing the mud and ore in settling pools with mercury, to extract the gold. These activities go on along many miles of the river system and have poisoned the headwaters of all the rivers within the entire



Brazil: Yanomami lands were invaded by approximately 45,000 miners. The waters and fish are poisoned and the river ecosystem is left completely desolate. Photo: Charles Vincent/CEDI-CCPY.

Yanomami territory (about 9 million hectares). Thus the waters and fish are poisoned and the river ecosystem is left completely desolate: there are no fish and game remaining in the areas affected. The animals have been frightened off because of the development and/or habitat destruction.

The impact on the Yanomami communities has been equally devastating. The overall deaths are estimated at approximately fifteen percent of the total population – one out of six. In some areas, it is much higher. Whole villages have disappeared. Health workers who recently visited the region stated that they saw no children under the age of two. Most of the deaths result from malnutrition (because of the fish and game destruction) and malaria or other illnesses brought in by the outsiders. Some have died trying to defend themselves, their communities and lands. Because of custom and tradition, it has been difficult to get accurate information about the deaths as it is not acceptable to talk about those now dead.

Environmental degradation alone is devastating for indigenous peoples, including the Yanomami. The special communal and spiritual relationship that indigenous peoples have with the land has shaped their total being. Once destroyed, their total being is also destroyed, with only remnants of their identity.

It is obvious that this was a total assault on the Yanomami Indian communities. The social fabric is wearing thin: breakdown of traditional economies; introduction of alcohol; prostitution; dependency on miners for medical help and food, making them beggars in their own homelands. The minority viewpoint is now that we have ruined the Yanomami, we may as well continue with our development activities. This is the "development" that most indigenous peoples know of and fear.

The mining continued until just recently. The government is said to have begun destroying the airstrips used to ferry miners to and from.³² What the government motives are is uncertain. Much of the gold has apparently been "smuggled" out of the country. Leaving Brazil with no gold or profits and a region in widespread ruin.

It should be remembered that the government of Brazil is not known for demonstrating genuine sensitivity to indigenous rights and interests overnight.³³ Whether the gold mining will start up again is another matter. Some individuals are positive and feel that the rivers may clean themselves, the habitat can be restored and traditional food supplies will return. Let us all wait and see. In the meantime, the world community must answer the question of who the beneficiaries of the human right to development are? It certainly has not been the Yanomami.

The many other threatening forms of industrial development include oil and gas exploitation, hydro-power projects, clear-cutting, militarization, atmospheric and other forms of pollution, solid waste disposal...just to name a few. The Yanomami experience and Brazil's development scheme is a classic example of the statist approach to development which has persisted in many other parts of the world.

IV.I. The Third and Fourth World

Many "Third World" countries have experienced similar kinds of development, and to some degree there is an analogy between the "developing states" or "least developed" states and indigenous peoples and nations. The New International Economic Order has attempted to be responsive to the needs of the Third World. The views and concerns of the Third World, in some instances, are valid and legitimate and may deserve more respect than they have been afforded at the international level.

Indigenous peoples have been labeled as belonging to the "Fourth World" – "peoples who are locked into nations they can never hope to rule".³⁴ In many ways, the conditions facing the Third and Fourth World are the same: a communal or collective orientation rather than a western notion of individualism; exploitation of natural resources by faceless multinationals; insufficient political and economic power to maintain full control over lands and resources; insufficient power to adequately influence international negotiations that directly or indirectly affect

inherent legal rights, interests and sovereignty; different levels of economic, social, cultural and political development; and poor economic and social conditions overall.

However, in two very distinct ways they differ. First of all, Third World countries (as recognized states in the international legal order) were able to gain recognition of their interests vis-a-vis the right to development, unlike indigenous peoples. In this same fashion, appropriate international consideration must be given to the special status and legal rights and interests of indigenous peoples.

Secondly, the world community has consistently heard numbing accounts of the abuses of human rights that take place with haunting regularity in many Third World or developing countries. These violations cover a wide range of matters – from torture, genocide and ethnocide to dispossession of lands and denials of the right of self-determination. Many essential services are sorely inadequate or absent in these countries and peoples are still impeded in every conceivable way from proceeding in peace with their own development. Generally speaking, there are large numbers of indigenous peoples in these Third World countries, whose basic human rights are also being violated.

Professor Ghai has argued that the right to development will only be used as an instrument for Third World countries to maintain the status quo. This is a frightening thought. He states that:

"It is abundantly clear from its history that the major proponents of the right, the group of third world countries, had no intention to provide any rights to their own citizens (otherwise they would not turn such a blind eye to the atrocities in the developing countries). . . There is a constant reiteration of state sovereignty, state control over its territory and natural resources, and non-intervention from outside...[ensuring] that its citizens nor the international community can truly call a third world government to account for the violation of the right to development".³⁵

Ghai further asserts that the third world has managed to distort the entire orientation of the right to development and will continue to use the Declaration as a "means to extract resources from the west for the strengthening of the authoritarian regimes in developing countries".

Are third world countries the sole beneficiaries of the right to development? The world community must seriously consider the question of who are the "beneficiaries" of the right to development. It is rare that indigenous peoples receive any of the "benefits" from development yet their territories have been invaded and other distinct rights violated for the sake of development.

VI. The Beneficiaries of the Right to Development

The question of who are the beneficiaries or subjects of the right to development is an extremely important consideration in the further elaboration of this right.³⁶ The general interpretation of the right to development and who the beneficiaries are has been that "states are the primary subjects" and "individuals are the ultimate beneficiaries".³⁷

What about the collective dimension of the right to development in the case of indigenous peoples, who have specific and distinct rights in addition to their basic human rights. The question requires even more serious consideration in situations where indigenous peoples have no real power to influence the political features of the state.³⁸ The right of indigenous peoples to participate in all aspects of development processes should be obligatory to ensure that state development policies do not further disadvantage indigenous peoples or undermine their other collective or individual human rights. Here again, the issue becomes one of values and what values are applied in the further definition of the right to development.

There is a danger in simply recognizing a state or "peoples" right to development within the context of the right of self-determination at the state level. History has shown us that such rights defined and exercised at the state or national level, do more damage than good for indigenous peoples. Because of the existence of collective rights (land rights, for instance) of indigenous peoples, it will be important to address and recognize the collective right to development of indigenous peoples in an appropriate, just and fair manner.

The more recent international discussions on the right to development as a human right are evidence of a changing perspective. One conclusion of the Global Consultation on the Right to Development as a Human Right was that "[t]he struggle for human rights and development is a global one that continues in all countries, developed and developing, and must involve all peoples, including indigenous peoples, national, ethnic, linguistic and religious minorities, as well as all individuals and groups. International implementation and monitoring mechanisms must be of universal applicability".³⁹ This perspective coupled with the subjective nature of the right to development, reflects a movement away from assimilation to greater recognition of rights. This is also consistent with the preambular language of the new ILO Convention No. 169, which states:

"Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards"⁴⁰

The intent of the human right to development is to respond to the basic needs of peoples and more. It also entails freedom and dignity, for both individuals and the societies in which they live. This is what indigenous peoples have been struggling for since time immemorial. Development should be seen as a source of strength.

VII. Indigenous Peoples and the Human Right to Development

Indigenous peoples and all peoples have been growing and developing for a long time. Develop also means to bring into being or activity. Certainly, indigenous peoples have been developing at the international level. The work and activity that has taken place at the United Nations, the International Labour Organization and other international fora, should be seen as political development. The grassroots and community work being done to ensure the survival of indigenous languages, traditions, health practices and customs, should be seen as cultural and social development. Subsistence is the basis of most indigenous economies and therefore, the continuation and protection of hunting, fishing and agricultural lifeways should be seen as economic development. These are some examples of a more positive connotation of development relevant to indigenous societies. Indigenous peoples must define for themselves what development means, and what is appropriate development for their nations and communities.

Some of the new language of the ILO Convention 169, though not entirely adequate, supports the notion of self-determination with respect to development. Articles 6(1)(c) and 7(1) read as follows:

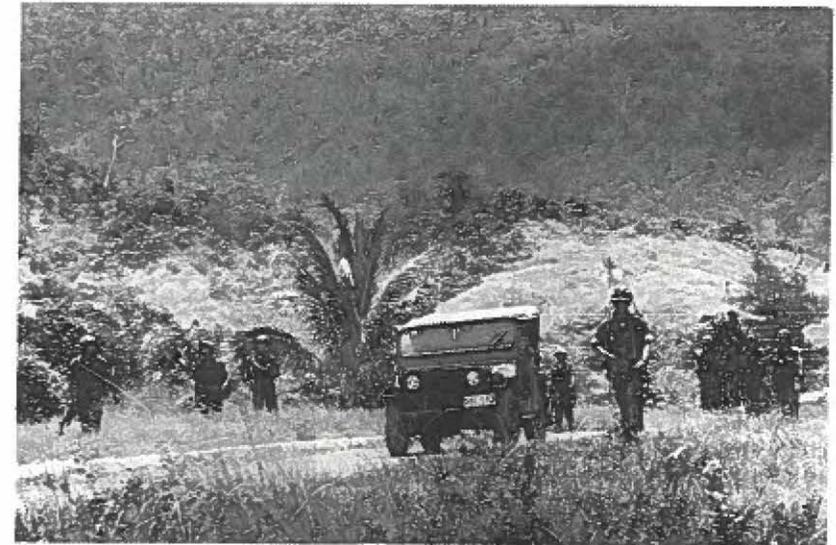
Article 6

1. In applying the provisions of this Convention, **governments shall:** (c) establish means for the full development of these peoples' own institutions and initiatives, **and in appropriate cases provide the resources necessary for this purpose.**

Article 7

1. The peoples concerned **shall have the right to decide** their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to **exercise control**, to the extent possible, **over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programs for national and regional development which may affect them directly** (emphasis added).

This language should be taken as a minimum starting point for further elaboration on the human right to development for indigenous peoples.⁴¹ The author interprets this language in the following way:



Militarization is also a major factor in economic development, primarily in a negative fashion. Philippines, Oplan Hot Summer: targeting indigenous areas foremost. Photo: Oliver Y. Garcia.

"Institutions" read political institutions, as well as other indigenous institutions. "Initiatives" read any process of development that indigenous peoples deem appropriate and necessary for their continued well-being. The right to decide your own priorities for the process of development relates back to the subjective nature of the human right to development. Beliefs and spiritual well-being is connected to subsistence activities and the indigenous relationship to the land. "To the extent possible" should be read as the maximum possible extent, not as a ceiling for the measure of control. Article 7(1) and Article 1 of the International Covenant on Economic, Social and Cultural Rights make a strong legal argument for the control over your own development. Further, indigenous peoples "shall participate" in the processes of national and regional development which may affect them directly, this should also be interpreted in the broadest sense.

Technology and development have progressed so far that indigenous peoples can no longer exercise their rights in isolation. The more interdependent the world becomes, the more important it is for indigenous involvement in the matters "which may affect them directly". One environmental example is that of transboundary pollution. With regard to economic activity, the example of the Soviet Union's interest in joining GATT, reflects the need to transcend the concepts of sovereignty. The Soviet Union has realized that they have to be involved and that

exercising sovereignty in isolation is not always the answer to internal problems. The indigenous exercise of the human right to development must also recognize these changes and the growing interdependence.

Indigenous peoples can no longer afford to allow the "museum view" of their cultures to persist. They must develop also.

Coupled with some of the positive law language like that of the ILO Convention, participation in the human right to development dialogue should be seen as a legal tool to protect indigenous individuals, communities, lands and territories. It should be remembered that the Declaration acknowledges the inter-relatedness and interdependency of all human rights, and calls for respect of all human rights. Through the human right to development, indigenous peoples can help to restore the balance where there may be imbalance with respect to their basic human rights and fundamental freedoms.

Indigenous peoples can define their own context for development. They can address the various different aspects of development: environmental, peace and security, cultural, political, social and economic. Indigenous peoples can demand that there be no imposition of standards and values from outside. For example, the anti-harvesting movement that devastated the traditional economies of northern Quebec Inuit communities. This was a clear imposition of values, with no understanding or sensitivity to the legitimate economies of these indigenous communities. The subsistence activities of indigenous communities has not been considered a legitimate order of economy. The earlier article cited from the James Bay and Northern Quebec Agreement⁴² puts subsistence activities outside of development. This perception must change if indigenous peoples are to continue to practice their harvesting activities. There has been some change in perceptions at the international level. Article 23(1) of ILO Convention 169⁴³ reads:

"Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognized as important factors in the maintenance of their cultures and in their economic selfreliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted".

