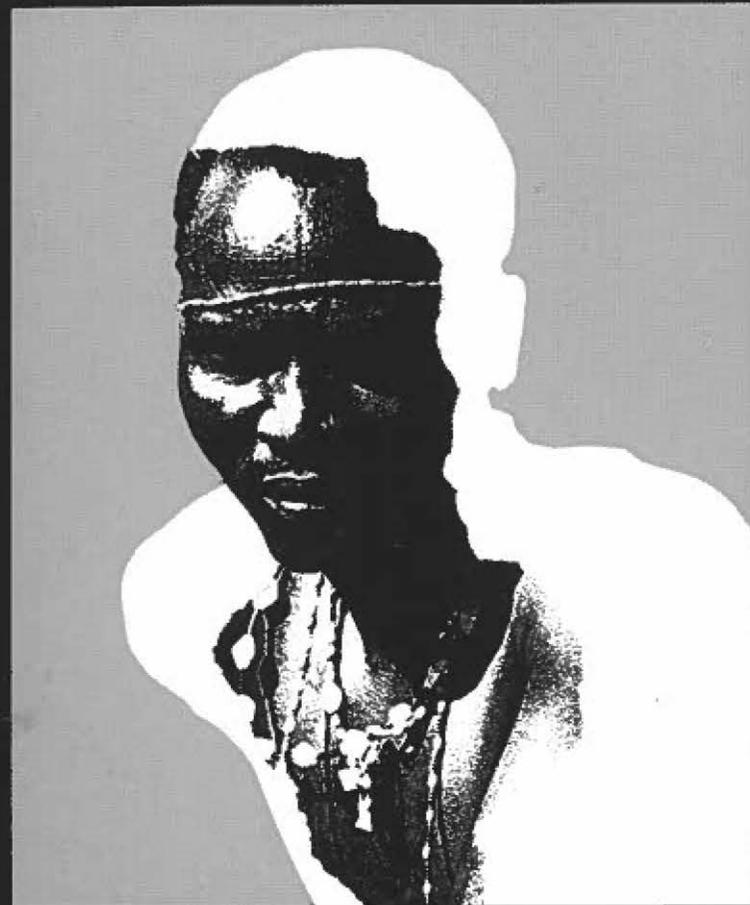


THE INDIGENOUS WORLD 1993-94



IWGIA

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WORLD
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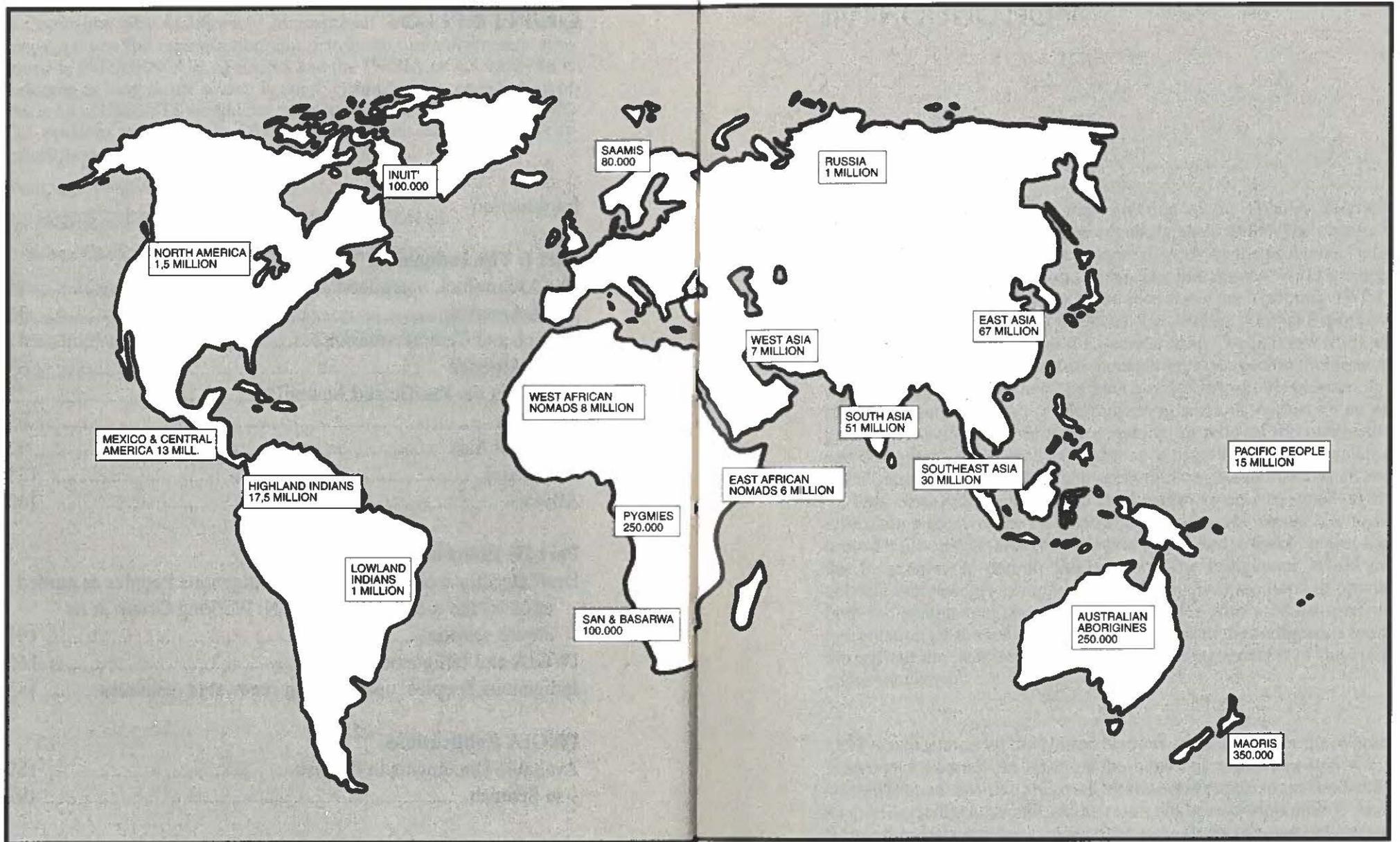
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INTRODUCTION

The Indigenous World is a reformulation of the IWGIA Yearbook series which has been published regularly since 1986. The change in presentation is designed to focus more directly on the problems facing indigenous peoples all over the globe. The Indigenous World has been stream-lined by removing two of the sections in the Yearbook: IWGIA Annual Report and Indigenous Focus. The IWGIA Annual Report will be available on request from the Secretariat in Copenhagen while the Indigenous Focus section, which concentrates on specific themes concerning indigenous peoples, has been blended into the Newsletter, now called Indigenous Affairs. The remaining sections consist of an expanded Indigenous World section, taking up most of the publication and documents on indigenous rights such as policy papers or international statements which reflect current thinking on indigenous affairs.

This new Indigenous World publication is only as good as the information received by IWGIA. Those people who would like to see more details on their areas of the world are invited to make contact with the Secretariat so that in future years The Indigenous World can become increasingly comprehensive. In this way we hope to provide both indigenous and non-indigenous peoples with a broad-spectrum presentation of the main events taking place in the indigenous world throughout the year and trace the ever-growing strength of the indigenous movement.

1993 was declared by the United Nations as the 'Year for the World's Indigenous People'. In spite of the hopes of many that this would establish a new positive approach by state and multinational bodies for supporting indigenous affairs, the result has been disappointing. Apart from a few extra articles in magazines and a flurry of new publications, the situation of indigenous peoples, as The Indigenous World shows, has not improved.

Killings still take place in the Chittagong Hill Tracts, East Timor and Guatemala; land invasions and sickness plague the Yanomami of

Brazil while the peoples of West Papua are displaced by transmigrants from Indonesia; poverty among Native Americans is pressuring tribal leaders to sell their resources to companies eager to extract minerals, while the Saami have just discovered that their territories have been unilaterally handed over for concessions to the mining company Rio Tinto Zinc.

Indeed, even the official title of the UN Year has encapsulated the marked tension between the assertion of indigenous peoples for the recognition of their rights and the limited responses by the states of the United Nations. Unlike other sectors of society who have UN Years, the International Year was not 'of' indigenous peoples (implying that it belongs to them), but a Year 'for' them (creating an indirect relationship to the year mediated by those who 'gave' it).

Furthermore, the Year was for 'indigenous people' rather than 'peoples'. The difference between people and peoples may only be an 's', but for indigenous peoples the 's' is crucial. The difference is that when the UN recognised the year for 'indigenous people' it only recognised persons belonging to indigenous groups, and ignored the collectivity of cultures, communal ownership of territories and the socio-political organisations which constitute the collective identity of indigenous peoples. The question of peoples arose at the International Conference on Human Rights in Vienna in 1993. Resolutions on indigenous peoples were the focus of vehement criticism by demonstrators carrying placards with the letter 's'. These indigenous peoples were complaining that their collective rights were not recognised, even though collectiveness is as important for them as individualness is to non-indigenous people. The discussion was taken further at the UN Working Group on Indigenous Populations in Geneva with a more positive result. In August 1993 the Working Group produced a final version of the draft Declaration on the Rights of Indigenous Peoples, reprinted in this volume. The draft Declaration recognises the importance of collective rights and gave due recognition to many of the concerns of indigenous peoples: particularly for the right to self-determination, rights to their territories and resources, freedom of cultural expression and consent and control over development questions. Although by no means perfect, the draft Declaration provides a minimum base line for indigenous peoples and governments to discuss rights and forge a final text of the Declaration over the next few years.

Whereas in an ideal world this discussion should be conducted in an open forum based on trust and mutual respect, the higher echelons of the United Nations are dominated by governments, many of which are opposed to any recognition of the rights of indigenous peoples. The

Indigenous World provides a grim reminder of the threats which face indigenous peoples in all continents, many of them from governments which actually have a right to vote on the draft Declaration in the Human Rights Commission. Undaunted, indigenous peoples are currently working hard to ensure that they will be able to participate at the meetings of the UN which will eventually discuss the draft Declaration at the Commission of Human Rights. As indigenous peoples see the Declaration rise in the system, the procedure will change from the open debates and discussions which have taken place in the Working Group and will look more like the process of revision of ILO Convention 107 between 1986 and 1989 where indigenous 'observers' were relegated to the backs of rooms and had very limited opportunity to make their opinions heard.

The draft Declaration of Indigenous Rights is a document which will ultimately be approved by states. However, this does not mean that it should be a document providing states with the means to continue the oppression of indigenous peoples which is described in this book. The purpose of the Declaration should be to provide states with an opportunity to make a 'Declaration of Intent' that they will strive to improve the atrocious conditions in which many indigenous peoples live. The draft Declaration is not a Convention which is binding and ratified by states, it is a statement of good-will designed to provide the climate whereby indigenous peoples and states can co-operate together on the basis of mutual recognition and respect.

The danger is that rather than use the Declaration to promote human rights, governments may weaken its provisions when discussed at the Human Rights Commission in order to provide the excuse to weaken national legal protections for indigenous peoples. This has occurred in several countries in Latin America - notably in Mexico and Peru. In these countries constitutional revision has led to substantial lowering of human rights standards for indigenous peoples to their lands and territories while at the same time these countries have ratified ILO Convention 169 which is considerably weaker than the original constitutions.

After a proposal from the Vienna Conference on Human Rights, the United Nations agreed at the end of 1993 to promote a Decade of Indigenous Peoples. Indigenous peoples and organisations throughout the world have expressed a desire that the Decade should not be overlooked in the same way as the UN Year. For this reason there will be a 'technical meeting' prior to the Working Group on Indigenous Populations in July 1994 to discuss plans for the Decade. This will be followed by an indigenous peoples' meeting to talk about the Draft

Declaration and initiatives for the future. The result is that, in order to take advantage of the Decade, many indigenous and non-indigenous organisations are reflecting on their work and its aims.