The indigenous philosophies of nature and environment should be seen as an important contribution to the elaboration of the human right to development. The widespread indigenous view of the environment and nature is that human beings are a part of the ecosystem and not outside of it. An Inuit person, in the defense of subsistence whaling rights in northern Alaska stated:

"The whale is a specie and the Inuit is a specie and the United States government has chosen to protect only the rights of the whale, and not those of the Inuit"⁴⁴ The indigenous understanding of the relationship between human beings and the planet are only now being embraced by environmentalists and deep ecologists, who acknowledge that indigenous philosophy, religion and conservation practices can make a valuable contribution to humankind.⁴⁵

Indigenous peoples can help to change the long-established view of development and re-define development in order to remove the negative connotation. Indigenous peoples can help to de-corrupt the corrupt. The indigenous dimension of development must be provided if the human right to development is to become a reality for all peoples. Indigenous peoples, as distinct members of the world community, should also be beneficiaries of the human right to development. They must take advantage of the "subjective" nature of the human right to development.

If indigenous peoples fail to be involved in this (re-)definition of the human right to development, development will always adversely affect them, their lands and their basic human rights and fundamental freedoms.

VIII. The need for Sustainable and Equitable Development

In April 1987, the World Commission on Environment and Development (the Brundtland Report) warned governments of the adverse impact of continuing to exclude indigenous societies in North America and elsewhere from the processes of development.⁴⁶

Although many countries enthusiastically endorse the Brundtland Report, the conclusions concerning indigenous peoples are for the most part ignored.

The Brundtland Report emphasizes both "sustainable and equitable development". Here again, indigenous peoples must inject their views on equitable development. It is important to stress that sustainable development affecting indigenous territories must always be "equitable" from an indigenous point of view. Some of the principles that should be included in the understanding of "equitable" development are:

- developments in or affecting indigenous territories must not undermine, but rather enhance the economic, social, cultural and political development of indigenous societies
- developments must not be imposed on indigenous peoples without their free and informed consent and must fully accommodate indigenous values and concerns-development initiatives by indigenous peoples themselves should be encouraged, by ensuring

significant and accessible opportunities that include government support and assistance

- developments should only take place at a rate and pace compatible with the local communities affected-indigenous peoples must participate equitably in the benefits of development, in a manner acceptable to them
- where possible and agreed to by indigenous peoples, culturally-appropriate technologies should be used, in order to encourage and facilitate indigenous participation in development and to maintain cultural continuity in indigenous territories.

Equitable must mean equal opportunity, equal access, and removal of inequalities or disparities that may exist, geographically or otherwise. These principles also require the decentralization of decision-making.

As mentioned above, the ILO Convention 169, to some extent, does provide supportive principles with respect to indigenous development. The Conclusions and Recommendations of the Global Consultation also recognize, in a more comprehensive fashion, the rights, interests and concerns of indigenous peoples. The Bruntland Report is another example of recognizing sustainable and equitable development. The World Conservation Strategy⁴⁷ is currently being re-drafted for the 1990's and it will contain principles relevant to indigenous conservation and sustainable and equitable development concerns.⁴⁸

An example of excluding indigenous participation in an international initiative is the International Development Strategy for the 1990s (IDS '90), being prepared for the Fourth U.N. Development Decade.⁴⁹ An Expert Committee has been established under ECOSOC to coordinate the IDS '90 development. Thus far, no indigenous participation has taken place and these various different United Nations agencies have not considered the participation of indigenous organizations, despite the Declaration and recent conclusions of the Global Consultation.

IX. The Future of the Indigenous Human Right to Development

There will be a number of implementation⁵⁰ problems that will have to be overcome in order for indigenous peoples to realize the human right to development.⁵¹ The international standards being set will have to be translated for meaningful use at the national policy level. National policies must conform to these international standards. The national policies must then have an actual positive effect at the grassroots level as well. In addition, a large devotion of resources and special allocations for the full realization of development must be recognized on the part of states also.

Regarding local application, principles of the human right to development should also be addressed in both past and future treaties and land claims agreements. Previous land claims "settlements" have been viewed as final agreements, that have solved all the problems. Standards are changing at the international level and therefore, these past treaties and land claims agreements and their current application must evolve also.

The case of the Alaska Native Claims Settlement Act⁵² illustrates the need for alignment of international standards and indigenous rights as addressed in agreements. The issue of subsistence was not satisfactorily dealt with in the ANCSA and it is now being re-opened. The resolution of this matter must be consistent with international standards.

The implementation and enforcement of the human right to development will likely be one of the greatest challenges for human rights advocates and indigenous peoples. Implementation processes must be subjective in the same way that the definition of the right is subjective.

There currently exists the need for widespread dissemination and distribution of information.⁵³ Information regarding the rights of indigenous peoples and the human right to development must not be withheld from indigenous peoples. Despite coming from the ILO revision process, in 1988 and 1989, stating that they will cooperate with indigenous peoples, the government of Canada has not offered any information to indigenous peoples (in that country) about the fact that they are on the Ad Hoc Committee for the Whole of the International Development Strategy for the Fourth United Nations Development Decade.⁵⁴ Other governments on this Committee include Sri Lanka, Algeria, Brazil and the GDR. It should be noted that in Canada there is an aggressive political lobby of national aboriginal organizations, with the ways and means to uncover information like this.

The emerging human right to development has not been completely accepted. However, if the human right to development is at the "threshold" of general acceptance as "positive international law",⁵⁵ it is important that the Declaration and the right to development expressly provide that indigenous peoples, collectively and individually, are active subjects of the right to development. Indigenous peoples must be given the opportunity to thoroughly study, review and provide input on the Declaration and other relevant documents, before the right to development is carried over that threshold.

The "indicators" or criteria⁵⁶ used to measure progress must be relevant and culturally appropriate to the peoples concerned. They cannot simply be a measure of the basic human needs. The duties and obligations concerning implementation, monitoring and evaluation of development policies and activities should be added. Some scholars have discussed the idea of a "human rights impact assessment"⁵⁷, thereby ensuring that development impact is not measured purely in terms of

environmental or social impact. In this way, the likelihood of attaining the overall goals of the right to development would be increased.

One of the major obstacles to the human right to development is the failure to respect the right of self-determination. Article 1(2) of the Declaration states that "[t]he human right to development also implies the full realization of the right of peoples to self-determination...". This is certainly true for most indigenous peoples.

The persistent denial of the right of self-determination of indigenous peoples by states has been the pathway for most national development schemes and strategies. In fact, when development strategies have been proposed and indigenous peoples assert the right of self-determination and land rights, the result has usually been an unjust and inadequate "settlement" of indigenous claims. The standard of self-determination should be the starting point, and other principles can flow from this standard. Only in this way can states ensure that the human right to development is realized by indigenous peoples.

Some fundamental principles must be agreed upon by both the indigenous community and the rest of the world community to fulfill the intent and objective of the human right to development:

- (1) First and foremost, the need for full recognition of the right to self-determination must be adhered to. This is, in many instances, the only way to ensure the proper participation of indigenous peoples in the various development processes that will take place in the actual implementation of the right.
- (2) Indigenous control over their lands, territories, resources, institutions and initiatives must be recognized.
- (3) Indigenous peoples must have the right to consent to developmental activities that may directly affect them.
- (4) The right to participate in the formulation, implementation and evaluation of national and international development policies and actions that may directly or indirectly affect them must be recognized, this includes policy and decision-making.
- (5) Recognition and respect for indigenous values, practices, and institutions must be guaranteed.

This is only a preliminary list. Indigenous peoples worldwide will likely have much more to contribute to this on-going legislative process in the future.

X. Conclusion

It is clear that indigenous peoples must enhance the security and future of their communities, nations and territories in environmental, social, cultural, as well as economic terms. The creation of conditions favorable

to indigenous self-development and self-reliance can only be realized through their direct input.

The history of deterioration of distinct indigenous communities, in the face of mounting environmental and cultural assaults, is sufficient evidence that state government representation and action alone, on behalf of, indigenous peoples, simply has not worked.

The human right to development can add a new qualitative dimension to the existing international human rights framework – a dimension that appropriately integrates environmental and cultural elements. Let us hope that the world community recognizes "the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international cooperation and understanding".⁵⁸

The more that indigenous peoples know and learn about the on-going "legislative process" on the human right to development, the more that they will be able to substantively contribute to a greater understanding of development. As stated earlier in this paper, the positive contribution that indigenous peoples can make may ultimately help all of humankind. Indigenous peoples must create the opportunity to contribute or they must be respectfully afforded the opportunity. Either way, the world community must reverse this trend of marginalizing indigenous peoples. The support and recognition of indigenous rights is no longer merely politically correct nor morally just – indigenous rights are returning to the international legal sphere. Like the exercise of indigenous rights, states can no longer exercise the right to development in isolation.

Notes

1. U.N. Declaration on the Right to Development, General Assembly Resolution 41/128, Annex, 41 U.N. GAOR Supp. (No. 53) at 186, U.N. Document A/41/53 (1986). Adopted by 146 votes, 8 abstentions and 1 against (the United States). (Hereinafter the "Declaration").
2. Y. Ghai, "Whose Human Right to Development?", HUMAN RIGHTS IN DEVELOPMENT SERIES (Commonwealth Secretariat, London 1989) 14.
3. G. Alfredson, "The Right to Development: Perspectives from Human Rights Law", HUMAN RIGHTS IN DOMESTIC LAW AND DEVELOPMENT ASSISTANCE POLICIES OF THE NORDIC COUNTRIES (L. Rehof and C. Gulmann, eds., Martinus Nijhoff Publishers, 1989) 83.
4. Declaration, supra note 1, Arts. 6(1) and (2).
5. CONCLUSIONS AND RECOMMENDATIONS EMERGING FROM THE CONSULTATION, Global Consultation on the Realization of the Right To Development as a

- Human Right, January 1990, U.N. Document E/CN.4/1990/9 (Part III), February 6, 1990, para. 21. (Hereinafter "Global Consultation").
6. Declaration, *supra* note 1; and Global Consultation, *supra* note 5, para. 11.
 7. S. Adelman, "The Right to Development: Problems and Potential", HUMAN RIGHTS IN DEVELOPMENT SERIES (Commonwealth Secretariat, London 1989) 9.
 8. Resolution on Permanent Sovereignty Over Natural Resources, December 14, 1962, U.N.G.A. Resolution 1803 (XVII), 17 U.N. GAOR, Supp. (No. 17) 15, U.N. Document A/5217 (1963), reprinted in 2 I.L.M. 223 (1963).
 9. U.N.G.A. Resolution 262 (VII), December 21, 1952.
 10. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. Opened for signature December 19, 1966. Entered into force, January 3, 1976. U.N.G.A. Resolution 2200 (XXI), 21 U.N. GAOR, Sup. (No. 16) 49, U.N. Document A/6316 (1977), reprinted in 6 I.L.M. 360 (1967), Part I, Art. 1. (Hereinafter "Covenant").
 11. Declaration on the Establishment of a New International Economic Order, May 1, 1974, U.N.G.A. Resolution 3201 (S-VI), 6 (Special) U.N. GAOR, Supp. (No. 1) 3, U.N. Doc. A/9559 (1974), reprinted in 13 I.L.M. 715 (1974).
 12. Charter of Economic Rights and Duties of States, December 12, 1974, U.N.G.A. Resolution 3281 (XXIX), 29 U.N. GAOR, Supp. (No. 31) 50, U.N. Document A/9631 (1975), reprinted in 14 I.L.M. 251 (1975), Art. 7.
 13. The World Bank, "Development as a Human Right", paper submitted to the Global Consultation, Doc. HR/RD/1990/CONF.13.
 14. D. Turk, "Respect for the Individual's Human Rights and the Realization of the Right to Development", paper submitted to the Global Consultation, Doc. HR/RD/1990/CONF.12, page 6.
 15. Declaration, *supra* note 1, Art. 5.
 16. Declaration, *supra* note 1, Art. 6(3).
 17. Report of the Secretary-General, "The International Dimensions of the Right to Development as a Human Right", Doc. E/CN.4/1334, at 24, (1979).
 18. See generally R. Touzmohammadov, "Disarmament and the Right to Development", paper submitted to the Global Consultation, Doc. HR/RD/1990/CONF.10.
 19. Global Consultation, *supra* note 5, para. 22.
 20. These scholars include Bartelomas de las Casas, Franciscus a Victoria, Dominic Soto, Conrad Brunus, among others.
 21. For detailed historical review see generally S. James Anaya, "The Right of Indigenous Peoples and International Law in Historical and Contemporary Perspective", 1989 HARVARD INDIAN LAW SYMPOSIUM (1990); and H. Hannum, "New Developments in Indigenous Rights", 28 VIRGINIA JOURNAL OF INTERNATIONAL LAW, (No. 3, 1988) 649.
 22. Lindley, THE ACQUISITION AND GOVERNMENT OF BACKWARD TERRITORY IN INTERNATIONAL LAW (1926) 10-47, 160-180.
 23. *Ibid*, at 16.
 24. See generally R. Barsh, "Indigenous Peoples: An Emerging Object of International Law", 80 AMERICAN JOURNAL OF INTERNATIONAL LAW (1986) 369; and H. Hannum, "Indigenous Rights", AUTONOMY, SOVEREIGNTY, AND SELF-DETERMINATION: THE ACCOMMODATION OF CONFLICTING RIGHTS, (University of Pennsylvania Press, 1990) 74.
 25. The International Labour Organization has two conventions in place for the protection of indigenous rights: ILO Convention No. 107 **Indigenous and Tribal Populations**, 1957 (in force) and Convention No. 169, **Indigenous and Tribal Peoples In Independent Countries**, 1989 (open for ratification).
 26. In addition to the ILO Conventions, the U.N. Working Group on Indigenous Peoples is drafting a Universal Declaration on Indigenous Rights, which will eventually arrive at the General Assembly. Indigenous peoples will likely lobby for the Declaration to take the form of a Convention.
 27. The Inuit Circumpolar Conference, Grand Council of the Crees (Canada) and the International Organization of Indigenous Resource Development (Canada) each participated in the recent Global Consultation, *supra* note 5.
 28. Act of December 18, 1971, P.L. 92-203, 85 Stat. 689, 43 USCA 1601 et seq., as amended.
 29. James Bay and Northern Quebec Agreement, *Editoires Officiels*, 1975.
 30. *Id.*, Arts. 22.1.4 and 7.2.3, respectively.
 31. INDIGENOUS PEOPLES: A GLOBAL QUEST FOR JUSTICE, A Report for the Independent Commission on International Humanitarian Issues, (Zed Books Ltd. 1987) 44.
 32. The information regarding the Yanomami Indians of Brazil was provided by Tim Coulter, Indian Law Resource Center (ILRC), during a telephone communication on May 3, 1990. ILRC has been working directly with the Yanomami and others to stop this destruction and raise awareness about the awful conditions and human rights violations that the Yanomami have suffered.
 33. See the 1988 and 1989 summaries of the International Labour Organization "Report of the Committee of Experts on the Application of Conventions and Recommendations" of the violations of Convention 107 by the government of Brazil. In the 1988 Report "[t]he Committee regrets to note that for the second consecutive year the Government's report on the application of the Convention has not been received".