As IWGIA's contribution to this discussion, the International Board met in Copenhagen at the end of May, 1994, and reviewed some of the main questions with which the organisation has been working and reflected on directions we will be taking in the future. Often governments and international bodies do not understand the reasons for indigenous peoples' demands for self-determination, ownership of resources and territories, freedom from cultural and racial discrimination and control over their development. The position paper on indigenous peoples is designed to inform indigenous peoples, governments and our subscribers of our main concerns and orientation concerning these questions for the future. It is intended to inform people of the background to our work while at the same time operating as a lobbying paper to explain the importance of the rights of indigenous peoples. Although the document is an IWGIA product it reflects long-term and wide ranging discussions we have had with many indigenous peoples all over the world.

The importance which IWGIA places on indigenous peoples' access to and control of their territories and lands and the resources therein has been highlighted by another discussion which took place in May, 1994, on indigenous peoples and their use of living renewable resources. Discussions of natural resource management often ignore indigenous peoples and treat their rights with disdain. Particularly important in this context is the right of indigenous hunters and trappers to their resources in order to provide a basic livelihood. Animal rights organisations, attacking hunters and trappers of the Arctic, or environmental organisations creating wildlife parks, still target indigenous peoples as culprits of environmental destruction and in some cases throw them off their lands as has happened in East Africa or encourage colonisation on parts of their territories as has occurred in Peru. All of this takes place in the name of wild life conservation. The blanket banning of certain products derived from animal species directly prevents indigenous peoples from carrying out activities fundamental for their survival. IWGIA's policy outline traces the important relationship between environmental conservation and the recognition of indigenous peoples rights. It is published in *The Indigenous World* to underline the importance of respecting indigenous rights to resources.

Resource rights are one aspect of the overall question of territorial rights. Throughout the world, indigenous peoples suffer from the greed of non-indigenous outsiders who want to extract resources from their

territories. Of particular concern are the activities of multilateral development banks (MDBs), which, in spite of claiming to operate on guidelines which support indigenous peoples, are constantly interfering with the rights of peoples in countries as far apart as Ecuador, Guyana, Brazil, India and Siberia. The activities of MDBs need to be closely monitored as they expand their influence throughout the world. Multinational companies are a parallel threat. One feature which is becoming ever more common is how companies take advantage of the poverty facing indigenous peoples and make deals with individuals to gain access to resources and use these undemocratic arrangements as the justification for plunder. This problem is particularly grave in the United States.

Indigenous peoples' lands and territories have to be defended because they remain the bases for their lives and liberty and provide the cornerstone for the practical recognition of their right to self-determination and their capacity to control their own development.

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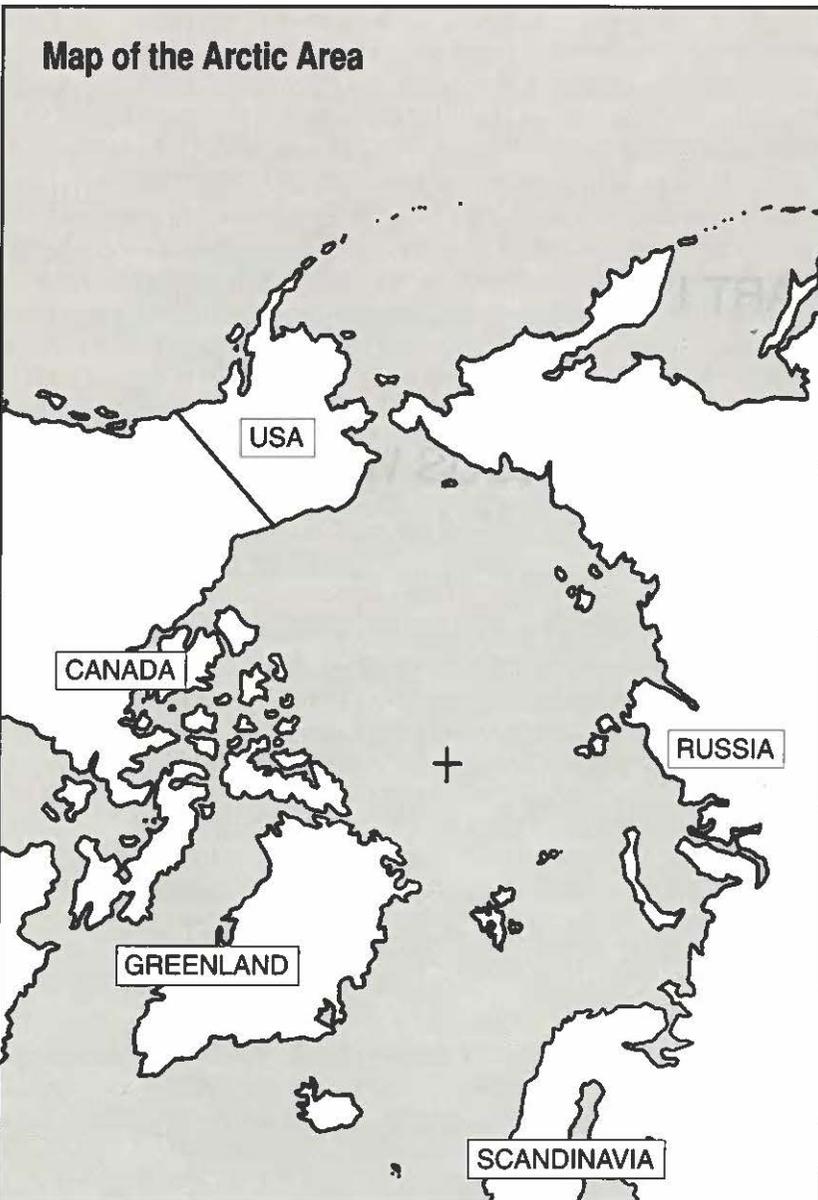
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PART I

THE INDIGENOUS WORLD



THE ARCTIC

There has been a variety of types of self-government in the Arctic since 1971 as well as a large number of smaller events through which indigenous peoples have expressed their self-determination. The repatriation of skeletons and other human remains is important in a symbolic sense.

During the summer a historic event quietly took place in Qaanaaq in the Avanersuaq (Thule) District of North Greenland. The remains of the family and relatives of Minik, the *Inughuk* boy who escorted the famous North Pole explorer Robert Peary on his expedition ship, *Hope*, to New York in 1897 to promote his expeditions, were brought to rest in their homeland. Originally, Minik, his father Qisuk and the three other *Inughuit*, *Nuktaq*, *Atangana*, *Aviaq*, as well as *Uiasaakassak* who later returned to Avanersuaq, were taken to New York on the understanding that they would receive weapons, knives, needles and warm housing, but ended up living in the basement of the American Museum of Natural History, where four of them died the following year. The story of Minik, who became known as 'New York's Eskimo Boy' and how he was adopted only to discover later that his father's skeleton was being exhibited at the museum, has been told in many versions. One version is by Ken Harper, who spent many years digging his way through archives and administrative red tape until finally, with the assistance of US Air Force, he managed to get the four *Inughuit* returned to Avanersuaq. The release of Qisuk's bones was first attempted in the mid-eighties by Greenlandic Member of Parliament, Aqqaluk Lyngé, but he was rebuffed and told that the bones did not exist. Minik himself is buried in New Hampshire. After returning only once to Avanersuaq as a young man, where he re-learned his language and became a hunter, he missed New York and went back to end his life as a saw mill worker in New Hampshire.

During the Cold War the Arctic became a focus for military activities. Radar stations were established from one end of the Arctic to the other and huge airforce bases constructed. Technological innovations and the collapse of the communist bloc have made many of these

products of the Cold War superfluous and a demilitarisation of the Arctic is now taking place. One of these is the DEW-line, radar stations placed at regular intervals from Alaska to Norway. For many *Inuit* the construction of these installations in the 1950s was their first experience with wage labour. Now they are being removed.

Environmental ministers from eight Arctic countries met in Nuuk, Greenland, in a new round of the Arctic Environmental Protection Strategy (AEPS) meetings. The purpose of the meeting was to review the progress made since the signing of the AEPS in Rovaniemi, Finland, in 1991. The AEPS provides a forum for cooperation in which Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States have agreed to share information and jointly develop programmes aimed at eliminating Arctic pollution and facilitating the protection of the Arctic environment, and which aim to include the issues and concerns of indigenous Arctic peoples.

The ministers adopted a document called the 'Nuuk Declaration' which established a special programme with its own secretariat to help indigenous organisations participate in future AEPS meetings. Indigenous organisations of the Arctic, such as the Inuit Circumpolar Conference (ICC), the Saami Council and the Association of Indigenous Peoples of the Russian North have been granted permanent observer status within the AEPS.

Four programmes were set up under the AEPS to work with problems such as persistent organic contaminants, oil pollution, heavy metals and dumping of radioactive waste in Arctic waters, and additionally to look at noise pollution and acidification. The Greenland Home Rule and the ICC have been most actively involved in the Arctic Monitoring and Assessment Programme (AMAP) of the AEPS, consisting of five sub-programmes each coordinated by one of the constituent countries. On behalf of Greenland, Denmark opted for the responsibility of a human health sub-programme, while Finland coordinated the freshwater programme, Norway the marine environment programme, Canada the atmospheric pollution programme, and Sweden was responsible for the terrestrial programme.

The AIPS Conservation of Arctic Flora and Fauna (CAFF) programme has been coordinated by Canada. Within this programme the ICC and the Greenland Home Rule have managed to turn the focus of the work towards sustainable use of wild species and the utilisation of indigenous traditional knowledge. To this end, a major report on indigenous environmental and ecological knowledge, including proposals as to how this knowledge can be applied to the AEPS, was prepared by the ICC and presented to the ministers. Indigenous traditional knowledge has until now only been

documented and applied to western science to a limited extent. A conference on indigenous traditional knowledge will therefore be hosted by Iceland in the summer of 1994. Another outcome of the CAFF programme, currently being prepared by the ICC, is a major mapping project on beluga whales in the Beaufort - Chukchi Seas region, to be co-sponsored by Canada and the USA.

Sexual abuse of indigenous children in boarding schools has come into focus in several parts of the world in recent years. In 1993, in Canada, sexual abuse of children in a Catholic residential school in Chesterfield Inlet led to a public debate. In Canada the problem appears to be much more widespread than had been anticipated.

The marketing and sale of sealskins and other wildlife products from Greenland continue to suffer from campaigns and import bans orchestrated by animal rights activists around the world. Greenland is therefore constantly searching for measures to counter-balance the tremendous power and influence that these groups have on politicians in various national and international fora.

Indigenous Survival International (ISI), which is an alliance of indigenous peoples from Alaska, Canada and Greenland, held its 7th General Assembly in Sisimiut, Greenland. For years, the ISI has been involved in the seal controversy and the trapping issue in an effort to defend these activities and to promote sustainable hunting and trapping. The trapping controversy is still an enormous threat to the Arctic and sub-Arctic peoples in Canada. The European Union (EU) has played an important role in supporting the animal protection organisations and set a 1995 deadline for the import into the EU of 13 specific species of fur caught using leghold traps. From that date trapping methods must be used which meet internationally accepted humane trapping standards. The Arctic peoples are concerned that the animal protection organisations will succeed in putting pressure on the European Commission to adopt a complete ban on the import of the skins of these 13 species, even though they are not endangered.

For some years, the ISI has suffered from structural and financial problems. A new constitution was adopted at the ISI General Assembly in Sisimiut, and the attempt to revive the organisation proved successful. The new structure provides for an elected leadership headed by a president with a permanent office in Ottawa, Canada.

Another important event in relation to monitoring and protecting the animals of the Arctic was the establishment of a Scientific Committee and a Management Committee under the North Atlantic Marine Mammal Commission (NAMMCO) founded by Greenland, Iceland, the Faroe Islands and Norway.

In Alaska the Marine Mammal Protection Act (MMPA) states that catching, exporting and importing of marine mammals and products from marine mammals is illegal in the United States. But due to an exception in the Act, Alaska Natives are able to take what they need, when they need it, and to regulate their harvesting according to their own cultural rules in a manner based fundamentally on conservation. During the process of re-authorization of the Act, the anti-hunting organisations and federal biologists have proposed several amendments which pose a threat to Native marine mammal hunting. Basically, they have proposed new 'scientific' concepts to authorize and regulate the incidental catch of marine mammals by commercial fishermen. But the proposed amendments go well beyond this relatively narrow task and set the stage for federal regulation of Native catch in the future.