The report continues to address the lack of action on the part of Brazil with respect to violations of the rights of the Yanomami. The 1989 report addresses the establishment of the Yanomami Park, however, it also includes reference to the progress of the Calha Norte project, denial of medical attention to Yanomami, and exploitation of resources on Indian lands.

34. T. R. Berger, *VILLAGE JOURNEY: THE REPORT OF THE ALASKA NATIVE REVIEW COMMISSION* (Hill & Wang, 1985) 176.
35. Y. Ghai, *supra* note 2, at 12-13.
36. C. Thomas, "Rights and Reality in International Relations: The Case of development", *HUMAN RIGHTS IN DEVELOPMENT SERIES*, (Commonwealth Secretariat, November 1989) 6.
37. I. Brownlie, "The Human Right to Development, *HUMAN RIGHTS IN DEVELOPMENT SERIES* (Commonwealth Secretariat, November 1989), at 16.
38. *REPORT OF THE OPEN-ENDED WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE RIGHT TO DEVELOPMENT*, Doc. E/CN.4/1989/10, February 13, 1989, para. 31, makes mention of "vulnerable groups".
39. Global Consultation, *supra* note 5, at para. 18.
40. ILO Convention 169, *supra* note 19, para. 4 of the Preamble.
41. There are some indigenous peoples who hold the exact opposite view. See S. Venne, "The New Language of Assimilation: A Brief Analysis of ILO Convention 169", *WITHOUT PREJUDICE, The EAFORD International Review of Racial Discrimination* (Volume II, No. 2, 1989) 59-60.
42. James Bay Agreement, *supra* notes 29 and 30.
43. ILO Convention, *supra* note 25.
44. Charles Edwardsen, Inupiat, speaking at the 1977 Inuit Circumpolar Conference, Barrow, Alaska.
45. B. Devall and G. Sessions, *DEEP ECOLOGY*, (Gibbs Smith Publishing, 1985) 96.
46. *OUR COMMON FUTURE*, Report of the World Commission on Environment and Development, (Oxford University Press, 1987) 115-16.
47. Prepared by the International Union for Conservation of Nature and Natural Resources (IUCN), with the United Nations Environment Program (UNEP), World Wildlife Fund (WWF), the Food and Agriculture Organization of the United Nations (FAO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO).
48. The "World Conservation Strategy for the 1990s" is currently under revision by the IUCN and the Second World Conservation Strategy Project. Indigenous peoples were unsuccessful in their lobby for the inclusion of an "Indigenous Folio" within

the text of the WCS, however, their principles will be integrated throughout the text now under revision.

49. General Assembly Resolution 43/182 of November 20, 1988 and Resolution 43/460 of March 7, 1989.
50. G. Alfredson, *supra* note 3, explores possible implementation methods for the right to development.
51. D. Turk, "The Human Right to Development", *RESTRUCTURING THE INTERNATIONAL ECONOMIC ORDER: THE ROLE OF LAW AND LAWYERS*, (P. van Dijk, F. van Hoof, A. Koers and K. Mortelmans, eds., 19) 91-95, explores the "means for realization of the right to development".
52. ANCSA, *supra* note 28.
53. Report of the open-ended Working Group of Governmental Experts on the Right to Development, U.N. Doc. E/CN.4/1989/10, February 13, 1989, paras. 17-22.
54. IDS '90, *supra* note 49.
55. R. Rich, "The Right to Development as an Emerging Human Right", *VIRGINIA JOURNAL OF INTERNATIONAL LAW* (Vol.23, 1983) 287.
56. Global Consultation, *supra* note 5, at paragraphs 36-46; also D. Turk, *supra* note 14, page 8.
57. G. Alfredson, *supra* note 3; D. Turk, *supra* note 14, page 9; and the Global Consultation, *supra* note 5, para 56.
58. ILO, *supra* note 25, para. 7 of the Preamble.

Environmental and Human Rights for Saami

Some lines of thought from the Finnish point of view

by Pekka Aikio

1. The Saami people

Today's Saami area (Sapmi) in Fennoscandia extends along a curved zone from Roras in Norway and Idre in Sweden to the east part of the Kola peninsula. The area is 1.500 km long and 300-400 km wide. It is divided by the borders of four nations and still constitutes a clear, separate cultural area where the Saami language is the most important connecting link. The Saami language of the North, i.e. the Saami of the fell mountains, is spoken by approximately 70 percent of the Saami speaking population.

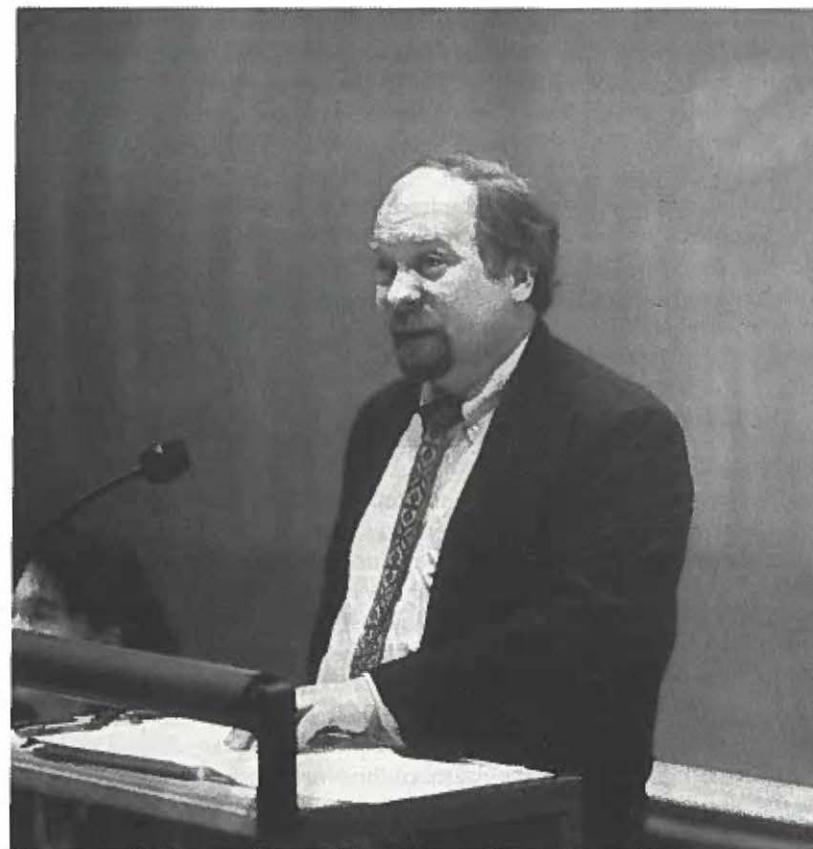
Estimates of the size of the Saami population vary between 40.000 and 70.000 people. However, the numbers reflect the minimum rather than the real figures since the censuses made on the ethnical base have been especially defective on the Norwegian coast. As it is known that the majority of Saami live in Norway, it is possible, for good reasons, to say that the size of the Saami population is closer to 100.000 people than any figure below it. The Saami concept has been defined in many different ways in different censuses. Today, the Saami are a majority only in a few municipalities in their core area (Kautokeino, Karasjok, Tana, Nesseby, Utsjoki). The whole population of the Saami settlement areas amounts to approximately 1.5 million.

2. The unique Saami culture

The Saami constitute a national minority in the Nordic countries, with their own language, culture, identity and traditional way of life. By the word Saami one understands a person who considers him/herself to be a Saami provided that he/she or one of his/her parents or grandparents, learned Saami as their first language.

The Saami live as a minority within different national states without a particular home state. Due to this, their position depends on the values, interests and attitudes of the majority of the population.

The unique culture of the Saami has been shaped by their livelihoods, way of life and external circumstances, especially their relation to nature. The models and ornaments seen in today's Saami craft products, originate from a time when Saami households were self-sufficient. The



Pekka Aikio. Photo: Jan Frydenlund.

oral tradition lives in tales as well as in "jojks", songs that are special to the Saami. In the areas of literature, theatre and pictorial art, the Saami also contribute to the culture in the Nordic countries.

In the old legislation concerning Lapland, there was a common denominator for reindeer breeding, fishing and hunting known as the Saami livelihoods. The Saami practised these livelihoods within the land and water areas of the Saami villages which they owned. At a later date some of the Saami villages were legally handed over to colonists. Many Saami also moved on to homestead cultivation and stock breeding along with the old occupations. In Finland today for instance, the state has the greatest part of the native Saami area at its disposal (more than 90%) even though the legal ground for this is unknown. A great part of the Saami nowadays earn their living by way other than the traditional occupations.

The Saami's traditional way of life is characterized by a life close to nature. The most important livelihoods were hunting and catching, fishing and reindeer breeding. In some areas they also practised stockbreeding and farming. Today there are Saami in many other types of industries. The Saami have also to a great extent left their traditional habitats.

Despite today's division of the traditional Saami settlements between four countries - Norway, Sweden, Finland and Russia - and despite the fact that the Saami have been forced to adapt to the circumstances of the different countries, there are reasons for looking at them as one people. In many aspects they have managed to keep their traditional distinctive features as regards culture, language and occupations.

3. The Saami's position in international law

The question of the position of the Saami in international law has often been discussed at gatherings of representatives from the Nordic investigations of Saami rights.

In the UN-convention of 1966 on civic and political rights, one finds the central regulation in international law about the protection of ethnical minorities, Article 27, worded as follows: "In those states where ethnical, religious or linguistic minorities exist, the people belonging to these minorities should not be denied the right to have a cultural life of their own together with other members of their group, nor to profess and practise their own religion or to use their own language."

There is no doubt that the Saami of the Nordic countries are included in the regulation. The Saami constitute such an ethnical minority as is spoken of in Article 27. Originally, the article was only meant to protect the minorities against assimilation. Later on however, it has been interpreted in such a way that it imposes a duty on the nations to make positive arrangements for domestic minorities like the Saami, for example, economic contributions, so that the minorities not only in theory but also in practice can "have their own cultural life". The Finnish Saami have had their own cultural administration since 1973, when the delegation for Saami issues or the "Saami parliament", initiated its activity as a representative body for the Saami in Finland. Its object is to look after the rights and interests of the Saami by making petitions and giving reports to different authorities. The 20 Saami members of the parliament are elected every four years by the Saami themselves.

The definition of "culture" in this context is an important question. Strong reasons speak in favour of culture being interpreted in a wide sense and also including the material prerequisites for culture. Article 27 would thereby imply the protection of traditional Saami livelihoods, such as constitute an essential part of the Saami cultural tradition.