The proposal fundamentally weakens and questions the Native exemption in the MMPA and thereby their fundamental right to harvest marine mammals and shifts the focus to new scientific concepts. However, the process of re-authorization has resulted in a small opening up of the American border to products from marine mammals. This opening allows Alaska Natives to bring in marine mammal products that they own or which they received as gifts. Furthermore, it allows Natives from Greenland, Canada and Russia to bring marine mammal products into the USA for their own use within the country, for purposes of gift-giving or for use in a cultural programme. The opening does not yet give these rights to non-native tourists.

Besides the MMPA process of re-authorization, the Fish and Wildlife Service and the Canadian government are in the process of evaluating a protocol for the Migratory Bird Treaty from 1916 which will authorize Native hunting of geese and ducks in the spring and summer. Hunting of migratory birds in these periods is illegal under the Treaty although, for thousands of years, these resources have been vital for many Natives both in Alaska and Canada. In 1979, a protocol was proposed to make Native bird hunting legal but it was blocked by sport hunters and the Reagan administration. A Native Working Group representing Alaska Natives has been established to influence the process. Its main purpose is to ensure that Alaska Natives and other qualified Alaska subsistence users are authorized to engage in spring and summer hunting. Furthermore, the Working Group wants to ensure that there is a healthy relationship between users and conservation concerns.

As described in detail in the IWGIA 1992 Yearbook, the Inuit of northern Canada signed a Land Claims Agreement and a political

accord with the Canadian government in 1992. The establishment of a new regional government, *Nunavut*, to be dominated by the Inuit who make up the majority of the population is a very significant development. The historic agreements were formally signed by the government in 1993, passed by the parliament and came into force on the 9th of July. At a ceremony in the Inuit community of Coppermine the 9th of July was declared henceforth 'Nunavut Day'. Nunavut will become a full territory at the end of the century.

It took the Inuit two decades to negotiate the agreements. But the successful results seem to have inspired other indigenous groups to negotiate land claims agreements. Thus, at the end of 1992, the Gwich'in Indians finalised a claims agreement with the government. In 1993, they were followed by the Sahtu Dene and Metis. Having signed a land claims agreement (ratified in August) they will become owners of 41,437 km² of land of which 1,813 km² will include subsurface rights. They will also receive Canadian \$75 million over a 15 year period, and a continuing share of resource royalties received by government from activities within the entire settlement area.

A few years ago, all Dene and Metis in the Canadian Northwest Territories negotiated one comprehensive agreement with the government. Internal disputes made the Gwich'in and the Sahtu decide to go their own ways, and now the Dogrib Dene living in the Treaty 11 region are following suit. This balkanisation of the land claims negotiations might have long lasting effects for the negotiation of political self-government in that part of the Northwest Territories left behind when Nunavut becomes a reality. Thus, the Inuvialuit Regional Council (they finalised their land claims agreement in 1984) and the Gwich'in Tribal Council met in July to discuss regional self-government. They declared the final goal to be the creation of a regional government along the lines of the territorial model, like Nunavut. They were later followed by the Sahtu, who want to split from the Inuvik region, of which they are now part, and become their own independent region.

In the Yukon Territory, north-west of the Northwest Territories and bordering Alaska (USA), the Yukon Natives signed a Land Claims Agreement in July. Under the agreement the 14 Indigenous groups of Yukon, representing some 8,000 beneficiaries, will divide among themselves Canadian \$280 million and 41,400 square kilometres - 8.6 per cent of the Yukon Territory.

The settlement also provides for Indian self-government, including the eventual ability for the indigenous groups to raise revenues through taxation of its membership. Under the terms of the agreement, indigenous groups may take control of responsibilities that had belonged to

the federal or Yukon governments. Included in the list of areas that the indigenous groups can opt to take over are education, justice, environmental protection, child welfare, land use planning and zoning, licensing and regulation of business and trade.

In the province of Quebec, self-government for the Inuit living within *Nunavik* has been postponed because the minister for Native affairs insists on striking a deal with all Natives in Quebec, including the James Bay Cree to the south of the Inuit, simultaneously.

The Royal Commission on Aboriginal Peoples examines issues affecting Canada's indigenous peoples, and attempts to find solutions to problems affecting these peoples. In 1993, the Commission arranged a special hearing concerning the High Arctic Exiles, Inuit who were relocated from southern regions to the High Arctic Islands in the 1950s.

The final restructuring in 1993 of the old Royal Greenlandic Trade Department and subsequently owned by the Greenlandic Home Rule under the name Kalaallit Niuerfiat (KNI), inspired the Inuit Circumpolar Conference to pursue one of its long term goals, namely, the development of inter-regional trade between Inuit. A first step was to host an Inuit Business Development Conference in Anchorage, where some hundred Inuit political representatives and business leaders from Alaska, Canada, Greenland, and Chukotka, including the Greenlandic Minister for Trade and Industry, Ove Rosing Olsen, and the Minister for Public Works and Transportation, Kuupik Kleist, met to share thoughts on trade and business development. The purpose of the conference was to strengthen the ties between Arctic- and Inuit-owned businesses across the Arctic, and to create an alternative to the current dependency on south-north lines of trade and transportation. Additional meetings were held in Ottawa and Brussels, which led to the signing of a Memorandum of Understanding between Canada and Greenland to establish an Inuit Business Development Council with national coordinators and committees responsible for the development of a Business Directory for Greenland and Canada, and to conduct analyses of the existing legal obstacles to the establishment of a free trade zone between the countries.

Greenland. The first of January marked the beginning of a new era for the more than 200 year old Greenland trade company. The Greenland-owned Kalaallit Niuerfiat (KNI) was divided into three independent companies: KNI Service Inc. and KNI Retail Inc. (both fully owned by the Home Rule) and the Royal Arctic Line Inc., a shipping company owned jointly by the Danish shipping company, J. Lauritzen, and the Greenland Home Rule. The restructuring process has required careful planning to ease the impact of change, as the decision to restructure

KNI initially raised great concern from many areas of society. As a result, the companies have only been subject to minor criticism, primarily related to delays in the shipments of cargo which occurred during the shift from an ordinary mixed cargo transport to container cargo.

The current and long term critical prospects of the Greenland fisheries prompted the Home Rule to commence the difficult task of reducing the capacity of the fishing fleet. Through a voluntary cash compensation arrangement, administered by the Greenland Home Rule Department of Fisheries, Hunting and Agriculture, fishing vessels from cutters to trawlers but primarily the older boats are gradually being taken out of commission to allow the remaining fishing vessels to become more economically efficient. In this process attempts have been made to avoid disrupting the current structure of the fisheries and fishing industry, in which the small shrimp trawlers mainly supply the land-based fish plants, whereas large sea-going trawlers are equipped to process and pack the catch on board. However, Greenland continues to have a large fishing capacity and therefore supplements its fisheries through bilateral fisheries agreements with countries in the North Atlantic, such as Iceland, Norway, Faroe Islands and the Russian Federation. In addition, the larger private trawler companies along with the Home Rule-owned Royal Greenland Inc. operate in international waters, such as the Flemish Cap off the coast of Newfoundland where large shrimp stocks were discovered in 1993, and in the Barents Sea.

To emphasise the importance of the fisheries for Greenland, both in terms of its own production and export, and as a means of strengthening the economy, Greenland made a head start in preparing for the forthcoming negotiations for a renewal of the Fisheries Agreement with the European Union by establishing a Greenland representation in Brussels to coordinate, among other things, the fisheries negotiations. The current Fisheries Agreement with the EU, which was established when Greenland opted to leave the EU in 1985, have been quite favourable and financially important for Greenland. A new agreement is expected to be ready for ratification in the Home Rule Parliament at its autumn session in 1994.

Greenland is also exploring other potentials for development, such as tourism and mineral exploration. After carrying out a careful study, the Home Rule-owned Greenland Tourism Inc. is currently planning and promoting international tourism in Greenland. It aims to reach an annual level of 35,000 tourists, which will require some major investments in transport and hotel businesses.

Major efforts have been made over the past couple of years in terms of legislative amendments and promotion campaigns to attract foreign

companies to invest in mineral exploration and exploitation in Greenland. Owing to the current price levels of oil and minerals on the world market, investors have had limited interest. The Greenland Home Rule is now looking at ways to transfer the Greenland Mineral Resources Administration from Denmark to Greenland, in order to monitor the promotion and negotiation procedures more closely, and to signal more clearly Greenland's interest in mineral industry development.

51. On October 1, Greenland's first major hydroelectric power plant was set into operation and officially handed over to the Energy Supply of Greenland, Nukissiofiit, from the Norwegian construction company, Nuuk Kraft. The power plant, which is the most expensive construction project in Greenland to date, is situated in a fiord about 50 kilometres south of Nuuk. The power station is built into a mountain cave and the electricity is transmitted to Nuuk via a 56 kilometre transmission line crossing two fiords, one of which is 5.3 kilometres wide and makes it the longest stretch of transmission line in the world. The power plant supplies Nuuk and its approximately 14,000 inhabitants with electricity and heating, and thus reduces the oil consumption in Greenland by about one third. The Home Rule is currently assessing a proposal from the Greenlandic-Canadian company, Platinova, to build a zinc refinery to be supplied by large zinc mining operations in Canada and Alaska. The proposed refinery will require an extension of the hydroelectric power plant and major investments in related services facilities. The refinery itself will provide some 350 jobs but is expected to create additional employment opportunities in areas such as the private service sector.

Greenlandic Member of Parliament, Aqqaluk Lyngé, who has been leader of the left wing party, Inuit Ataqatigiit (IA) since its formation in 1977, was replaced by a younger politician, Johan Lund Olsen, during a heated party convention in February, 1993. However, IA managed to regain its strength and cohesion prior to the municipal elections in which it and the newly formed Akulliit Partiaat both gained votes from the Siumut party, which is currently forming a government coalition with IA, and the Atassut party which is the second largest party after Siumut. Akulliit Partiat had an extraordinary entrance into municipal politics, when it moved from zero to 10 seats in the country as a whole, however its main support is centred in the municipalities in the Greenlandic midwest. The IA party also gained an additional 10 seats and now has a total of 28 municipal seats nationwide, while Siumut has 95, and Atassut 43. Five municipalities voted in women mayors, and in the capital, Nuuk, women now fill the positions of mayor and first and second deputy mayor.

The Home Rule Government was forced to introduce a two year moratorium on reindeer hunting just prior to the 1993 autumn hunting season because studies indicated that it would exceed a sustainable level. The decision to prohibit all reindeer hunting caused an outcry from the hunters and much regret from the recreational hunters, as reindeer meat is an important part of hunters' economies and an important leisure activity for many families in Greenland. The hunters greeted the reindeer population estimates with considerable scepticism and opposition with the result that the moratorium will be reviewed in 1994, following a repetition of the areal surveys conducted in 1993.

Whereas the reindeer population is on the decline, the musk ox population in Kangerlussuaq (central West Greenland) is thriving and has increased dramatically since the musk oxen were relocated from the east coast in the 1960s. The musk ox population is now providing an annual winter and summer harvest of 600 animals, with the potential for the relocation of up to 100 animals annually. Small scale trophy hunting for musk oxen was also introduced on an experimental basis as one of many possibilities explored in the field of tourism development.

With the support of Denmark, Greenland has come to play a major role in the Arctic Environmental Protection Strategy. Through efforts at both governmental and non-governmental levels, an important outcome of the Nuuk meeting was the offer from the Danish Minister for the Environment and the Greenland Home Rule Government to co-sponsor an International Indigenous AEPS Secretariat to support indigenous participation in the Arctic Environmental Protection Strategy's future work. Preparations are currently being made to set up a secretariat in connection to the Greenland Home Rule Office in Denmark.

During the United Nations' Indigenous Peoples' Year, Greenland made a point of showing the international community how effectively the Greenland Home Rule works for both Greenland and Denmark. Since it hosted the so-called Nuuk Meeting in 1991, the Greenland Home Rule has been the focus of attention and admiration as a role model of self-government for many indigenous peoples around the world. This United Nations Meeting of Experts on indigenous self-government brought together experts and representatives of indigenous peoples in Nuuk to contribute their expertise to the work of the United Nations Working Group on Indigenous Populations (UNWGIP). The attention has led the Home Rule Government to become increasingly active in the various fora dealing with indigenous human, economic, and environmental rights issues, particularly in activities related to preparatory work of the UNWGIP toward a Universal Declaration on Indigenous Rights.

The United Nations' Indigenous Peoples' Year was celebrated in Greenland with a number of grassroots and official activities, while Greenland was also very directly involved in the preparation and implementation of international events. A representative from Greenland was selected to assist the United Nations Centre for Human Rights in Geneva in the coordination of the multitude of activities that took place world-wide. During the United Nations General Assembly in New York, Greenland also took the opportunity, as part of the Danish delegation, to lobby for the adoption of the resolutions prepared at the World Conference on Human Rights in Vienna, to proclaim a Decade for the World's Indigenous Peoples and to dedicate a day of every year to be universally known as the International Day for Indigenous Peoples. In Vienna, Greenland participated in the World Conference on Human Rights as part of the Danish government delegation, where the Minister for Social Affairs and Labour Market of the Greenland Home Rule Government, Henriette Rasmussen, was given the honour of addressing the world audience on behalf of Denmark and Greenland.

In general, the relationship with the Danish government, in terms of direct Greenlandic involvement in foreign affairs, on governmental and parliamentary levels, has matured over the past few years. The Greenland Home Rule Government and Parliament introduced the first real foreign policy debate in the history of Greenland Home Rule at its autumn session of Parliament. This was prompted by a more defined and balanced working relationship with Denmark in terms of foreign policy development, and the increased engagement of the Greenland Home Rule in a wide range of international issues, from the United Nations, through arctic environmental cooperation, over Nordic and indigenous circumpolar cooperation, to the direct and independent cooperation with the European Union. In the course of this debate, it was decided to prepare a strategy on foreign policy to be presented in Parliament every autumn session, and to establish an international office in the Home Rule to advise and coordinate Greenland's international activities in the future, in cooperation with the Home Rule office in Copenhagen and the Greenland representation in Brussels.

In *Sápmi* (saamiland) the *Saami* now have parliamentary representation in three countries, Finland, Norway and Sweden, following the inauguration of a Swedish Saami parliament in August 1993. Though it is not self-determination, it does put the Saami in a better position to claim representation on an international level and to allow co-operation between the parliaments.

The Swedish Saami Parliament was established after a proposal from the Swedish government in December 1992. Despite Saami

hopes, however, it was not followed by a Saami Law recognizing the Saami as an indigenous people. Swedish Saami organizations also believe that the Parliament was not given sufficient authority.

The first election was scheduled for May 16th, leaving only about a month for the registration of Saami voters (see IWGIA Newsletter 2, 1993). In spite of this, the registration was quite high. 5,300 out of approximately 17,000 Saami registered. The 31 seats were elected from a nationwide constituency. Of the eleven different lists of candidates, the largest was the Swedish Saami National Association (SSR) which won seven seats, and others included the Reindeer Owners Association, the Forest Saami, Association of Swedish Saami (LSS), the pan-Saami party 'The Saami' and the Saami youth, Min Geaidnu. The splits within the Parliament has made it difficult to establish working procedures. Several parties came together to form the leadership under the presidency of Ingvar Åhrén from SSR with Lars Jon Allas from the Reindeer Owners Association as chairman. The Saami Parliament in Sweden is elected for a three year period.

In Norway, the Saami Parliament, held the first four-year elections in September since it was established. The electorate has been enlarged since 1989, when some groups boycotted the election. In this election 40 per cent more people registered as voters, though they account for barely 8,000 of the approximately 35,000 Saami, but this is a sign of the success of the Parliament, which the Saami trust and the authorities take seriously. The largest increase was in the coastal areas, where the Saami were very reticent at the previous election. However, in the course of the election campaign a new Saami organization was formed, the Saami Peoples Association (SFF) which was too late to have any influence in the elections, but has increased its members. Nevertheless, its core supporters are coastal Saami, who have felt overlooked by the existing organizations. In the next election, the SFF hopes to be seen as an alternative to the Norwegian Saami National Association (NSR) which won the 1993 elections with an outright majority and 22 out of 39 seats. All credit for the success of the Parliament seems to have gone to NSR and its president, Ole Henrik Magga, who has been re-elected president. The only other major party is the Norwegian Social Democratic Party (Arbeiderpartiet) which won 9 seats, an increase of two.

Now that the Saami have democratically elected representatives in all three Nordic countries, they seek representation in the Nordic Council, an assembly of parliamentarians from the five Nordic countries. Self-governing territories, such as Greenland, have their own representation, which, in practice, means that some of the Danish seats are held by Greenlandic representatives. At the Spring 1994 Session of

the Nordic Council, Saami representation was discussed. However, as Sapmi is not a self-governing territory and is not limited to one country, the matter was complicated. Some Nordic parliamentarians felt that, as a minority, the Saami have no right to representation and Norway and Sweden were not prepared to make room in their delegations for Saami representatives. As a compromise one representative from each Saami Parliament was granted observer status, one of whom was also given the right to speak. The Saami protested that this was only a symbolic gesture and still demand full membership of the Nordic Council, so that this forum can be used to discuss Saami matters across national borders.

Sweden: The Swedish Saami Parliament was inaugurated the 26th of August by the Swedish King (see IWGIA Newsletter 4, 1993). However, the first statement in the Saami Parliament was a declaration of distrust of the Swedish minister responsible for Saami affairs, Pär Unckel. Meanwhile, outside the Parliament three Saami activists were on hunger strike in a tent and demonstrators marched through town. The protests were triggered by a loss of Saami hunting rights which came into force in the same law that established the Saami Parliament. Previously, members of Saami communities had the right to hunt small game in the mountain region but the law opened up this hunting to anyone who purchases a license from the Swedish authorities. The important grouse hunting season opened the day before the opening of the Saami Parliament and the Swedish Saami National Association (SSR) had been campaigning for more hunting permits for Saami who are not members of a Saami community. But the SSR proposal was not taken into account and Saami organizations were not properly consulted in the formulation of the new regulation.

The Saami see the opening up of hunting as undermining the right to reindeer herding. The uncontrolled presence of hunters and their dogs could create a considerable disturbance for reindeer herds being gathered for autumn slaughtering. Furthermore, underlying these issues is the question of land rights. The new regulation for hunting licenses rest on the assumption that the mountains are state owned land, and that the government can decide who should administer the hunting. The Saami dispute this and claim the state is encroaching on the private property of the Saami communities. There has been talk of re-opening a law suit on this matter, the Gauto case.

Norway: As in Sweden, the non-private land in northernmost Norway (Finnmarken) is under dispute. The State claims it as state-owned, whereas the Saami claim their rights to it. The Saami Rights Committee

has been investigating Saami land rights since 1980, when it was established following the Alta conflict. Preliminary conclusions, which appeared in the press in September, 1993, show that the Committee is not going to accept Saami land rights. The final decision is expected in 1994. However, very recently the status of the disputed lands has changed. The ownership has been formally transferred from a state authority to a new public company called the Finmark State Forest. The property rights to all state forests were bought out for 2.14 million Norwegian kroner. The state claims, that this is just a formal re-organization and the amount paid represents the production value of the forests. Ole Henrik Magga, President of the Saami Parliament, warned that the state was trying to ensure its position as owner of previously unalienated land. "If the Saami Parliament had known that the interior of Finnmark was up for sale, we would have got a bank loan and bought it", Magga joked wryly (Newsletter 4, 1993). Another administrative change concerns the registration of land. In the new computerized procedure, the state is noted as the owner of the land that was previously registered as non-owned. This is also just a formal change, which should have no legal importance, but the state appears to want written proof of its disputed ownership.

The transfer of land to Finmark State Forest has already had undesirable consequences. The company has given a diamond exploration concession to Rio Holding Norway, a company affiliated to Rio Tinto Zinc. Alarmed by this company's bad reputation among indigenous peoples in other parts of the world, the Norwegian Saami have been protesting. The municipality of Karasjok passed a resolution stating that the concession is not valid as Finmark State Forest is not the legal owner of the Saami land that is being opened up to Rio Holding. The Saami Parliament points out that the concession contravenes ILO Convention 169, which Norway was one of the first countries to ratify. According to the Convention, indigenous peoples have the right to be consulted, when there are plans to exploit resources on their lands. The Saami Law, which is the basis of the Saami Parliament, also states that state authorities should give the Parliament the opportunity to have a say on all important matters regarding Saami culture and society. This procedure was not followed in this case where the Parliament had to take up the matter on its own accord.

The coastal Saami have been demanding their own fishing zone, a demand supported by the Saami Parliament. Now an investigative committee under the Ministry of Fisheries has been established to deal with Saami fishing rights. The investigation is to be completed by the first of September, 1994. The Committee began its work by visiting the

area to listen to the people at a public meeting. Both the fish stocks and the fishing population have been greatly reduced over the last 20 years. There have been several reasons for this: increased deep sea fishing by large boats; changes in the nature of fish stocks; an increased number of seals; the protection of the otter; and changes in fishing regulations which have not favoured small-scale fishing as part of a diversified economy which characterised Saami way of life. The Saami National Association (SLF) claims that Norway must protect Saami occupations according to the ILO Convention and demands an economic protection zone of 12 nautical miles. Other local people may not support this demand in full, but do support some kind of zone or quota to ensure that local fishermen can catch the local stocks of fish.

Russia: There is still a large military presence on the Kola Peninsula and the breakdown of the Soviet State has not made the military system and its personnel more reliable, only made conditions more unstable. The major part of the Russian fleet is stationed in Murmansk which includes a large number of nuclear weapons and nuclear powered engines. In addition there is a nuclear power plant. The Kola Peninsula suffers from heavy radioactive contamination and cancer is increasing among the Saami population. With the current Russian economic crisis the state has no money tackle the problem and, as central control weakens, the situation continues to deteriorate. Even the soldiers seems less controlled and there have been reports of troops attacking herd of reindeer and leaving the slaughtered animals outside the military camps.

Yeltsin's reforms and the market economy are not working to the advantage of the Saami people, who are the first to lose their jobs. Unemployment leads to social problems such as alcoholism and suicides. A decree from the central administration in Moscow, which should protect the traditional occupations and rights of the indigenous people, is not being heeded by the local authorities. Consequently the Saami are unable to maintain their livelihoods through their traditional occupations. Nevertheless, reindeer herding has a great potential if the question of Saami rights were solved. Norwegian Saami have helped their Russian neighbours to improve reindeer herding methods and establish commercial handicraft production.

At the end of 1992 the Special Committee for the UN International Year of Indigenous People was established in Russia with members from many governmental bodies. Sergey Shakh-ray, former Minister for Nationalities was appointed chairman and Evdokia Gaer, at the Federal Council/Upper Chamber of the Russian Parliament was appointed his



*Western Siberia. Forest Nenets, fisheries in Pur-river.
Photo: Alexander Pika.*

deputy. The plan of action for the 1993 UN Indigenous Year and the Committee's main activities were concentrated around the organisation of several conferences, meetings and festivals, and E.Gaer visited New York to participate in the inauguration ceremonies. A large international conference was held at Khabarovsk in August 1993.

But the most ambitious project in 1993 was a huge conference held by the Russian government and parliament in September. Officials from the UN and representatives of the indigenous peoples of many countries were invited to participate, as well as Erica Daes (UNWGIP) and Mrs. Henriette Rasmussen, Minister for Social Affairs and the Labour Market in the Greenland Home Rule Government. Yeltsin and Khasbulatov sent congratulations to the conference and important civil servants, especially those with responsibility for national policy, (that is "ethnic"), S. Shakh-ray and R. Abdulatipov made speeches. But the results of this conference were unfortunately cancelled out when the Moscow coup of October 1993 changed all political life and the principal figures on the Russian political scene. The conference itself was quickly forgotten. Interestingly, the main fighting between the supporters of Yeltsin and Khasbulatov took place while the conference was being held.