The constitutional committee of the Finnish parliament has especially considered fishing and reindeer breeding to be such livelihoods, that are a part of the Saami culture (GrUU 3/1990 rd.). However, Finnish legislation does not at this moment recognise the Saami's particular rights to these livelihoods. To a certain extent this relation is due to the fact that reindeer breeding, hunting and fishing are related to the rights of civil law of the Saami and to the land which has not yet come up for discussion in parliament.

4. The Saami as a prehistoric people

When speaking of primitive populations or prehistoric people, terms such as pre-existence, cultural difference, non-dominance and self-identification are connected with the definition.

The rights of the Saami are of old based on the legislation of the State. According to the criteria laid down in international law, the Saami constitute an ethnic and linguistic minority and at the same time the only prehistoric people of Finland. For these reasons, the Saami have special rights to land, water and natural resources. However, these rights are as per today not recognised.

The Saami have used their areas as land owners for centuries. In the most recent research regarding the Saami rights, it has been possible to prove (Kaisa Korpijaakko, 1989) quite convincingly, that the Saami were previously owners of their Saami villages.

The Saami, just like other prehistoric people have a special right to the environment and to environmental decision making. This right is based on, among other things, the convention on prehistoric and tribal people in autonomous countries, which was passed at the 76th Labour Conference in Geneva in 1989. Norway has already ratified the convention but Finland and Sweden have not yet accepted it.

Since 1957, the International Labour Organisation (ILO) has had a convention (no. 107) regarding primitive populations which Finland, in conformity with other Nordic countries did not ratify. The purpose of this convention was to achieve an integration between primitive peoples and the rest of the people.

In 1989 ILO's general conference adopted a revised convention no 169 (previously no. 107), which concerns primitive people. According to the proposition of the Finnish government to the parliament regarding the ILO convention, the purpose of the convention is to secure equal treatment to primitive people vis-a-vis the other population groups and to prevent the culture and the languages of the primitive people to becoming extinct. The ILO convention, which is a special agreement, secures the people that belong to its jurisdiction areas an explicit

protection against possible violations of justice. On the other hand it only protects the people concerned: in Finland the Saami.

Article 2 of the ILO convention stresses the government's responsibility to develop coordinated and systematic programs with the assistance of the people concerned, with a view to protect the rights of these people and guarantee their integrity. According to the different regulations of the convention, the primitive peoples have a right to participate in the decision process in matters that concern them. The convention also postulates, among other things, that governments co-operate and negotiate with primitive people to protect the environment.

Article no. 4 establishes that:

- Special measures shall be adopted in an appropriate way to protect individuals, institutions, property, work, culture and environment of the people concerned.
- Such special measures must not be incompatible with the expressed desires of the people concerned.

Regarding measures to protect the environment, article 7 determines that:

- The people concerned shall have a right to decide their own priorities regarding the development process.
- The governments shall adopt measures in co-operation with the people concerned to protect and preserve the environment in the areas they inhabit.

Article 14 of the ILO convention postulates that the primitive people are secured the right to hold and own land that they traditionally possessed and the usufruct to land that they have traditionally used. Article 15 calls for the primitive people to be guaranteed the right to be heard beforehand, and to participate in the exploitation of natural resources in their territory.

5. Nordic investigations of Saami rights

The Nordic investigations of Saami rights have worked together since 1982. The reason for the co-operation is to be found in the recommendation of the Nordic Council regarding a common Nordic effort to protect the environment of the core Saami areas. From various quarters of co-operation it is clear that a prevailing common expectation is that future proposed solutions should differ as little as possible from each other in respective Nordic countries.

Recommendation no. 24/1974 of the Nordic Council regarding a common Nordic effort to protect the environment in the core Saami areas states the following:

"The Nordic Council recommends that the Nordic Council of Ministers draw up a joint program to protect and keep the environment in the core Saami areas, consisting of

1. A joint Nordic investigation of the question of juridical regulation for the utilisation of natural resources in the Saami areas, with the aim of achieving as soon as possible, a determination of the extent of Saami rights,
2. A co-ordination of the regional political measures in support of the Saami livelihoods, and
3. A coordinated Nordic research project illustrating the situation of the Saami population".

Through the co-operation between the investigations according to the guiding principles of 1982 of the secretariat of the Nordic Council of Ministers, the first point of the recommendation has partly been realized."

6. The Saami language act and the Saami law proposal in Finland

Important objectives have been reached in Finland this year, when the Saami language act for use with authorities and the law of amendment of the first paragraph of the language law came into force. The Saami language law implies that the Saami can use their language both in writing and verbally, next to Finnish and Swedish, with the authorities in their native areas. The Saami's right to use their language is secured by translations and interpretations in those cases where the civil servant dealing with the matter does not speak the Saami language. These laws will be translated into Saami and will be printed in the statute book along with corresponding regulations and committee reports specifically concerning the Saami. In Norway it has been possible to establish the Saami parliament and there has also been a proposal to raise a parliament in Sweden.

In Finland arrangements have already been made to secure the Saami the right to their traditional land and to the utilisation of the natural resources in this land. The Saami delegation (see SRb 367/87) has, during 1978-90, on the basis of recent research, prepared drafts for a Saami statute and amend-ments of certain acts, which were published in 1990 (Committee Report 1990:32).

The delegation suggested that the Saami peoples' rights to land and water, and to their traditional livelihoods, should be guaranteed through a specific Saami statute. At the same time, prerequisites for a development of the Saami language, culture and social conditions would be created. Later on there would be a protection of the specific rights of the Saami by regulations at a constitutional level.

Territorially the statute would have reference to the native Saami areas. The area consists of private property and state owned woodland in the proposal called the Saami Common. This Common also includes areas of nature reserves, which would be kept as such. The native areas would be divided into Saami villages for the practise of Saami livelihoods - reindeer breeding, hunting and fishing - and for the safeguard of other rights of the Saami people.

The right to Saami livelihoods and to the ownership of the Saami Common would belong to the members of the Saami village who, either would be Saami or other residents of the village area, who for at least two generations have practised Saami livelihoods as a permanent occupation. The proprietorship would be limited in such a way that it would be prohibited to share the common or convey it to another person with right of ownership. The definition of a Saami in the proposal refers to descendants of Saami, recorded in the land register after 1975 (civil law) and all other Finnish Saami on a linguistic basis (international law).

In their investigations, the delegation pointed out that once, the Saami had had just as good a right of ownership of land and water in the north, as the farmers in the south part of the country had had to their homesteads. The Saami used the areas they owned for the practise of reindeer breeding, fishing and hunting. Later on the proprietorship of the Saami has partly been passed to the homesteads of the area. The areas outside of these, the so-called state owned woodlands, is generally regarded as belonging to the state with right of ownership. The declared proprietorship of the state derives from the idea that the Saami never had right of ownership to that lands. This argument has proved untenable according to the delegation. On the other hand, one can assert that, up to this day, the Saami have uninterruptedly made use of their land for the practise of reindeer breeding, hunting and fishing as before. Since, as far as it is known, the Saami's rights to their land was never neither explicitly nor legally abolished, nor was this land turned into a state landed property, the state has not sufficient legal grounds to the property called the state owned woodlands nor to the right of ownership to this within the native areas of the Saami.

In conclusion, the delegation established that the Saami heirs have the continuous right of ownership to their land in the Saami villages, nowadays called the state owned woodlands, and the land-owner's right to use this land etc., for reindeer breeding, hunting and fishing. The old rights of the Saami to the land, water and livelihoods are missing in our present landed property and legal system, and these rights will consequently not be realized in the way the real estate protection dictates. The constitutional committee of the Parliament has, on several occasions, turned their attention to this fact in their reports.

The delegation also cited different international conventions, that are binding to Finland. Especially the UN convention regarding civic and political rights which, on several occasions, emphasizes the right of the minorities to their own culture and the state's duty to support such cultural manifestations. The ILO convention no. 169 regarding primitive people concerns the Saami. According to this convention, the affected state should secure the rights of ownership to the ground to the primitive people within their own areas.

After the elaboration of the proposal of a Saami law, the Finnish government has concluded, that the Saami need special arrangements at political law level as well as at the level of general laws. The government's law proposal to the parliament which would change the parliamentary system was based on the fact that the Saami in Finland constitute a primitive people whose culture and welfare should be secured by the state, with special arrangements if necessary (RP 219/1990 rd.).

Parliament has also paid attention to the Saami's rights. At the discussion of the reindeer breeding bill, the Parliament's constitutional committee also spoke of the Saami's right of ownership in their report. The committee pronounced that in recent scientific research, considerable viewpoints have been brought forward, speaking in favour of the Saami's rights of ownership to the land. The committee emphasized the importance of reindeer breeding as a part of the Saami culture, being of the opinion that the issue should quickly be brought up for discussion in Parliament (GrUU 3/1990 rd.).

In its proposition to the Parliament, on account of ILO's convention no. 169 about primitive people, the government has considered the convention to concern the Saami in Finland and to secure the people falling under its coverage area an explicit protection against possible violations of justice. The government suggested that the Parliament should not yet pass the convention since: "Finland will in the event of a possible adhesion to the convention, secure the Saami more extensive rights than our legislation presently does regarding the land the Saami traditionally owned and inhabited, and the utilisation of the natural resources of this land" (RP 306/1990 rd.). The Finnish government has, with this pronouncement, for the first time admitted the Saami's original right of ownership to the Land, which the Finnish government has long owned as the state woodlands.

Both government and the parliamentary committee considered it important to develop the Finnish legislation with a view to quickly removing the obstacles to the ratification of the ILO convention. When discussing the governments proposition, the parliamentary committee on social affairs pointed out, that Finland even before the convention is ratified, ought to direct the legislation and the administration in the spirit

of and according to the statutes in the convention (SoUU no.11/1990 rd.). In its report, the foreign affairs committee pointed out that the convention postulates that states, apart from securing equal treatment of primitive and tribe people, also make special arrangements to protect the culture and language of these people and protect their social and economic wellbeing (UtUB 26/1990 rd.).

7. Examples of environmental situations of conflict

Nature and the natural resources of Sapmi have always been exploited and exposed to a vehement and on-going free competition. Pastures have been lumbered, ploughed and covered with water by building dams; herbicides have been squirted on leafy wood and finally, the remaining part of nature and the landscape has been surrendered to tourism and nature preservationists. In one word: a modern form for colonialism has been practised. According to our juridical basic principles the owner of the land almost has all rights concerning the utilisation of the physical environment, especially the natural resources.

For good reasons, it is possible to regard environmental rights in connection with the land rights and human rights.

I mention the reindeer industry as an example of an environmentally related area of conflict, where the Saami are concerned. In Finland, the government has the legal right to decide the maximum number of reindeers for each pasture area. The law pronounces that the number of living animals must not exceed the potential utilization of the winter pastures. During the last decades in Finland, additional food has been given to the reindeers and emergency feeding has been applied when necessary. Furthermore the veterinary care of reindeers has also been made more efficient. In this way it has been possible to raise the threshold for the ecological capacity, by perhaps 100.000 reindeers. In practice, the number of reindeers has also risen increasingly.

The pasture researchers have not, in spite of this, been able to categorically demonstrate where to put the ecological balance for the number of reindeers. The equation is so divers, and nature itself changes and adapts itself all the time.

And so the matter has been turned topsy turvy as regards the laws of reindeer keeping, with reindeer being considered the most disastrous life form for the nature of Lapland. In reality they are the most useful forms of life, both to nature and to man. The lawful demand to maintain the ecological balance is said to be afflicted by the Saami's old-fashioned way of life, like the reindeer industry, while it is said that the modern industries are important, they are to be encouraged and developed. An American Indian chief once said in Geneva, that the nations want to follow a policy of keeping the primitive people poor.



The Saami's have continuously made use of their land for the practise of reindeer breeding. Photo: Gustav Heikka/Samefolket.

It is important to note that the Saami's traditional livelihoods have been limited through national legislation, without any corresponding limits to the industries of the majority of the population. In saying this, I especially refer to agriculture, forestry, tourism, traffic, hydraulic power industry, other industries etcetera. Digging a bit deeper one finds the colonisation policy of the 19th century, when the desire was to reinforce the colonists possibilities of conquering the village lands of the Saami, and vice versa to weaken the immemorial rights of the Saami to compete with different professional bodies for the natural resources of the area.

Due to the wild country law, 12 wild land areas have been established in the province of Lapland on so-called national land. Almost all of the wild country areas are situated within the native land of the Saami. The purpose of establishing these areas was, among other things, to preserve the natural base for the Saami culture. Apart from this the Saami are not specifically mentioned in the proposition.