Another important event in the sphere of indigenous affairs was the second meeting of the Association of Small Peoples of the North, Siberia and the Far East, which was held in Moscow 23rd to 24th

November, 1993. This meeting was very different from the first, which took place in the Kremlin in 1991 in the presence of Gorbachev and Prime Minister Nikolai Ryzakov. The second meeting was held in Moscow suburbs and the only top official to attend this meeting was Russian Foreign Affairs Minister A. Koziryov who stayed for 15 minutes. The 152 representatives from many ethnic groups and territories of the North and Siberia who attended the meeting voiced their concern about the severe conditions under which they are living and demanded new legislation and financial aid. The meeting also spend a lot of time debating who would be the new President of the Association. In the end Yeremey Danilovich Aipin was elected. He is a member of the Khanty People of Western Siberia, novelist and former member of the Russian Parliament with close ties to the oil and gas industry.

Following his election he immediately proposed changing the title of the association to include the words 'indigenous' and 'small numbered peoples'. However, former president, V. Sanghi refused to accept the new president and hand over the seal, property and documents of the Association to Aipin and the second meeting ended in a split between Aipin's officially recognised association and Sanghi's status was left very unclear. Many representatives felt very discontented with this situation.

Another important event was the adoption by referendum on December 12 of the new constitution of the Russian Federation. In this document there is a special section on Indigenous Peoples. Section 69 states that:

'The Russian Federation guarantees the rights of the indigenous small - numbered peoples in accordance with the recognised principles and norms of international law, and with the international agreements of the Russian Federation'.

And in Section 72 - subsection M:

'The protection of the environment and traditional way of life of a small ethnic group is the joint responsibility of the Russian Federation and the regional administration.'

At present it is very unclear how it will be possible to use and promote such constitutional rights of the indigenous peoples in Russia. However, before this, indigenous peoples had no special constitutional rights at all.

On the 26th April, 1994, parliamentary hearings were arranged in the lower chamber of the Russian Parliament (the Duma), initiated by Yeremey Danilovich as President of the Association of Indigenous Small-numbered Peoples. There were several reports about the current

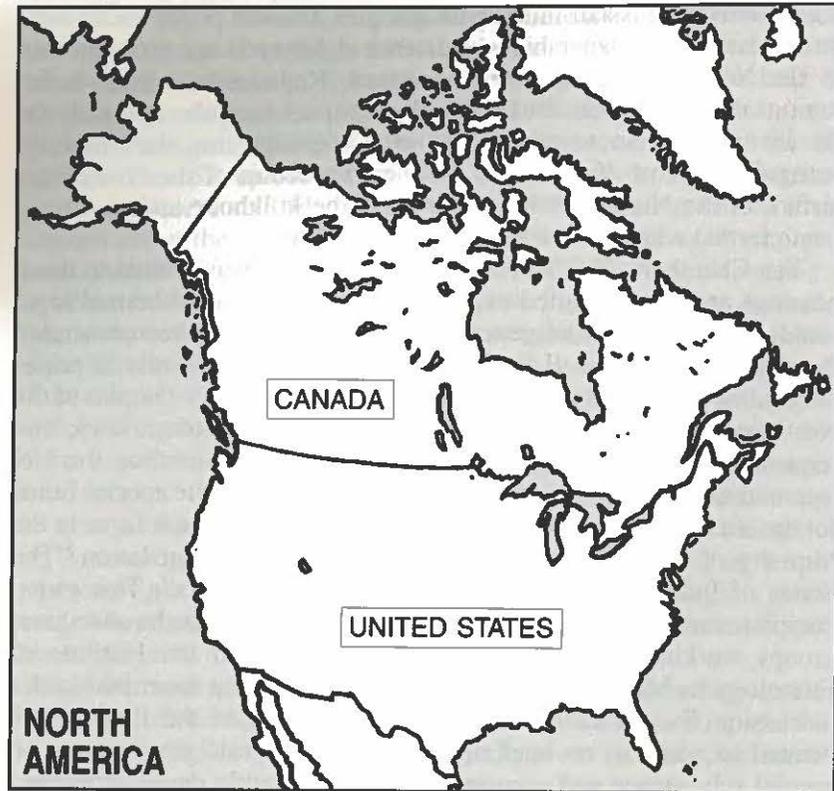
legal status of Russian indigenous peoples and the problems of self-government, land ownership, subsistence rights and state economic aid to the Northern regions were discussed. Representatives from the regions described their situation and put forward regular demands for the inclusion of more people and ethnic groups into the officially recognised list of 26 Northern Peoples; reduction of the cost of the airfare in the North; granting money to the kolkhoso and sovkhoso (state farms) which are in a poor financial shape.

Yan Chambers, ILO representative at the UN, was invited to these hearings and gave detailed explanations about the international legal standards applying to indigenous peoples. The hearings recommended that Parliament ratifies ILO Convention 169; adopts as early as possible the law about the status of indigenous Small-Number Peoples of the North; makes amendments of the Land Code and other laws; and request President Yeltsin to issue the uka (order) regarding the UN International Decade of Indigenous Peoples and allocate special funds for the aid of Northern Peoples. There is now a special task force in the Ministry of Nationalities in Russia working on the legislation "The Status of Indigenous Small-Number Peoples of Russia". This group comprises non-indigenous lawyers who were never from the aboriginal groups working with Russian ethnographers from the Institute of Ethnology in Moscow. The draft law is no different from that under discussion five years ago when the Parliament of the then USSR wanted to adopt it: no land rights, no rights to self-government, no special subsistence and economic rights, but mainly declarations that 'indigenous people will have the right to be indigenous... etc.'

In the regions the situation has not improved over the last two years. State farms continue to own the land and two million reindeer belong to the Russian government, not the indigenous peoples. The economy is in a state of crisis, and all of the North is in the hands of the 'white men', that is state industry bosses, the new bureaucrats, the businessmen and the mafia.

Sources

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NORTH AMERICA

The indigenous peoples of **Canada** have twice the infant mortality rate of the rest of the country and on average live ten years less. The suicide rate among aboriginal peoples is three times that of Canada as a whole, while in the 15-25 age range it is six times higher. Even though they constitute 2.5 per cent of the national population, the indigenous peoples make up 9 per cent of prison inmates.

The *Mushuau Innu* of Utshimassits in Labrador reached the headlines in the international press when in January, 1993, six Innu children were found in the middle of the night in an unheated shed in a temperature of minus 40 degrees centigrade. They were intoxicated after sniffing gasoline and shouted to their rescuer that they wanted to die. Since 1991 the Innu at Utshimassits have kept statistics of attempted suicides. For example, in the six month period from July 19th to December 31st, 1993, there were 90 attempted suicides requiring intervention in a community numbering only 500 people.

This stirred the conscience of many Canadians, and the Band Council in Utshimassits has since been negotiating with the Provincial and Federal governments to move the village to a site on the mainland which the Innu themselves have located. The present village, consisting of sub-standard housing with neither water nor sewage, was built by the Newfoundland government on a site not chosen by the Innu.

Focusing on this, as well as earlier relocations of the Mushuau Innu, the Dean of the Common Law section of Ottawa University's Faculty of Law, Donald MacRae, concluded in his report to the Canadian Human Rights Commission that "It is clear that the Mushuau Innu are the victims of ethnocide or cultural genocide", and that "the negligent and abusive actions by the Federal (Canadian) and Newfoundland governments, and their repeated failures to act, amount to systematic and gross violations of human rights of the Mushuau Innu".

In August, 1993, the Innu Nation released a study which concludes that the Department of National Defence's (DND) environmental measures to protect people and wildlife from the negative effects of low-level flight training are not working. These measures are supposed to

prevent overflights of Innu, non-Innu and sensitive wildlife by aircraft belonging to the British, Dutch and German air forces. "The report spells out in scientific language what has always been commonsense to the Innu people," said Daniel Ashini, Director of Innu Rights and Environment for the Innu Nation. "DND's program of trying to avoid people and wildlife can't work because there are simply too many noise sensitive areas to avoid. The military pilots can't both train and avoid people and wildlife at the same time."

Key findings of the Avoidance Program Feasibility Project include:

- The program is not being devised on scientific criteria but through political negotiation between DND, the allied air forces and government wildlife agencies. The result of the negotiation is the maximisation of military flight training and minimisation of avoidance of people and sensitive wildlife areas.
- Little protection is being given to wildlife, Innu and non-Innu hunters and trappers. Endangered wildlife species include the Harlequin Duck and Peregrine Falcon. Extensive overflights of prime wildlife habitat could be generating negative impacts on several wildlife species.
- Avoidance of all prime habitat for ducks, geese, fur-bearing animals, moose, and birds of prey, in addition to caribou concentrations, sports fishing camps, Innu and non-Innu hunting and trapping areas would likely render the flight training impossible.
- The 2.5 nautical mile (5 kilometres) avoidance radius designated around Innu hunting camps does not prevent overflights of Innu hunters and trappers who in general travel far greater distances from their camps (an average of 22.3 kilometres). The Labrador Inuit Association has argued for the avoidance of larger hunting blocks on a seasonal basis but DND has not complied. These blocks are required because they take into account the often shifting nature of hunting and trapping activities. In the case of Innu hunting and trapping, the APF project found that, based on a sample of ten seasons, Innu hunters travelled a maximum of 66 kilometres from their base camps.
- DND's consultants have missed about one-half of the prime duck and geese habitat in their aerial surveys to identify waterfowl concentrations. This has resulted in a great deal of excellent duck and geese habitat being subjected to military overflights with potentially significant impacts such as habitat abandonment. "When the environmental review of the flight training started in 1986, the military was supposedly concerned about the impact of low-level flying on people and

wildlife," said Mr. Ashini. "But what we're seeing now is the exact opposite. They are more concerned about the impact of wildlife and people on low-level flying. We are seeing the Allied air forces pressuring DND to relax the avoidance measures in every way possible, and DND is going to the Canadian Wildlife Service and other agencies to get them to agree to water down the protection measures."

The government of Quebec and Hydro-Quebec are planning to build three large hydroelectric projects on Innu land: Sainte Marguerite III (SM-III), Ashaupmushuan and La Romaine. The entire ecosystem of unceded Innu territory is threatened by these projects. The SM-III project, which includes the diversion of two tributaries of the Moisie River into a giant reservoir, threatens the salmon of the Moisie River on which the Innu of Mani-Utenam depend. The Innu are challenging the complete disregard for their right to self-determination on their lands. Hydro-Quebec will carry out the systematic destruction of the cultural, spiritual and socio-economic basis of the Innu Nation. The Quebec government's own environmental public hearing board, the Bureau d'Audiences Publiques sur l'Environnement (BAPE) published a report in June, 1993 which concluded that the SM-III project should be rejected. The Canadian and Quebec governments have completely ignored this report.

The Innu traditionalists are thus initiating a series of non-violent actions to block the unjustified SM-III project, a project which constitutes a violation of the Innu's human rights. The Coalition for Nitassinan demands the immediate cessation of all construction related to the SM-III project and seeks respect for the Innu Nation's right to self-determination. So far, 12 per cent of the adult Innu population of Mani-Utenam have been charged in Quebec court for their opposition to SM-III. More arrests are imminent.

Hydro-Quebec's plans are part of a much larger programme costing \$60 billion known as James Bay II (the first James Bay hydroelectric scheme was started in 1973 and is nearly complete). This second phase plans a total of 215 dams and dikes, 23 power stations and 19 river diversions. The Makivik Corporation (established under the agreement arising from the first James Bay project) has negotiated a general agreement for settlement with compensation from Hydro-Quebec and several land claims in the area have been agreed in principle with the government. However Cree, Inuit and Innu representatives are still gravely concerned about the environmental consequences of the project on their communities which will disrupt their traditional way of life and they totally oppose the scheme.

In Alberta, the *Lubicon Cree* continue to defend their territory from the continuing invasion of oil and logging interests. For 50 years the Lubicon Nation has wanted its rights recognised because they were not in contact when Treaty Eight was signed between the British government and the other aboriginal peoples of the area. The Federal government refused to recognise Lubicon claims over their territory, offering instead \$45 million. This was seen by the Nation as derisory considering the devastation of oil and timber resources which interests such as the multinational paper company Daishowa are constantly taking from their territory. Furthermore the Alberta government is unilaterally offering concessions on Lubicon lands for logging.

The change in government in Canada during the year opened a small possibility for breaking the deadlock in discussions. On February 18th, 1994, Canadian Indian Affairs Minister, Ron Irwin, met with Lubicon Cree Chief, Bernard Ominayak, and discussed a process to begin resolving the claim. Chief Ominayak was cautious as to whether any substantial agreement could arise, but he expressed a hope that "there's going to come a time when we do come to a fair and just settlement for our people".

Native peoples in Canada continue to suffer from the extraction of resources on their territories. The Cree and other neighbours of the Lubicon who live in the Treaty Six area have continued to express great concern for their future over the year. A large delegation of 45 *Cree, Salteaux and Dene* people visited London in November to express their disgust at how their Treaty rights have been violated since the British Crown 'patriated' the Constitution to Canada in 1982. Of particular concern is the construction of one of the biggest pulp mills in the world by Alberta Pacific, which is a Canadian subsidiary of the Japanese company Mitsubushi and the effect on the water table of a heavy-oil steam-injected process used by Esso and other oil companies in Cold Lake, Alberta, to extract the bitumen.

In British Columbia logging continues to devastate the lands of the *Lilo'wat* people. In March they blockaded access to Ure Creek to try and prevent the CRB logging company from stripping the wood from their territories under contract for the international timber corporation Interfor. The Royal Canadian Mounted Police told the blockaders that they had to abandon their attempts to defend their lands. However they are determined to continue because the logging violates official guidelines and is opposed to the independent Tripp Report in January which expressed concern over the effects of the logging on the environment, endangered species such as the Spotted Owl, and above all, the rights of the indigenous *Lilo'wat* people.

The change of President in the **United States** has heralded a change of style in dealings between government and Native Americans, although it is too soon to see any change in the substance of the relationship. The first sign of a change took place when the administration invited indigenous representatives to the White House for a 'High Council with First Americans' on April 29th, 1994 where 300 representatives of the 547 peoples in the United States met with President Clinton. On May 5th this was followed in Albuquerque by a meeting with 200 other leaders known as a 'listening session'. Meanwhile Ada Deer, a Native American *Menominee*, has been appointed Assistant Secretary of the Interior for Indian Affairs (this is head of the Bureau of Indian Affairs).

However in spite of these initial signs of change, the government has still a long way to go before convincing Native Americans of serious shifts of policy. For example, the Health and Human Services budget, which should deal with the serious problems facing Native American health is due to be drastically cut by 12.5 per cent this year. Furthermore, studies over the year show that Native American languages and culture are under threat as never before. In addition statements by the State Department denying indigenous peoples' collective rights provide considerable grounds for concern for the future.

Many Native Americans are imprisoned for political reasons, but the case of Leonard Peltier has become an international symbol. On July 7th 1993, the Eighth Circuit Court of Appeal reaffirmed Leonard Peltier's conviction for the murder of two FBI agents 17 years previously at the Pine Ridge Oglala Sioux Reservation in the State of South Dakota. This took place in spite of the fact that the charges were based on circumstantial or clearly fabricated evidence.

In 1975, the company, Exxon Minerals, discovered one of the largest deposits of copper and zinc sulphide on the Indian Reservation of Mole Lake in Wisconsin. Situated at the headwaters of the River Wolf, the mine should be in production for 20 to 25 years. After a decade of strong opposition, Exxon withdrew in 1986, but returned in 1994 announcing its intention to work with the Canadian company, Rio Algom, under the name 'Crondon Mining Company'.

The mine will affect much more than its 866 acre site because, by the end of its life, it will have produced an estimated 60 million tons of acid waste, which on contact with the air or water becomes sulphuric acid, as well as leaving highly toxic heavy metals such as mercury, lead, zinc, arsenic, copper and cadmium.

The proposed mine is on an area of 20 km² belonging to the *Dene* of Mole Lake reservation. The agreement between the Dene and the US government guarantees access to wild rice, fish and meat in the areas;

indeed Lake Mole Reserve, founded in 1934 is one of the main sources of wild rice in Wisconsin. The River Swamp flows directly through the mining area and the wild rice sources in Rice Lake within the reservation. Furthermore the *Menominee*, *Potawatomi* and *Stockbridge-Munsee*, who live nearby, will also be seriously affected by pollution from the mine and the social changes which the new colonists will bring. The four nations have now formed an alliance together with ecologists and fishing people in opposition to the project.

The financial desperation facing many Native American nations has forced some tribal governments into making agreements which could cause Native Americans long-term problems. A particularly pertinent example concerns the *Mescalero Apache* Tribal Council which in February agreed to negotiate with Northern States Power (NSP) so that the company can store high-level nuclear waste on their territory. The Mescalero Apache leaders who signed the deal hope to earn \$50 million in lease payments to provide them with resources for the next 40 years.

However Native environmental groups and representatives of the Mescalero Apaches not on the Tribal Council, the *Prairie Island Dakota* and the *Western Shoshone* are vehement in their opposition. The Federal government is meanwhile still working to construct a permanent nuclear waste disposal site at nearby Yucca Mountain, Nevada, on the lands of the Western Shoshone in violation of the 1863 Treaty of Ruby Valley.

The *Northern Cheyenne* of Montana are currently in conflict with the United States over coal resources. Throughout the area coal is being mined intensively and, with mass unemployment of 50 per cent on the reservation, the Cheyenne are under great pressure to open up their lands for coal exploitation. For the last 20 years, the northern Cheyenne have successfully held off strip mining on their territory, however in August 1992 the then Chairman of the Tribal Council made an agreement with the North American Coal Company of Dallas to allow for 350 million tons of coal to be strip mined and for the Cheyenne to hold a 51 per cent stake in the operation. However the Chairman was voted out of office a month later and the agreement has not yet been ratified by the Northern Cheyenne.

The long running problem between the *Hopi and Dine* Nations of Arizona continues to cause pain to both peoples who as a result of the implementation of the 1974 'Navajo-Hopi Land Settlement Act' ordered the forced relocation of 10,000 Dine and 100 Hopi. In spite of an Agreement in Principle between the two tribal governments in November 1992 that they would mediate towards a final settlement, the

positions of both tribal councils throughout 1993 slipped further apart and the future looks particularly bleak for those Dine and Hopi resisting relocation.

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MEXICO AND CENTRAL AMERICA

For the indigenous peoples of the Americas, 1993 and the beginning of 1994 have seen important advances in the struggle for their rights. In **Mexico**, as in other parts of the continent, territorial demands are one of the indigenous peoples' main demands. Here the land problem has its origins in the agrarian reform which was not put into practice in many regions, as testified by the problem in Chiapas. However, the change in the Constitution and the law on land in 1992 allowed for private property of up to 500 hectares and permitted the sale of *ejido* land. This has led to an enormous problem for indigenous communities which, because of their increased poverty, have found themselves forced to sell their land in order to survive. It is precisely the weakness of territorial protection which prompted the revision of Article 27 of the Mexican Constitution in 1992. This revision also modified Article 30 which comprised freedom of worship, which means that all religious institutions can acquire legal status and own lands in order to subsist. In the case of Chiapas, there are *caciques* (indigenous leaders) who have thrown indigenous people out of their communities because of their membership of a particular Protestant sect and, in a few cases, for becoming members of the Catholic Church. This situation has arisen because many of these *caciques* wield considerable political power in the municipalities and have the support of the official PRI party. The *caciques* also have economic control based on a monopoly over drinks, candles and transport. Those members of the community who do not participate in the traditional ceremonies and, moreover, do not support the economic base of 'caciquismo', suffer the consequences. It is calculated that in Chiapas the number of indigenous people thrown out of the communities and now living in San Cristóbal de las Casas is approaching 15,000.

Indigenous peoples in Mexico face violations of human rights on a daily basis. During 1993, six school teachers were assassinated in Oaxaca for trying to encourage land recuperation by indigenous peoples. On the 28th January, 1993, 276 members of the community of Emiliano Zapata de Chiapas, occupied lands which they have considered theirs for 20 years. They were all expelled and 13 people are still being detained. Similar

incidents occurred in Veracruz, Puebla and other states with an indigenous population. There are currently warrants out for the arrest of 6,000 indigenous people throughout Mexico. In Chiapas alone, 15,000 indigenous people die each year from curable diseases.

As all of Mexico was celebrating the end of 1993 and contemplating the beginning of the North American Free Trade Area agreement (NAFTA), four towns in the state of Chiapas (San Cristóbal, Ocosingo, Altamirano and Las Margaritas) were occupied by some one thousand fighters of the Zapata Army for National Liberation (EZLN). Over the following 24 hours a total of 14 municipalities fell to the rebels, the governor of Chiapas, General Absalón Castellanos, was kidnapped, and 179 prisoners were set free from the jail in San Bartolomé de las Casas. Although the government and the media rejected any possibility of this being a popular rising, but rather presented it as a blow by 'terrorists', a huge military force was mobilised in order to re-take the occupied areas. Between the 2nd and 12th January, some 15,000 soldiers began a bloody repression against communities which were supposed to have been the Zapatista bases. According to human rights organisations, journalists and indigenous peoples in areas where the fighting took place, the military carried out extra-judicial executions of prisoners and badly treated innocent civilians. It is estimated that more than 200 people were killed over the two weeks of fighting.

It is clear that the EZLN were much more than just an isolated rebel group. Their forces are calculated to have exceeded 15,000 fighters, fighting for the main demands of the indigenous peoples and peasants of Chiapas.

In its first communications, EZLN demanded direct negotiations with the central government in order to revise the Free Trade Area agreement and avoid it becoming a "death sentence for the indigenous peoples". The Zapatistas also demanded that Article 27 be annulled from the Constitution and that an improvement plan for the health and education sectors be discussed.

A few days after the armed uprising, 280 regional organisations formed the State Council for Indigenous and Peasant Organisations (CEOIC). On the 6th March, under the banner 'land and democracy', the main towns of Chiapas were the scene of marches promoted by the member organisations of the CEOIC to force an immediate response from the government to their demands. This organisation wants land handed over to the people who work on it, all mayors of towns and cities in the state to be dismissed, the Mexican army returned to its barracks, the cessation of violations of human rights, and attention for those displaced by the armed conflict. Today, the CEOIC appears to be

the third organising body in Chiapas State, after the government and the Zapatista Army.

On the 16th January, the Mexican president, Carlos Salinas de Gortari, presented an Amnesty Law to the Camera of Deputies as a precondition for the negotiations with the Zapatista Army, which in turn respected the ceasefire and asked the Bishop of San Cristóbal, Don Samuel Ruiz, to act as mediator.

The first day of sustained dialogue between the Zapatista guerillas and the Commission for Peace in Chiapas took place on the 2nd of March. A consensus document called 'Compromises for a Dignified Peace in Chiapas' responded to the insurgents' 34 demands. In terms of democratisation, the government promised to hold an extraordinary session of the Mexican Congress in order to reform the electoral laws and create a larger number of electoral districts to guarantee indigenous representation at the local and federal levels. In the state of Chiapas reforms are to be introduced in the judicial system which will guarantee respect for human rights, attend to the agrarian needs of the indigenous communities and forbid expulsions from these communities. Meanwhile at the Federal level, discrimination against the indigenous peoples will be considered a crime and a Procurator in Defence of Indigenous Rights will be created with the main objective of respecting the rights, dignity, culture and traditions of the original peoples throughout the country. Furthermore, indigenous languages will receive official recognition.

Bearing in mind that in Chiapas the agrarian reform has not been fully carried out, the consensus document ensures that amendments to the Agrarian Justice Law will be drawn up for this state encompassing the break up of large farms and protecting the patrimony of the indigenous communities.

The parties established that, over the space of 90 days, the Secretary of Commerce and Industrial Promotion will carry out a study of the impact of NAFTA on indigenous communities.

Concerning education, the document sets out that there will be new educational institutions and an improvement in the quality of public education, including the use of bilingual teachers.

Furthermore, the agreement states that indigenous people detained for political motives will have their cases reviewed and immediately after peace has been signed, an amnesty for the insurgents will come into effect.

The Zapatista rebellion increased public awareness of many demands and claims by the civil society: by the indigenous peoples, NGOs, political parties and social organisations.