When discussing the government Bill, the parliamentary constitutional committee drew attention to the indistinct proprietorships within the native areas of the Saami and referred to their previous declaration. The committee furthermore concluded that the question of the proprietorship cannot be solved in any direction whatsoever in this context due to the fact that the government Bill, derived from the present situation, is based on the common perception that the state is the owner.

A new example of the Saami's land rights concerns a complaint which the Saami have sent to Geneva:

Last year some Finnish reindeer Saami made a complaint regarding planned tree felling and road construction outside the above mentioned wild country areas. More than 50% of the Finnish Saami area has been established as various protected areas, i.e. national and natural parks, protected marshland, wild country areas and so on. All of this has led to an increase in the general pressure to utilize the land but the pressure on tree felling has increased especially in the nearby areas.

The human rights commission has taken the matter up for consideration. As a consequence, tree felling and road construction have already been stopped in the area concerned. Finland always takes the human rights matters seriously, as soon as the matter has been raised.

8. A Few Conclusions

- a. The free competition for the Saami's land is intensively taking place, especially in Finland. General plans and other planned activities are continuously substantiating new and competitive forms for land utilisation in Sapmi. Tourism may be the most well-known form, and everything points to the fact that they would like to outline Sapmi as a green paradise for the whole of Europe.
- b. The Saami's land ownership is so far not clarified through legislation in the Nordic countries. It is therefore not possible for the Saami to practise their traditional livelihoods on the basis of the potential land proprietorship or corresponding rights, but their land is still considered state owned.
- c. The traditional Saami livelihoods do not put nature's ecological system and its function at stake, nor do they risk the preservation of the environment, contrary to the industrial exploitation of nature which is diametrically opposed to these livelihoods.
- d. The Nordic countries do not willingly grant the Saami the unique standing, which they ought to have, being a primitive people according to international principles.
- e. The Nordic countries have applied very conservative natural preservation methods to the traditional Saami land. More than 50% of the land of the Finnish Saami area has been established as different natural preservation areas, where their conditions of life have been restricted. The situation has brought about a modern form for colonisation, where the Saami's rights and demands have been rejected, formally in the name of nature protection interests and in reality in the name of protecting the so-called state owned woodlands.
- f. The Saami's properties, old taxation land, run the risk of becoming and remaining so-called common resources, just as they have already been called by wild life enthusiasts and by the Finnish wild life researchers.
- g. The Saami must strengthen the co-operation with other Arctic and Nordic people to fight for the cultural autonomy which should also include economic rights. International Conventions and other instruments contribute to good results. An important example is the so-called Rovaniemi process, where the Saami and other Arctic groups of primitive people have been called together to co-operate with the eight Arctic governments to protect the Arctic environment.
- h. Natural protection and environmental preservation will become an important part of the cultural autonomy of the Saami. The Saami must keep the right to be in control of their own land. In that way they will also take and keep the responsibility for the environment.

Alaska: Inuit Regional Conservation Strategy

by Mary J. Schaeffer

Background

The main concern to the indigenous (Native) Indian, Aleut and Eskimos (Inuit) of Alaska continues to be their hunting and fishing rights.

At the 1986 ICC General Assembly in Kotzebue, a resolution was adopted on the development and implementation of the Inuit Regional Conservation Strategy along the lines of the World Conservation Strategy.

Before discussing the work that has occurred on the development and implementation of the Inuit Regional Conservation Strategy (IRCS) and its critical importance to the future of the indigenous villages, some of the underlying principles of the ICC will be presented. It is within the framework of these principles that the IRCS have been couched. The following Arctic policies of the ICC are most particularly relevant to the IRCS and its implementation in Alaska:

Inuit Culture and Survival

To ensure the survival of Inuit as a distinct people and to integrate Inuit Cultural values and concerns in all aspects of Arctic Policy, as appropriate.

Economic Base and Inuit Participation

To emphasize the importance of an economic base in the North and the right of Inuit to participate in the management and development of the Arctic and its resources.

Quality of Life and Adequate Inuit Control

To give due priority to improving the quality of life in Inuit Communities and the right of Inuit to exercise adequate control over actions and activities significantly affecting their northern regions.

Protection of Arctic Environment

To protect the delicate Arctic environment, including the marine and other resources upon which Inuit depend.

Human and Other Fundamental Rights

To devise an Arctic Policy which not only ensures recognition and respect for Inuit rights and interests, but also protects the human and other fundamental rights and freedoms in all northern peoples.

By employing these principles in a cohesive strategy that will ensure the Alaska Inuit culture, traditions, and subsistence lifestyle, the Inuit of Alaska can engage with the State and Federal Governments and the private sector in a dedicated program to benefit all.

Implementation of the IRCS has begun in Alaska. The three Alaskan Inuit villages of Kotzebue, Nome and Wainwright have joined together to lead the rest of the hundred or so Inuit villages in Alaska that will ultimately become involved in the implementation of the Inuit Regional Conservation Strategy, blazing the trail and setting the markers for others to follow in the future.

A large number of the Inuit of Kotzebue, Nome and Wainwright and the many villages nearby these larger settlements rely heavily on subsistence harvests for existence. Most visible among the age-old hunting practices still extant is whaling. Also continued is the hunting of polar bears, walrus, seals and other mammals that are protected under international agreements. The exceptions allowed to the Alaska Inuit enable the indigenous people of the American Arctic to continue to engage in subsistence harvest, distribution traditions and nourishment that extend back to time immemorial.

The knowledge of the Inuit concerning the responsible use of the resources of the Arctic is invaluable to modern man **only** if it is accepted, understood, and employed. As the underlying tenets of village-specific conservation strategies, these ancient truths, based on indelible Inuit traditions and values, will ensure the continued use - not exploitation or destruction - of the Arctic's natural resources if (and only if) the strategies are respected and followed by other governmental agencies, industry, military, and other political systems which impact Alaska's Arctic. We have therefore included the involvement of the Federal and State Agencies, the Traditional Village Council as well as the Boroughs and Corporations.

A key to the success of the Inuit Regional Conservation Strategy is the effective pursuit of self-determination under Public Law 93-638 and Public Law 100-472 (U.S. Federal Laws) because it is the *tribal governments* that will be marshalling the forces of each Inuit community to propel its respective conservation strategy. It will also strengthen the tribal governments of these communities, in terms related to planning, implementing and enforcing the conservation strategy for their respective villages.

It is our hope that at the end of this first project these Inuit villages or Regions will come up with a Memorandum of Agreement with either the State or Federal Government to manage their own Fish & Game and natural resources within their own lands.

In closing, I would like to return to Dr. Nelson's book, *Harvest of the sea: Coastal Subsistence in Modern Wainwright*:

The Inupiat and other Eskimo people have a greater traditional dependence on animal resources than any human groups elsewhere on earth. Their environment provides few resources other than animals, and so hunting has been virtually the sole basis for their lives throughout their 4,000-5,000 yearprehistory.

Dependence upon wild resources harvested from the land and sea entail constant, direct interactions between humans and their environment. The intimacy of these interactions is in a realm of experience unknown to most Euro-Americans, whose relationship to the natural world is vastly different. Inupiat language, world view, ideology, technology, education, and epistemology have in a sense emerged from the surrounding natural environment. Thus, Inupiat culture is a manifestation in human terms of the environmental setting which has long sustained it.

The implementation of the IRCS is not, thus, simply the extension of any single group's plan but it is a deeply felt endeavour on the part of the traditional native governments of these Inuit villages to embrace a way of life and to guard the natural resources on which that way of life depends.

The strategy as adopted in Alaska is different from the activities in Canada and Greenland. This is illustrated by the following except from the implementation plan of the IRCS:

The fundamental purpose of the ICC is to ensure the endurance of the Inuit culture and the Arctic environment for future generations. The policies and procedures for achieving this overall objective are mandated by the ICC General Assembly, Which meets every third year; the Assembly's most recent meeting was held in Sisimiut, Greenland, in 1989. The means by which the ICC has impacted the course of development in the countries from which its representatives reside has to date been through policy making and influence, rather than direct action. The proposed project will, as can be seen, depart somewhat from this typical method of operation. With the tribal governments of three Inuit Alaska villages actually implementing procedures based on the ICC's policies, the proposed project will entail a comparative "grassroots" effort of resource management and conservation that will implement selective established ICC policies, safeguard natural resources for future use by the villagers, and other important feedback into the policy making processes of the ICC, thereby enhancing the scope of impact in other Alaska Inuit villages.

Whereas the two primary processes of protecting and utilizing natural resources, taken in isolation, are relatively easy to refine and to set in policy, it seems that achieving a balance between the two is difficult in the modern world. But for thousands of years the Inuit of Alaska thrived in a world of exactly that balance, and they did so in far greater numbers

than now exist. The key to the Inuit success at resource management lies in the values related to a sustainable use of resources, which differs dramatically from the White/Western approach of exhaustive exploitation. Within decades of the White's occupation of the North, the muskox was totally eradicated, hunted to extinction. (The few muskoxen in Alaska today are descendants of animals imported from other countries during the 20th century in an attempt to re-establish the once natural species to the State).

Although much of the intricate knowledge and many of the practices of the Inuit have admittedly been lost over the last two hundred years of contact with the white and Western world, there is still a great wealth of wisdom among the Inuit people regarding the use of natural resources of the Arctic without destruction. That wisdom has found its way to and provides the foundation for the IRCS. By implementing that strategy in Alaska, the Inuit villages of Wainwright, Nome, and Kotzebue will establish the precedence for tribal, State, and federal government to work together to safeguard the incredible natural resources of the Alaska Arctic for future generations and to do so in a manner that is consistent with Inuit traditions and values. And this will be accomplished using the best existing data and data collection methods available.

In Canada and Greenland, where work on the IRCS has been under way for several years, activities have largely entailed a "top down" approach in which a central body (governmental or otherwise) worked to enact the strategy among lower level entities. The proposed project will differ from this approach, in that the three Inuit villages will individually address those resource and conservation issues that are most prominent in their respective areas. Individuals in the three villages will collect data, compile traditional knowledge, document the cultural values, and develop village-specific policies to impact on the future management of natural resources on which their communities rely. By means of the governmental authority that the Department of Interior has vested in IRA and traditional Councils of Alaska native Villages, the Inuit people of Kotzebue, Nome, and Wainwright will then employ the data and traditions to influence federal agencies, the state government, and the private sector to follow the IRCS in all economic development activities. This will, when it is fully implemented, ensure management geared toward sustainable natural resources that will in turn - through expansion of the IRCS's implementation to other villages - afford future generations of Alaska's Inuit the opportunity to engage in a traditional subsistence lifestyle.

Towards New Resource Management Strategies

Report from Common Property Conference
Winnipeg 1991¹

by Elisabeth Vestergaard

The growing pressure on resources and the discussion on common property-rights regimes will be among the important topics for the large UN conference in Brazil this Summer 1992. By common property resources is meant: fish and other riches in the oceans, plants and animals on land, the air, drinking water and water for irrigation - in short, everything not privately owned and which in one way or another is exploited by humans to meet the demands of food, fuel, fodder, house-building, etc. The concept common property resources is here to be understood as defined by Feeny, Berkes, McCay, et Acheson, 1990:5: "... as a class of resources for which exclusion is difficult and joint use involves subtractability"². Feeny et al. point to the importance of a distinction between a) the resource and b) the property-rights regime in which the resource is held.³ Further they define four ideal categories of property rights: open access, private property, communal property, and state property.

Global Commons or Common Heritage of Mankind are concepts often connected to discussions on common property regimes. These terms express that it is the shared responsibility of humanity to secure future exploitation of these resources and this, in turn, is further accentuated by calling the world a global village; however, these concepts 'common heritage of mankind' etc. have some problematic connotations to which I shall return later in this article.

In later years the dominant paradigm of conservation within the field of resource management strategies has begun to crack and is now being challenged. Most distinctively this shift of paradigm appeared at the Second Annual Meeting of IASCP in Winnipeg, September 1991.⁴ Scholars, civil servants and developmental programme officers from all continents participated covering more or less all areas of relevance. The conference results -taken all together - were a challenge to current management strategies in the exploitation and protection of common resources. This article will summarise the trends of the 1991 IASCP conference.

In the last decades there has been a growing awareness that natural resources are not inexhaustible and that existing resources can be destroyed by ruthless exploitation or by pollution caused by human activities. This dearly bought knowledge has resulted in various activities, resolutions and management programmes; the Brundtland report being one of the most important. The environmental organisations also draw their motivation from the understanding of the vulnerability of environment and international development programmes increasingly pay attention to the ecological context.

Management and planning strategies used to take for granted that management policies based on total protection would secure the optimal preservation of the species or eco-systems under consideration. This has been the dominant policy towards whales and elephants, among others. But is a ban on whaling and on ivory trading the best way to secure the future existence of these species?

The doubts one might have had concerning these protection strategies is turning into documented certainty that total protection and trade bans - on ivory, tropical timber, rhinoceros's horn or other valuables - are not the most apt strategies.