Some months before the armed conflict in Chiapas the II Indigenous Peoples' Summit was held in Oaxtepec, from the 4th to 8th October, 1993. This event noted the importance of the Decade of the Rights of Indigenous Peoples, proposed by Rigoberta Menchú at the 48th session of the General Assembly of the United Nations. In order to make the activities of the Decade effective it was decided to establish an information and documentation network at the disposal of indigenous peoples and call on all indigenous organisations worldwide to spread the objectives, goals and strategies of the Decade. The Summit also exhorted UN bodies and organisations to lend their support to the Working Group on Indigenous Populations to help it complete its present mandate, as well as exploring means to achieve the participation of the indigenous peoples as independent experts and members of the Working Group. It called for collaboration in an Independent Indigenous Fund administered by indigenous peoples themselves, created at this II Summit, and to set up an indigenous body for mediating conflicts with national and international bodies.

Moving on from the Oaxtepec and Chimaltenango Summits, a new assembly was held in Mexico City between the 9th and 10th May, 1994. The Indigenous Initiative for Peace was constituted, committed to working for the protection of indigenous rights and contributing to the establishment of legal instruments for making these rights effective. This body also proposed to promote the peaceful resolution of the controversies affecting indigenous peoples, for which it will create a team of international and independent human rights observers to monitor and report on crises or conflict situations, at the same time as setting up a mechanism for mediation, arbitration and the prevention and solution of conflicts. The Indigenous Initiative was headed by Rigoberta Menchú and leaders from Canada, Chile, Ecuador, Mexico, Nicaragua, Panama and the US. The Indigenous Initiative also prepared its own agenda for the Indigenous Peoples' Decade, and a programme of action which will be put forward for consideration at the next UN meeting in Geneva in July.

In Guatemala, president Serrano was obliged to stand down because of the ungovernable situation in which he left the country after his 'auto-coup' of May, 1993. A few weeks later, the National Congress surprisingly elected Ramiro León Carpio, the human rights ombudsman, as Serrano's successor. However, satisfaction over the election of Carpio was not sustained by his first months in government. From one day to the next, he put aside his previous criticisms as ombudsman of the military for their responsibility for numerous massacres, and he also left aside plans to do away with the Civil Defence Patrols (PAC). The

PAC are supposedly voluntary self-defence bodies under the command of the army, whose objective is to protect the communities from guerrilla attacks. In practice, there is forced recruitment without pay, and they are used to repress the population and used as cannon fodder in clashes with rebel forces. The PACs have come to replace the local authorities and have converted themselves into an illegitimate power which decree over life and death. The human rights organisations have received a huge number of denunciations of abuses by PACs over the past months. These have comprised illegal detention, threats and torture. The suppression of the PACs has been one of the main demands of the popular organisations.

In spite of the change of attitude of the new president, the human rights bodies recognise that there is a considerable decrease in indiscriminate repression and, in spite of the continuation of detention and killings, these have become more selective. Yet, although there is a decrease in the number of physical attacks, the structures which permit, succour and protect the groups which abuse such rights, continue untouched. Thus, the impunity continues to be an obstacle to establishing a just state.

Together with the need to have talks with the guerrillas (the Guatemalan Revolutionary Union - URNG), the Guatemalan government is faced with another very delicate political question: the return of refugees.

At present there are around 200,000 refugees, most of whom are in Mexico, although the UNHCR recognises that there are approximately 40,000 in the process of returning. The question of returning the refugees has become one of the main cornerstones in the peace process. The 1993 UNHCR returnees programme comprised some 3,000 Guatemalans; in 1994, it hopes to support the repatriation of 10,000.

1993 is said to have been characterised by increased activity among the civil sectors and increased co-ordination between the human rights NGOs over problems such as abuse of civil and political rights and the lack of state policies for the protection of these rights.

One of the most active organisations in the country is the Guatemalan National Widows Commission (CONAVIGUA), which at the end of October 1993, held the public's attention for several weeks by their occupation of the Organisation of American States' (OAS) offices for 22 days to draw attention to their demands. Although this measure received a lot of publicity and involved some of the highest officials in the national government and the OAS, the authorities did not give in to the demands of the demonstrators, but remarked on their high levels of organisation and capacity to mobilise themselves.

A new alliance of organisations in defence of human rights, the National Commission of Human Rights (CONADEHUA), was formed in October 1993. Forty eight hours after its formation, it received its first death threats. Two weeks later it carried out its first direct action, occupying the Congress and demanding that it forms a 'Commission for Truth'. The occupation lasted 72 hours without achieving any result. However, on the same day, the offices of one of its member organisations, the Mutual Aid Group (GAM), were razed to the ground.

For their part, the indigenous organisations continue to experience institutionalised racism in Guatemala. They continue to be denied access to political power and are kept in conditions of extreme poverty. Violations of the right to life and physical integrity mainly fall upon the indigenous population.

While military service is considered in the Constitution as a 'citizen's right', the way in which military recruitment is carried out abuses individual freedoms, because it is forced and discriminatory, and aimed at indigenous youths who are practically kidnapped.

From the 24th November to the 7th December, 1993, UN independent expert, Monica Pinto, visited Guatemala charged with the task of examining the human rights situation in the country. With regard to the indigenous question, Pinto expressed the precariousness of the states' policy. The legal, socio-political and economic reality showed a real discrimination against the indigenous population. Consequently, Pinto noted that "the adoption of the necessary laws is urgent...in order to steadily reach a point where the principle of equality is a reality". She wanted concrete measures to be adopted which would ensure in practice the provision of the basic necessities and the preservation of the cultural patrimony of the indigenous communities, and furthermore that political space be made for the genuine representatives of the indigenous communities.

On the 21st May, 1994, 5,000 indigenous people marched on the streets of the capital of Guatemala to demand information about a 'Commission for Truth' which would clarify the crimes committed over 34 years of war which has cost the lives of 100,000 people. The indigenous peoples, lead by the National Commission of Human Rights mobilised at the moment when, in Puebla, Mexico, a new round of negotiations between the government and the guerrillas were taking place, in order to discuss the problem of population dislocated by the violent conflict. The theme of the 'Commission for Truth', to which the army objected, was to be discussed in turn in Oslo, Norway, at the end of May. In accordance with the agreement between the government and the URNG, a global peace agreement will be signed in December, 1994.

With the progress made by the peace process, Guatemala became the scene of important international events in the indigenous world. From the 24th to the 28th May, 1993, with the attendance of leaders from all over the world, the First Summit of Indigenous Peoples was held in Chimaltenango, organised by Rigoberta Menchú in her capacity as Goodwill Ambassador for the International Year for Indigenous People, and representing the UN Secretary General. This meeting formed one of the satellite conferences of the World Conference on Human Rights in Vienna in June, 1993. The agenda for the event focused the discussion on 'International Bodies and Instruments and Indigenous Rights', in particular analysing the achievements and limitations of the UN Working Group on Indigenous Populations, the Universal Declaration, ILO Convention 169 and other treaties. It also carried out an evaluation of the International Year for Indigenous People and agreed a plan of work for the International Decade of Indigenous Peoples. The summit concluded with the approval of the Declaration of B'okob.

There are also glimmers of a less violent future in **El Salvador**. In December 1992, the end of the armed conflict was formalised and, at the same time, the continuation of the demobilisation of the armed forces and the Marabundo Marti Liberation Front (FMLN) was agreed by both parties during the peace accords. In March 1993, the UN 'Commission for Truth' published the results of its investigations into abuses of human rights and, five days later, the government approved a general amnesty for all those involved in war crimes, including those mentioned in the Commission of Truth report. Human rights commissions estimate that the number killed during the war in El Salvador reached 70,000.

Apart from some problems in demobilising the army and FMLN troops, the peace process has continued uninterrupted culminating in the presidential elections in 1994. Several indigenous organisations actively participated, supporting different initiatives which promoted the peace process. Nevertheless, none of the electoral programmes included proposals for solving the demands of the indigenous peoples. At present, indigenous affairs is co-ordinated by the Ministry of Culture where the possibility of providing bilingual education in areas such as Sonsonate is being discussed. But more sensitive questions such as land ownership, have not been among the themes for discussion by the parties which aspire to power. However, neither the FMLN nor ARENA reject the possibility of creating a sub-secretary for indigenous affairs. After two rounds of elections, the conservative candidate Calderón emerged the victor.

The indigenous National Indigenous Association of El Salvador, ANIS, had warned that, in spite of the advances made in the pacification of the country, serious abuses of human rights are still being reported, mainly related to land ownership.

Land rights are also one of the main demands of the indigenous peoples in **Honduras**. In July, 1993, the Honduran indigenous leader, Jacinto Molina, travelled for the first time to the UN Working Group on Indigenous Populations. There he confirmed that the government's adoption of the so-called 'agricultural modernisation law' ran contrary to the interests of the indigenous peoples and, moreover, it attempts to use the best lands where indigenous people live for tourism and fishing. This is the situation in, for example, the *Garifuna* community of Limón, in the Department of Colón. Furthermore, many *Misquitos* are paying with their lives in the Honduran fishing industry. Since 1976, 149 divers have died and more than 250 have been seriously injured through lobster fishing.

On the 27th February, 1994, the second elections for the Atlantic Autonomous Regions took place in **Nicaragua**, under the auspices of the political parties and international observers. These autonomous regions correspond to 43 per cent of the national territory, inhabited by approximately 10 per cent of the population, half of which is Mestizo. The indigenous population comprises some 100,000 *Miskitu*, 9,000 *Sumu*, and 1,000 *Rama*. The black population numbers more than 40,000 persons. Administratively, the autonomous territory is divided into the Northern Atlantic Autonomous Region (RAAN), where the Miskitu are in the majority, and the Southern Atlantic Autonomous Region (RAAS). The 1990 elections coincided with the national elections in which the National Opposition Union (UNO) gained a majority in RAAS, while the Miskitu voted overwhelmingly for the old anti-Sandinist resistance, the Tapti Tasba Masrika Asla Takanka (YATAMA) in RAAN, but with a strong anti-Sandinist vote in both regions.

The first four years of autonomous government have not satisfied the expectations of the population. The regional governments have been faced with a period of social disintegration, massive unemployment and an increase in the crime rate for which neither YATAMA nor the UNO have presented clear alternatives.

The 7th Assembly of YATAMA in May, 1993, solved some of the division in YATAMA and united the candidates from the Liberal Constitutionalist Party (PLC). While only four parties put up candidates in the 1994 elections (UNO, FSLN - Sandinista Front for Na-

tional Liberation, YATAMA and PUCA, the United Central American Party), the political spectrum in 1994 was more confusing with 13 different options in RAAS and 11 in RAAN. The final results of the voting showed a marked downward slide for YATAMA and UNO while the FSLN maintained a solid position in both regions.

In **Costa Rica**, land ownership is also one of the fundamental problems facing the indigenous peoples. In 1977 Indigenous Law 6,172 was passed which established that indigenous territories were inalienable, imprescriptible, untransferable and absolutely exclusive to the indigenous peoples of Costa Rica. Nevertheless, since the law came into force it has not been adhered to. It was modified in 1982 with regard to mineral resources which restricted indigenous rights and, in 1993, a new amendment was presented for the exploitation of hydrocarbons which made the exploration and exploitation of oil by private companies much more advantageous. With the new legislation the indigenous peoples are no longer effectively co-owners of the subsoil because they are unable to intervene in the issue of exploitation permits. In 1992 the Ministry of Natural Resources, Energy and Mines (MIRENEM) approved 25 applications for mineral exploitation in indigenous zones. During 1993 some 200 applications were made and, according to newspaper reports, at least 20 companies are interested in exploiting the Talamanca, Chirripo and Telire reserves, among others. There is also news of permission being given for copper and gold exploitation in the Bribri reserve by the Oceanic Mining Society S.A.. The exploitation zone covers 25 per cent of the reserve where there are indigenous cemeteries and other sacred sites. MIRENEM has announced that it is studying a project for coal exploitation in an area of 120 kms. of the Bribri reserve.

But it is not only the search for minerals which affects the indigenous peoples, the search for sites for water-powered energy is also a threat. For example, in the case of the Boruca, the Costa Rican Electricity Institute is building the Boruca Hydroelectric Project for which it is building a 250 km-long lake which will involve the displacement of 20 indigenous communities.