Some of the consequences of these strategies have been

- Diminishing control over the resources intended to be preserved and increased problems with poaching. The efforts of local or state authorities to prevent poaching have not eliminated the problem. On the contrary, it often led to an escalation of violence in the areas in question. The potential for criminal circumvention of preservation schemes must be taken into consideration as long as there are customers for these resources. There will always be financially strong customers for the products - be it ivory, rare animals and plants, etc. - and there will always be international subsequent endorsers to organise the trade. Poaching or illegal logging will not be reported to the authorities when local populations have no interest in reporting. Illegal exploitation may be carried out by foreigners or by locals for cash. Local populations may themselves have economic hardship and deliberately choose to exploit protected resources despite the risk of arrest, and thus barriers are created between local populations and the authorities. Neither the population nor the authorities nor the resource profits from this.

- No local interest for collaboration in resource preservation, but plenty of cases of sabotage directed towards preservation programmes. Resource preservation policies have in several places led to resettlement of populations in connection with the establishment of national parks and the like. Not only may forced removal of local population create resentment, but it may also lead to conflicts with new neighbours over access to resources like water and land. Finally, some of the protected

animals constitute a threat toward the population, their livestock or their crops.

- Ruthless logging of tropical timber without any motivation for afforestation leading to erosion and destruction of the eco-system.

- Un-intended biological consequences as when the protection of one species endangers the eco-system to which it belongs or becomes a threat to the survival of other species. The eco-system or the other species may not be able to carry the extra burden caused by the growth of the species under protection. Human beings may be put under pressure too, due to this preservation.⁵

- Socio-cultural and human tragedy is sometimes the consequence of preservation policies made with the best of intentions. The long-term goal of preservation plans may clash with the possibilities of local populations to survive tomorrow.

- Preservation as an idiom may be exploited by rival interests. Tourist industry, sport associations or others sometimes have an interest in a certain area or resource which is in conflict with present exploitation. Here the concept of preservation has proved itself an effective instrument to force traditional users out of an area or out of their occupation. A few examples will be listed as illustrations of unintended consequences of preservation regimes.

South Africa started a rhinoceros project with a two-fold aim: a) securing the growth of rhinoceros stocks and b) to make this growth economically profitable to inhabitants in rhinoceros areas. The stocks of rhinoceros have been depleted drastically in this century. The threat of extinction has come partly from trophy hunters, partly from international rhinoceros horn buyers, and finally, from illegal hunting by farmers who consider the animal a serious threat to their crops.

In China ground rhinoceros horn is held to be the most efficient medicine against flu and other common illnesses - it is not used as an aphrodisiac on any large scale - and Chinese research claims that the horn has chemical affinities with aspirin.⁶ This implies that a huge market exists for rhinoceros horn.

The South African key to secure the future growth of rhinoceros stocks took its outset in the market opportunities for horns. Rhinoceros horn can be harvested every four years without killing the animal or causing it serious inconvenience. Authorities saw to the distribution of the animals and the sale of the horns to China in particular. The surplus from horn harvesting gave farmers ample compensation for crop damages caused by roaming rhinoceros and stimulated local support in the control of poachers and illegal trophy-hunters.

Now, however, when the rhinoceros is on CITES' list 1 and as there is an international ban on trade in ivory and similar products the project has had to be cancelled and the situation is getting out of control. There

is no longer any motivation for the local population to protect the animal when they get no compensation for crops destroyed by rhinoceros. Game managers in South Africa foresee that the total preservation regime may cause a serious depletion of the rhinoceros as poachers and trophy-hunters have fine possibilities for operation as they do not oppose economic interests of the local inhabitants.

In Bermuda the government banned the use of Antillian fish pots in 1990.⁷ This fishing gear was the most commonly used in Bermuda and secured some 70% of the commercial fishermen their income. The reason for the ban was over-fishing and degradation of the reef eco-system. The background for this development is left out here, but is described and analyzed in detail by Barret (1991:17-39) who points to governmental mismanagement of fisheries in spite of warnings from the fishermen engaged in pot fishing on the reef.

This 'tragedy of the commons' could, however, have been prevented or other management strategies could have led to a sustainable harvest within fisheries and the drastic fish pot ban of 1990 could have been avoided. But in 1987-88 an organisation by the name of Friends of the Fish was founded (Barret 1991:28). This is an example of preservation as an idiom exploited by other interests. The organisation Friends of the Fish consisted primarily of recreational fishermen, tourist boat operators, diving shops, charter boat fishermen and others with an interest in the reef area fish. The organisation launched an aggressive campaign against fish pots and convinced the public mind that pot fishing was the great destroyer of the reef eco-system. The campaign was accompanied by several cases of fishermen's gear being destroyed. Friends of the fish came out as winners when in 1990 fish pots were banned.

In the Bermuda case governmental mismanagement went hand in hand with an exploitation of the preservation idiom with devastating consequences for fishermen engaged in traditional fishery. This case is illustrative, but not unique. In the Maluku Islands in Eastern Indonesia one finds a different situation.⁸ Here an old institution, *sasi*, exists. The *sasi* institution is a body of local law, institutions and practices and as such a means to control gear, harvest and marketing of land and marine resources, and to regulate access to particular kinds of resources etc. *Sasi* prohibitions are periods of prohibition on harvest. The *sasi* rules are administered and implemented through institutions and sanctions at village level.

During the past three decades the *sasi* system has undergone vital changes connected to a market for molluscs which appeared in the 1950's. The molluscs were bought by merchants for cash. These new market opportunities were quickly followed by governmental seizure of community rights over valuable mollusc areas and its control has developed progressively over the years. In some areas the new *sasi*

system has been changed from the original communal property rights to a system which operates on a bid and auction system.

The market demand has also caused a crisis in reef resource management as an intensive mollusc harvest has led to a severe decline of the stocks; one e.g. Hatta Island the annual harvest from 1950 to 1990 has declined from a yield of 30 tons to one ton.

The old *sasi* system which granted members of the community rights to exploit the common resources within the boundaries of the community has been replaced by a new system using the same name. The new system, Zerner said in his paper, could be termed 'a creative misreading' of the old. Though the new market oriented *sasi* system is accompanied by modern resource management it has led to depletion of resources, impoverishment of the native population and a growing dissatisfaction. The intended modernisation of the system has ignored the effort regulating mechanisms and the social embeddedness of the old *sasi* institution and the administrative bodies have not been able to foresee the negative social and economic consequences.

Although authorities in the Maluku have kept the name of the old system and integrated it into modern resource management the old system has been transformed to such a degree that the significance of the system has been exhausted. The Maluku case demonstrates a typical trend in development strategies: local property systems are ignored with the effect of speeding up degradation of resources and social collapse. This problem is not restricted to Third World countries only, but is just as crucial in industrial countries. Here too fishery is an apt illustration if one turns to the various forms of licensing systems and quota regulations in for instance the USA and Canada. On the level of the individual these systems may be positive though negative on community level when shared rights in 'commons' disappear, economic and social differentiation within the local society increases together with the unemployment rate. Social tensions and social collapse has been the effect of some of the recent fishing management strategies.⁹

The question of whaling introduces other discourses to the discussion of common property regimes and sustainable harvest. "It is no longer an issue of managing a living resource but a question of saving or killing the whale".¹⁰ Are whales unique creatures - humans of the deep oceans? or are they one among other resources which may be harvested along the same sustainable exploitation rules as may other resources? Is consumption of whale meet cannibalism as some hold or is it mere satisfaction of basic needs?

In his paper Niels Einarsson stressed that "in the whaling controversy one is dealing with fundamentally different axioms of nature, the difference of which has been reinforced by powerful symbolic images and metaphors".¹¹ There is no doubt among scientists - be they "pro-pre-

servationist" or "pro-whaling" - that several whale species can actually sustain a regulated and controlled harvest. But a new discourse has emerged where sustainability or not in resource utilisation is of no interest, and neither are discussions on revised management procedures and humane killing. This discourse is of recent years and until now mainly applied to whales, elephants, chimpanzees and a few other animals of either considerable size or in some way humanised, but it contains apt potential for still broader application.¹²

The process which turned whales from utilised resource into symbol was analyzed by Arne Kalland. Size and brain come in as very decisive factors in this process, photogenic qualities, strong family ties and presumed affinity for human beings are others. The 'between and betwixt' status of whales (thin-skinned mammals in the salty ocean, etc.) furthers the conception of uniqueness. Whales are seen as endowed with all the qualities humans would like to see in their fellow men. All these unique features of the whale, Kalland summed up, lead to the conclusion that it is morally and ethically wrong to kill whales. Whales have become metonyms for the animal rights groups in that they stand for the whole of nature. But is totemisation an optimal way of managing resources, Kalland asked?

I am not going to discuss whether whales are intelligent or not. Another question one can ask here is why there should be any correlation between degree of a species' intelligence and conservation/-exploitation of the very same species?

When a resource has become emblematic and preservation of that resource has turned into an idiom it is likely that unintended biological consequences follow in the wake. Some whale species as e.g. the blue whale are said to be under pressure as other quicker moving whale species which exploit the same food resources have now seen great stock growth. Not only may a competition occur on food but this competition may lead to a depletion of the diet resource which in turn may have other consequences for the eco-system. Thus a total preservation of one living resource may have severe consequences to the eco-system and may in the long run even endanger the protected resource itself as ecological processes have been ignored.

Finally, two cases on common property regimes in Zimbabwe analyzed by John H. Peterson jr. will be referred.¹³ These are so called CAMPFIRE programmes¹⁴ which aim at decentralised management of natural resources including conservation through utilisation. Central to the CAMPFIRE concept is the return of revenue from wildlife to the producing communities.

The first and oldest case is from the Shaangan people of Mahenye ward in the Chipinge District situated next to the Gonarezhou National Park which they inhabited until 1965 when the area became a protected

wildlife park. The Shaangan people are primarily dependant on hunting with some agriculture in addition. Over the years they continued poaching in the park regarding it as their right and viewed the national park officers as enemies who took no effort to prevent wild animals to transgress into communal land causing loss of crops and domestic animals and endangering the life of the people.

1982 was a turning point. The Mahenye population accepted a suggestion that they should tolerate the inconvenience caused by the wild animals and in return be compensated by meat and cash from sale of elephants. The director of National Parks then issued a one year hunting permit for elephants to foreign clients for foreign currency. The project turned out to be a great success. Poaching declined markedly and wildlife population increased. Over time tension and suspicion arose because funds generated from wildlife profits went to the central treasure first. Local communities could only request these funds for approved projects. The population had difficulties in seeing the relationship between local level wildlife conservation and returns of revenue from safari hunts to the community. These problems were important factors when developing the CAMPFIRE programme.

The second case is from Chikwarakwara village in the Beitbridge District. Chikwarakwara is situated on the Limpopo River right across from the South African Kruger National Park. Here in Chikwarakwara the wildlife programme began in 1990 and the Beitbridge Council decided to distribute revenue from safari hunting to the producing villages. Chikwarakwara produced 87% of the wildlife revenue that year. The council has taken care to keep a high level of mutual information between the council and the villages. The council also left it to the village to decide how revenue should be distributed. The return of revenue to producing villages and the high degree of local influence on utilisation of revenue is intended to further encourage villages to support wildlife preservation. It is, however, not sufficient to channel benefits back to producer communities, Peterson concluded. The communities have to have a decisive role if the project is to turn out successfully and programmes should be initiated at community level. John H. Peterson's two cases are promising examples of how co-management of common property resources can be mutually beneficial to both man and the resources he exploits.

Concepts like Common Heritage of Mankind are morally ambiguous. On the one hand it acknowledges humanity's collective responsibility for the world's resources and of their conservation for the benefit of our descendants. On the other hand it encompasses as Global Commons also resources that local populations regard as common property within their own community. The notion of mankind's common heritage is basically an unresolved conflict over rights.

Man has learnt his lessons. The destructive "mining" of minerals, plants and animals is no longer an acceptable way of resource utilisation. Resource management is a necessity if the world's multiplicity shall endure; this includes human multiplicity, too. The present state of affairs cannot be returned to some idyllic "dream time".

The results of the Winnipeg conference summed up: The absolute preservation strategy has proved to be a failure as it is accompanied by serious negative side effects. Future resource management strategies have to be based on:

- 1) sustainable exploitation of resources
- 2) protection and survival of as many biological and zoological species as possible and of as many human cultures and societies as possible
- 3) co-management involving the local population and to the economic and social benefit of the local community
- 4) acknowledgement of local rights and local knowledge.

Elisabeth Vestergaard is employed at the Center for North Atlantic Studies, University of Aarhus, Denmark.

Notes

1. Being a conference report this article is based mainly on notes from papers read at the conference, and on informal discussions among participants.
2. David Feeny, Fikret Berkes, Bonnie J. McCay, and James M. Acheson; "The Tragedy of the Commons: Twenty-Two Years Later". *Human Ecology*, Vol. 18, No. 1, 1990.
3. Feeny et al, 1990:3.
4. IASCP = International Association for the Study of Common Property. Organiser of this conference was Natural Resources Institute, University of Manitoba, Winnipeg, Canada. IASCP is a very young association. It is "dedicated to understanding and improving the management of common property (common pool) resources, and solving or averting 'tragedies of the commons' in the use of fish, wildlife, grazing land, forest and water resources. The goal of the Conference are the exchange of knowledge among diverse disciplines, areas and resource types; the sharing of practical experience; and the study of institutional arrangements for the sustainable use of the commons" (quotation from the IASCP programme).
5. Personal communication with Mike Tsas-Rolfes, University of the Witwatersrand, South Africa. Tsas-Rolfes gave a paper in Winnipeg: "Property Rights in Wildlife in Southern Africa. Co-Author: Frank Verhies.
6. To my knowledge this research results has not yet been confirmed or carried out by research bodies outside South East Asia.
7. For further references see Gene Barrett "The fish Pot Ban'. Reef Over-fishing and State Mismanagement". *Mast*, vol.4(2). 1991:17-39. Revised paper from the above mentioned Common Property Conference in Winnipeg, 1991.
8. The information on Maluku fishery is based on this author's note from the Winnipeg conference paper "Imagining the Common Law in Maluku: Of Men, Molluses, and the Marine Environment" by Charles Zerner. Being notes this author and not

Zerner is responsible for possible misunderstandings or too quick jumps to conclusions.

9. Notes from various Winnipeg papers on fisheries by a.o. Bonnie J. McCay: "Social Effects of ITQ's in the Atlantic Surf Clam and Ocean Quahog Fishery"; Paul Sutherland: "Introduction. Quota Management in Fisheries"; Victor Thiessen: "Corralling the Ocean Commons: Fisher Perceptions of Government Regulatory Policies".
10. Quote from a Winnipeg conference paper by Steinar Andresen: "The Effectiveness of the IWC".
11. Quote from a Winnipeg conference paper by Niels Einarsson: "Whalekind, humankind and the morality of resource use: Sustainability and whale saving".
12. Paper delivered at the Winnipeg conference by Arne Kalland: "Management by totemization: Whale symbolism and the anti-whaling campaign".
13. Paper delivered at the Winnipeg conference by John H. Peterson jr.: "Bottom Up Development in Decentralized Common Property Regimes: The experiences of two district councils in Southeastern Zimbabwe".
14. Campfire = The communal Areas Management Program for Indigenous Resources. All information on the CAMPFIRE projects is based on Peterson's paper in Winnipeg, see also note 13.

Peru:

Self-Sustainable Development in Shipibo-Conibo Settlements Along the Ucayali River, Pucallpa

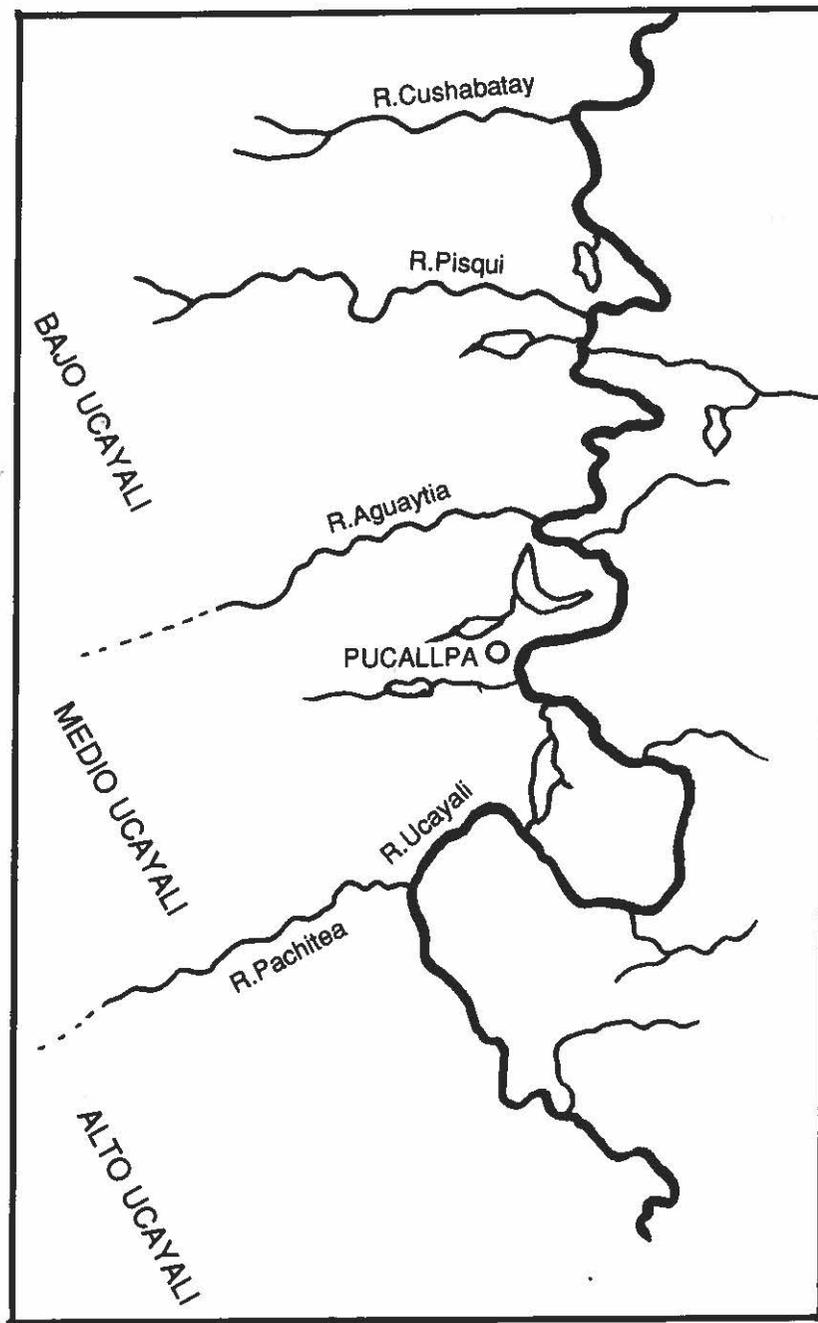
by Samuel Cauper P.

The native communities of *Shipibo-Conibos* can be found along the Ucayali river in the Administrative Department of Pucallpa. There are 120 communities comprising a population of 33,000 inhabitants.

The main activities of the *Shipibos* are farming, harvesting and fishing. These varied pursuits are carried out on their own lands which average 3,800 hectares per community. The form of agriculture traditionally practised consists of the use of native crops such as plantains, "sachapapa" and "sale-sale", as well as native fruits and medicinal plants. The communities on the fertile flood plains of the Ucayali and its tributaries know how to rotate their crops therefore deriving maximum benefit from the harvest.

In these communities production geared towards agricultural self-sufficiency is implemented and the excess is allocated, for sale and the proceeds are contributed to the community's social fund. This fund is intended for the use of both the upper and lower Ucayali communities even for those which are not flooded in winter (from November to March), as the flood waters reach only as far as the low-lying communities. The settlements situated in the highlands raise short and long term crops. They cultivate a significant number of native fruits, trees grown for lumber, citrus and some cacao. These crops coincide with those from other communities which lie in the flood plains, obviously because of the climatic factor, the social structure and mutual cooperation among the groups. With regard to this last point, the highland communities act in solidarity with the lowland communities during and after the floodings which leave these communities without arable lands. In this way help from the highlands provides a balancing force between the regions and the ecosystem in order to equalize the food supply of the inhabitants in the face of natural phenomena, such as the "overflow" of the Ucayali river and its tributaries.

This is well known throughout the year and the peasant communities living along the river take the example of the *shipibos* to improve the system and their self-sufficient way of life without resorting to technical assistance from the Agricultural Banks, the Ministry of Agriculture or the Agricultural Institutions. The package of technical assistance offered by these institutions are neither an alternative solution nor a means of



solving the problems of the farming settlements along the Ucayali river. The appropriate alternative is in the traditional methods the *Shipibo* people practise because we know how to fertilize the soil, how to control weeds, insects and pests, and how to obtain dried nutritional crops without resorting to modern techniques foreign to the realities of the *Shipibo* territory. We say this because we have been using these methods since the beginning of our existence and no agrarian reform in Peru has been able to compete with the *Shipibo* agrarian system.

The reality of self-reliance has manifested itself in a steady growth curve over the years because the classification of lands and planning of lake and land use are decided among the settlers themselves. The lakes contain a great diversity of fish species, and in the mountains, which is the habitat for several varieties of flora and fauna, nature is respected as part of the life of the inhabitants. In the highlands and in the large marshes and tahuampales, the elements providing the basis for self-sufficiency are complied with. For example, when the members of the communities penetrate the woodlands which have no lakes, they use ropes with types of hooks which can carry up to twenty litres of water, so they can easily get water and they eat the food that the monkeys eat. In this way biological diversity facilitates the development of the territorial and communal activities on the part of the *Shipibo* people.

Self-sustainable development is not a theoretical issue as the ecologists, environmentalists, etc. seem to think. I believe that the aboriginal *Shipibos* were practising this long before this theoretical development. It plays an important role and ought to give the governments some food for thought, they must respect the intelligence of the *Shipibos* in the management of their natural resources. The Peruvian National Office of Statistics and Evaluation of Natural Resources has not thought about the magnitude of the delicate management of land and crops which the communities have achieved. The opposite situation can be observed in the cities of Peru where people are suffering from nutritional problems. This does not happen in the *Shipibo* communities due to the practice of self-sustainable development. This development plays an important role within the *Shipibo* philosophy and in the life of the indigenous people in general. In practice consumption is viewed in natural terms and agricultural planning is in accordance with the phases of the moon, a worldview and the quality of the soil. In addition to nutritional and social cooperation, joint efforts among the labour force (*mingas*) and cooperation in the area of defence and the struggle for respect towards the practice of self-sustainable development is a just struggle which must be appreciated and supported by those who, in one form or another, fight for the cause of the *Shipibo* people and all the indigenous groups.

Available Documents

In English

No. 1: Declaration of Barbados. (1971) U\$D 2,20-

No. 6: René Fuerst: Bibliography of the Indigenous Problems and Policy of the Brazilian Amazon Region. 1957-1972. (1972) U\$D 3,60-

No. 7: Bernard Arcand: The Urgent Situation of the Cuiva Indians of Columbia. (1972) U\$D 3,60-

No. 15: Alicia Barabas and Miguel Bartolomé: Hydraulic Development and Ethnocide: The Mazatec and Chinotec People of Oaxaca, Mexico. (1973) U\$D 2,90-

No. 16: Richard Chase Smith: The Amuesha People of Central Peru: Their Struggle to Survive. (1974) U\$D 4,30-

No. 17: Mark Münzel: The Aché: Genocide Continues in Paraguay. (1974) U\$D 3,60-

No. 18: Jürgen Riester: Indians of Eastern Bolivia: Aspects of their Present Situation. (1975) U\$D 6,50-

No. 19: Jean Chiappino: The Brazilian Indigenous Problems and Policy: The Example of the Aripuana Indigenous Park. (1975) U\$D 2,90-

No. 20: Bernado Berdichewsky: The Araucanian Indians in Chile. (1975) U\$D 3,60-

No. 21: Nemesio J. Rodríguez: Oppression in Argentina: The Mataco Case. (1975) U\$D 3,60-

No. 22: Jacques Lizot: The Yanomani in the Face of Ethnocide. (1976) U\$D 3,60-

No. 23: Norman E. Whitten: Ecuadorian Ethnocide and Indigenous Ethnogenesis: Amazonian Resurgence Amidst Andean Colonialism. (1976) U\$D 3,60-

No. 24: Torben Morberg: The Reaction of People of Bellona Islands towards a Mining Project. (1976) U\$D 4,60-

No. 25: Felix Razon and Richard Hensman: The oppression of the Indigenous Peoples of the Philippines. (1976) U\$D 4,60-

No. 27: Peter Kloos: The Akuriyo of Surinam: A Case of Emergence from Isolation. (1977) U\$D 3,6

No. 28: Ernesto Salazar: An Indian Federation in Lowland Ecuador. (1977) U\$D 4,60-

No. 29: Douglas E. Sanders: The Formation of the World Council of Indigenous Peoples. (1977) U\$D 2,20-

No. 30: Julio Tumiri Apaza: The Indian Liberation and Social Rights Movement in Kollasuyu, Bolivia. (1978) U\$D U\$D 4,80-

No. 31: Norman Lewis: Eastern Bolivia: The White Promised Land. (1978) U\$D 2,20-

No. 32: Ernest G. Migliazza: The Integration of the Indigenous People of the Territory of Roraima, Brazil (1978) U\$D 2,20-

No. 33: Guatemala 1978: The massacre at Panzos. (1978) U\$D 4,60-

No. 36: Gerald D. Berreman: Himachal Science, People and "Progress". (1979) U\$D 3,20-

No. 39: A. Barrie Pittock: Australian Aborigines: The Common Struggle for Humanity. (1979) U\$D 4,30-

No. 40: Torben Retbøll: East Timor, Indonesia and the Western Democracies. (1980) U\$D 7,20-

No. 41: Susana B.C. Devalle: Multi-ethnicity in India: The Adivasi Peasants of Chota Nagpur and Santal Parganas (1980) U\$D 5,40-

No. 42: Brigitte Simón, Barbara Riester and Jürgen Riester: I sold Myself, I was bought. (1980) U\$D 8,70-

No. 44: Paul L. Aspelin and Silvio Coelho Dos Santos: Indian Areas Threatened by Hydroelectric Projects in Brazil. (1981) U\$D 10,10-

No. 45: Robert Paine: Dam a River, Damn a People? (1982) U\$D 7,20-

No. 46: Nicolás Iñigo Carreras: "Violence" as an Economic Force. (1982) U\$D 3,80-

No. 47: Klaudine Ohland and Robin Schneider: National Revolution and Indigenous Identity. (1983) U\$D 11,60-

No. 48: Robert Barnes: Whaling of Lembata: The Effects of a Development Project on an Indonesian Community. (1984) U\$D 4,30-

No. 49: Jean Pierre Chaumeil: Between Zoo and Slavery: The Yagua of Eastern Peru in their Present Situation. (1984) U\$D 5,80-

No. 50: Torben Retbøll: East Timor: The Struggle Continues. (1984) U\$D 10,10-

No. 51: Wolfgang Mey: Genocide In the Chittagong Hill Tracts, Bangladesh. (1984) U\$D 10,10-

No. 52: Kaj Århem: The Maasai and the State. (1985) U\$D 5,80-

No. 53: Marcus Colchester: The Health and Survival of the Venezuela Yanoama. (1985) U\$D 8,00-

No. 55: Andrew Gray: And After the Gold Rush...? Human Rights and Self-Development among the Amarakaeri of Southeastern Peru. (1986) U\$D 9,40-

No. 56: The Naga Nation and its Struggle against Genocide. (1986) U\$D 10,90-

No. 57: Mariel Otten: Transmigrasi: Indonesian Resettlement Policy 1965-1985, Myths and Realities. (1986) U\$D 11,60-

No. 58: Self Determination and Indigenous Peoples. Sami Rights an Northern Perspectives. (1987) U\$D 10,10-

No. 59: Carmen Junqueira and Betty Mindlin: The Aripuana Park and the Polonoroeste Programme, Brazil. (1987) U\$D 6,30-

No. 60: Robert Lizarralde, Stephen Beckermann and Peter Elsass: Indigenous Survival among the Bari and Arhuaco: Strategies and Perspectives. (1987) U\$D 5,80-

No. 61: Pierre Rossel (Ed.): Tourism: Manufacturing the Exotic. (1988) U\$D 11,60-

No. 62: Ward Churchill (Ed.): Critical Issues in Native North America. (1989) U\$D 11,60-

No. 63: IWGIA (Ed.): Indigenous Self-Development in the Americas. (1989) U\$D 11,00-

No. 64: Ticio Escobar: Ethnocide: Mission Accomplished! (1989) U\$D 5,00-

No. 65: Daniela Renner (Ed.): People In Between. (1990) U\$D 8,00-

No. 66: Indigenous Women on the Move. (1990) U\$D 10,00-

No. 67: Indigenous Peoples of the Soviet North. (1990) U\$D 6,00-

No. 68: Ward Churchill: Critical Issues in Native North America - Volume II. (1991) U\$D 11,60-

No. 69: IWGIA/Inuit Circumpolar Conference: Arctic Environment: Indigenous Perspectives (1991) U\$D 7,50-

No. 70: Andrew Gray: Between The Spice of Life and the Melting Pot: Biodiversity conservation and its impact on Indigenous Peoples. (1991) U\$D 7,50-

No. 71: Alan R. Marcus: Out in the Cold. (1992) U\$D 10-

No. 72: Mauro Leonel: Roads, Indians and the Environment in the Amazon. (1992) U\$D 13-

En Castellano

No. 1: Ricardo Falla: Masacre de la Finca San Francisco Huehuetenango, Guatemala (17 de Julio de 1982). Septiembre 1983. U\$ 9.00-

No. 2: Robert Barnes: Pesca de Cachalote en Lembata: Consecuencias de un Proyecto de Desarrollo en una Comunidad Indonesia. Julio 1984. U\$ 4.30-

No. 3: Jean Pierre Chaimeil: Entre el Zoo y la Esclavitud: Los Yagua del Oriente Peruano en su Situación Actual

Noviembre 1984. U\$ 5.80-

No. 4: Torben Retbøll (red.): Timor Oriental: La lucha continúa. Mayo 1985. U\$ 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. U\$ 9.40-

No. 6: Carmen Junqueira & Betty Mindlin: El Parque Indígena Aripuana y el Programa Polonoroeste. Junio 1987. U\$ 6.30-

No. 7: Pierre Rossel (red.): Turismo: La Producción de lo Exótico. Junio 1988. U\$ 11.60-

No. 8: K.R. Chowdry, D.V. Subba Rao, G.Krishmurthy y G. Narendranath: A la Sombra del Dique Srisaílámico. Diciembre 1988.

No. 9: Susana B.C. Devalle El Colegio de México: La Problemática Indígena en el Pacífico. Junio 1989.

No. 10: Autodesarrollo Indígena en las Américas. Actas del Simposio de IWGIA en el 46o Congreso Internacional de Americanistas. Diciembre 1989. U\$ 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 Amazonía - del Brasil Central al Océano Pacífico. 1992.

Video cassettes

No. 1: Volkmar Ziegler and Pierrette Birraux, directors (anthropologist: René Fuerst) - Indian Summer in Geneva: Indigenous Peoples from the Americas at the United Nations (50 min. Switzerland, 1985) - Grand Prix of the Indigenous Peoples Film Festival, Caracas 1989.

No. 2: Peter Elsass, director and anthropologist - Earth is our Mother: Arhuaco in Colombia and Bari in Venezuela (50 min. Denmark, 1987).

No. 3: Lode Cafmeyer, director (anthropologist: Gustaaf Verswijver) - Green Puzzle of Altamira: Kayapo in Brazil and Yaminahua in Peru (50 min. Belgium, 1989).

No. 4: IWGIA-ACACIA Prods., - Bangladesh, Chittagong Hill Tracts - what future? (UK, 1989).

Newsletters 1991

ALASKA

At last at rest. 756 Ancestors being returned, p. 27 3/1991

ARGENTINA

Constitutional Reform and Indigenous Politics.

By Jorge Fava, p.21 1/1991

Interview with Ariel Araujo, Alternative Coordinator of the Mocovi Centre "Ialek l'ava".

By Alejandro Parellada, p. 25 2/1991

AUSTRALIA

Position Paper on Aboriginal Deaths in Australian Custody before the UN.

After 100 years, Dick Cubadgee comes back to his country, p.30 3/1991

BANGLADESH

The Chittagong Hill Tracts, p.53 1/1991

BOLIVIA

Interview with Jose Mirtenbaum:

The Suppression of coca would mean the end of the Andean culture. By Alejandro Parellada, p.44 3/1991

BOTSWANA

Game Park vs. the San. Conservation and sustainable development in Kalahari. By R.K. Hitchcock, p.7 1/1991

BOUGAINVILLE

Bougainville: Actual Situation, p.3 2/1991

BRAZIL

Yanomami: a Homeland Undermined.

By Alcida Rita Ramos, p.13 1/1991

BRAZIL/PARAGUAY

Why are the Guarani Kaiowa killing themselves? p.21 2/1991

BURMA

Human Rights in Burma: Oral Intervention of the International Work Group for Indigenous Affairs to the UN Human

Rights Commission. By mr. Maung Kyin Zaw, p.5 1/1991

CANADA

Villages of the Dammed: The James Bay Agreement Leaves a Trail of Broken Promises. By Billy Diamond, p.42 1/1991

Land Rights Estringished: The Gitksan-Wet 'Suwet'en Land Claim in British Columbia, Canada, p.47 1/1991

Lubicon Cree still need help. By Karin Sonne-Jensen and Claus Oreskov, p. 55 3/1991

Full environmental review delays hydro project, p. 57 3/1991

CHILE

Supreme Court orders expulsion of Pehuenche. By Vicente Mariqueo Q., p. 35 3/1991

EAST TIMOR

Back in the News again. p.3 2/1991

East Timor: Massacre at Santa Cruz Cemetery, p. 47 3/1991

THE HORN OF AFRICA

Drive for self-determination and independence, P.3 3/1991

The "Bar Hargeisa" opens for business. By Kitty Warnock, p. 4 3/1991

The re-birth of Somaliland Republic.

By Yusuf Ali Sheikh Madar, p.7 3/1991

Interview with Dr. Zeremaiean Fre of PENHA:

Reflections on 30 years of the Eritrean fight for independence.

Interview by Espen Wæhle, p.10 3/1991

INTERNATIONAL

The Nuuk Conclusions and Recommendations on Indigenous Autonomy and Self-Government, p.1 2/1991

MALI

West Africa: Tuareg Treaty, p.6 1/1991

MEXICO

Indigenous expulsions in the Highlands of Chaipas. By Oliver Tickell, p 9 2/1991

NICARAGUA

Miskito Indians in Nicaragua - the first ethnic group to obtain autonomy in Central America?, By Hanne Bach, p.38 3/1991

PALAU

Belau Trusteeship Council Petition. By Meikam Weera, p 28 2/1991

PERU

Autonomy or Assimilation? Reply to Mario Vargas Llosa. By Evaristo Nugkuag Ikanan, p.29 1/1991

SAAMILAND

The Trekways of the Wind - about the Saami Poet, Nils Aslak Valkeapää. By Harald Gaski, p.60 1/1991

SOVIET UNION

Road of Discord. By Yeremei Aipin. p 36 1/1991

A Soviet Reservation? YES! By Oksana Petruenko (IAN), p.40 1/1991

The Association of Small Peoples of the Northern Soviet Union: Convention of the 26. p.17 2/1991

TANZANIA

Hunters in a Field of Corn. By Svein Evjen Olsen, p.3 1/1991

TIBET

Democracy in Tibet. By Ronald Schwartz, p.23 3/1991

UNWGIP 9. SESSION IN GENEVA 1991 2/1991

Mining Threat. By Kirstie Parker, p. 36 -

Joint Statement of the Australian Aboriginal Organisations. Presented by Josie Crawshaw, p.38 -

Declaration of the Asian Delegation, p. 40 -

Report on the Human Rights Situation of Taiwan's Indigenous Peoples submitted by: Alliance of

Taiwan Aborigines, I Chiang, Lava Kau, p.42 -

The Indigenous Peoples Question in Africa with Specific Reference to Tanzania.

By Moringe Parkipuny, p.48 -

Statement of KIPOC, NGO for Pastoral Peoples, Northern Maasailand, Tanzania.

By Shomet Naingisa, p.54 -

Testimony of the Xavante Association of Pimentel Barbosa (Mato Grosso, Brazil).

By Serebura Xavante, p.58 -

Sandra's Story. By Pauline Comeau, p.60 -

THE WORLD BANK

Operational Directives - Indigenous Peoples, p. 19 3/1991

IWGIA NATIONAL GROUPS:

- Copenhagen:** Fiolstraede 10
DK-1171 Copenhagen K
DENMARK
- Oslo:** pb 20, Blindern
N-0313 Oslo 3
NORWAY
- Gothenburg:** c/o Olle Hagman
Inst. of Social Anthropology
Brogatan 4
S- 413 01 Göteborg
SWEDEN
- Lund:** c/o Friedman
Sociologiska Institutionen
P O Box 114
S- 221 00 Lund
SWEDEN
- Zürich:** IWGIA Lokalgruppe Zürich
c/o Ethnologisches Seminar der Universität Zürich
Freiensteinstrasse 5
CH-8032 Zürich
SWITZERLAND
- Moscow:** c/o Alexander Pica
Institute for the Problems of Employment
u. Malaja lubianka, 16
101000, Moscow
RUSSIA

The reproduction and distribution of information contained in the IWGIA NEWSLETTER 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, according to our copyrights. The opinions expressed in IWGIA publications do not necessarily reflect those of the Work Group.