On the 27th and 28th May, 1993, the Coordinadora of the Indigenous Peoples of **Panama** (CONAPIP), organised a work stoppage which, for the first time in the history of the country, caught the nation's attention when it received support from all the popular sectors. This measure arose from the lack of response in the implementation of laws regarding indigenous rights. The activities originated in the Kuna Madungandi Comarca, also known as Alto Bayano, where the *Kuna*

and *Emberas* live and where over the last 20 years they have suffered from an accelerating process of deforestation. The Kuna and Embera also maintain that they are being excluded from the integration process which is being discussed with Colombia and which includes opening up a road through the territories of both groups in the eastern rainforest of Darian. This stretch of road is all that remains to unite the whole American continent by the Panamerican highway. The indigenous peoples state that the construction of the road will bring serious environmental consequences and attract large numbers of colonists, thus threatening the indigenous peoples who live in the area.

The stoppage began when thousands of indigenous peoples from all over the country closed the main roads and occupied several public offices. The *Ngobe* also marched in the streets of Bocas de Toro, while the Kuna from the San Blas Comarca decreed that the ports and airports also be closed. On the 27th May, CONAPIP gave the government 48 hours to initiate a dialogue with the indigenous leaders on the land question but one day later the authorities severely clamped down on the community of Alto Bayano, firing at people, hitting out and using tear gas. Police brutality was also felt among the *Ngobe* on the border with Costa Rica. There the indigenous youth, Saturnino Aguirre, died after being struck by the police. The government denied any responsibility for the acts but decided that the Executive Power should form a commission, together with indigenous representatives, to deal with indigenous demands.

The incidents in May stirred the different indigenous peoples into uniting forces. Subsequently, on 19th November, 1993, they discussed the basis of a plan of action designed to achieve territorial autonomy for the their *comarcas* (reserves) and respect for their culture and traditions. This was the first time that representatives of the *Ngobe*, *Bugle*, *Kuna*, *Embera* and *Waunnan* had met together in a congress to present a communal demand for indigenous autonomy. At the same time, the Indigenous Congress asked the government to suspend the concessions that had been authorised to private companies for mining and timber exploitation on lands occupied by indigenous communities. The delegates concluded the congress with a statement in favour of a communal strategy and a demand for fulfilment of the articles of ILO Convention 169.



SOUTH AMERICA

In **Venezuela** the indigenous *Wayu* are demanding that the responsibility for indigenous people killed on the 12th October 1992 is cleared up for once and for all. This was the day when the then President of the Republic visited the state of Zulia and when, in confusion, the presidential escort opened fire killing two people and wounding another five, all *Wayu*. First of all it was justified as an anti-subversive action but later official spokespersons contradicted this by explaining that it was a simple incident concerning "drunk Indians". The families of the victims and the injured began a court case for compensation but when they had not received a response by February, 1993, took legal action against the Venezuelan state which was responsible for the injuries they sustained. What was quite new in this action was that they based their claims not on civil law but also on *Wayu* customary law. By means of various national statutes, Venezuela has accepted, in general, the legitimacy of the indigenous legal systems in the country, at least as a subsidiary source of law and now, for the first time, a demand for compensation from the state has been based in indigenous law. The case illustrates the orientation of indigenous politics in Venezuela throughout 1993 and the beginning of 1994. On the one hand, it is characterised by a lack of protection for indigenous peoples in the face of threats to their physical and cultural existence. On the other hand, it is characterised by a growing indigenous mobilisation in demand for the respect and protection which the Venezuelan state denies them.

On the 22nd April, the 'World Earth Day', there was a national indigenous march to the Congress of the Republic in Caracas. Thousands of indigenous people demanded the Venezuelan government's immediate ratification of ILO Convention 169. They stressed, above all, the dangers which the indigenous peoples run because of restrictions on the use of natural resources due to the establishment of the so-called Special Protection Areas (Areas Bajo Régimenes Especiales). Paradoxically, these restrictions are not applied in the same way for mining or lumbering consortiums.

In June, representatives of the *Yukpa* and *Bari* participated in the Non-Governmental Forum of the Conference on Human Rights in

Vienna. On one panel on the 'Exploitation of Natural Resources and the Violation of the Rights of Indigenous Peoples' they denounced mining in the Sierra de Perijá (see IWGIA Newsletter 1993/4). The panel, which comprised international experts on indigenous questions, judged the Venezuela government to be guilty of serious violations of human rights against the Yukpa and Bari by authorising mining concessions for various companies without respect for indigenous interests.

One month later, the president of the National Indian Council of Venezuela informed the UN Working Group on Indigenous Populations that indigenous groups throughout the country were being threatened by decisions made by the state which ignored the indigenous situation. These included authorizations for deforestation; granting mining concessions and promoting agrarian expansion on indigenous territories by large landowners.

The massacre carried out by Brazilian *garimpeiros* against the indigenous *Yanomami* in August received worldwide condemnation. An indigenous survivor indicated that the killings occurred in Venezuelan territory and as a result the government set up an investigatory commission. This commission established that 16 indigenous *Yanomami* were assassinated by 23 Brazilian *garimpeiros* on Venezuelan territory. The Venezuelan government was heavily criticised for not using its political and diplomatic influence to force neighbouring Brazil to clarify the case. Paciano Padrón, Parliamentary deputy, deplored the silence and the indifference of the Venezuelan government and also that the *garimpeiros* continued doing as they pleased in Venezuela.

At the end of October the National Indigenist Superintendency (Fiscalía Nacional Indigenista) organised its 1st International Congress of Indigenous Human Rights with the aim of drawing together the criteria employed by different bodies relating to the country's indigenist policy. This forum criticised the 'urban scheme' which is being imposed on the indigenous communities, and which runs contrary to patterns of traditional settlement. This policy is important in relation to indigenous territories in that where the population appears to be concentrated in small village areas, the state argues that the indigenous territories are depopulated, and thus promotes their colonisation, exploitation and plunder.

In the first days of 1994, the country experienced the worst tragedy in its prison history. A revolt of prisoners in the Sabaneta prison in Maracaibo left some 100 prisoners dead. Internal fighting caused fires in different wings of the prison and, according to testimonies, prison guards refused to open the windows when the building was ablaze.

Many of the dead were indigenous Wayu. The Ministry of Justice admitted that it could not protect the lives of prisoners in the country's jails. This situation is leading to constant unrest among prisoners and the revolt in Maracaibo was not the first.

Unfortunately, the year continued with the assassination of more indigenous people in Venezuela. On the 2nd of February, 1994, the Venezuelan army shot three indigenous Yukpa on their ancestral territory in the Piedmont of the Sierra de Perijá. They were found felling trees and were shot when they refused to hand over the timber. This tragedy was remembered in the indigenous statement on International Earth Day in Caracas: "They assassinated the Yukpa Indians for a few cubic metres of wood, but at the same time the state authorities pretend to ignore the huge cargos of wood which private companies extract daily by lorry from the Sierra de Perijá, indigenous land". In response to the international protests, the Attorney General of the Republic requested that the case be investigated and those responsible be punished. The new President of Venezuela, Rafael Caldera, enjoys the reputation of being committed to the human rights cause. It remains to be seen now whether the killings of the indigenous Yukpa will be cleared up. Will those responsible be punished or not?

Guyana's forests were until recently some of the most secure in the tropics. However, largely as a result of the heavy pressure from creditor nations, now coordinated by the Caribbean Group for Cooperation in Economic Development, the country has been opened up to foreign investment. The package of debt rescheduling, structural adjustment, political and economic liberalisation and the promotion of 'foreign direct investment' has been pushed through with scant consideration for the social and environmental consequences. One result has been a massive increase in mining and logging activities, which threaten serious environmental damage and a disruption of the lives of the indigenous peoples who make up the majority of the population in the interior.

In 1989 only some 2.4 m ha. of Guyana's forests were under exploitation, yet today contracts for more than 8 m ha. have been signed and a further 4 m ha. are rumoured to be in the pipeline. The Guyana Forestry Commission is patently unable to control this massive expansion of logging. Presently, it has only some 5 trained foresters and a tiny budget. Not only is it weak but politically captive. The World Bank's own studies agree that the Commission is in fact controlled by the industry that it is supposed to regulate. As a recent World Bank study has concluded: 'the agency is clearly unable to perform its func-

tions... is largely unable to collect the fees it is due and is unable to enforce planning requirements and environmental safeguards.'

The majority of the new investors are Asian companies - mainly Malaysian and Korean - who, having exhausted the forests of South East Asia, are moving west. They bring with them their capital, second hand machinery, labour force and marketing connections.

Meanwhile, the Government is pushing ahead with the completion of the highway linking Boa Vista in northern Brazil with the capital Georgetown. This is being hurried through despite repeated calls for a comprehensive social and environmental impact assessment.

Successive studies by the Amerindian Research Unit of the University of Guyana have shown that the Government is unable to regulate access to the country along this road, much less control the activities of those in the country once they cross the border - impacts which will be aggravated once the road links up with the network for logging tracks criss-crossing the interior. Illegal cross-border penetrations are already a severe problem in the south of the country, with cattle rustling and illegal mining activities on the increase.

All these developments pose a serious threat to the indigenous peoples who make up the majority population of the interior. Yet despite the fact that the recognition of indigenous lands was a condition of Guyana's Independence, indigenous land rights remain inadequately recognised and poorly defined. Where titles have been granted, lands are not surveyed, mapped and demarcated and no overall evaluation of the status of Amerindian land claims has been carried out since the 1960s. Many communities thus find themselves in dispute with encroaching ranchers, loggers and miners.

Repeated calls by the indigenous people for a regularisation of their lands have so far fallen on deaf ears.

In August, in **Colombia**, the National Indigenous Organisation (ONIC) denounced the government for its failure to comply with the agreements with respect to territorial autonomy. The indigenous protest focused on the lack of arrangements made to carry out measures to promote territorial autonomy. The special territorial regime for the 'resguardos' (reserves) has been a pivotal point for indigenous political participation since 1990 when indigenous representatives were elected to the Constituent Assembly. In 1991 the Assembly drew up a new political charter recognising Colombia's multi-ethnic and pluricultural character. Among the complaints registered by ONIC are the lack of land titling by the Agrarian Reform Institute and the scant extensions made to resguardos which were established prior to the Constituent Assembly.

ONIC also denounced the proliferation of paramilitary groups in the service of landowners and drug-traffickers. This has meant that the recovery of lands for indigenous and peasant communities has come up against strong opposition which has cost the lives of several indigenous people. This spiral of violence is threatening the recent achievements made by the indigenous communities in terms of improved economic, territorial and political autonomy. At midnight on the 26th March, four indigenous *Zenu* leaders from the San Andres de Sotavento reserve were removed from a bus by a group of uniformed people and killed. Among the dead were the head of the reserve, Hector Malo Vergara, and the assistant secretary general of ONIC, Porfilio Ayala. Malo Vergara had been a parliamentary candidate in the 13th March elections. These recent deaths bring the number of indigenous people assassinated in San Andres de Sotavento to 26 since 1987 when the *Zenu* began a campaign to recover their traditional lands.

In the Sierra Nevada, the violent attacks are again being carried out against the indigenous population. On the 13th April, 1993, members of the Colombian army killed Gregorio Nieves, an indigenous *Arzario*. Two years previously 20 indigenous *Paeces* from the Huellas reserve were killed and the responsibility for the act lay with the police. On the 8th July, 1993, the Solicitor General decided to absolve the police of formulated charges. Unfortunately, peace still seems to be a long way off in Colombia. At the national level, more than 70 indigenous persons have lost their lives in the last four years in the struggle for land. The president of ONIC, Abadio Green, said that the March massacre was a response to the struggle being carried out by the indigenous peoples of Colombia. "For decades," said Green, "political leaders have treated the Indians as if they were stupid. Now, thanks to the constitutional reform of 1991, the politicians ought to treat us as equals but many of them do not want to accept our rights".

The indigenous *Nukak*, in the Amazon department of Guaviare, are being seriously threatened at present. In July 1993, ONIC presented an urgent call to the UN in Geneva for a guarantee for the right of the *Nukak*, the last hunter-gatherer people in Colombia, to exist. Since the beginning of 1993, their situation has been considerably aggravated by the invasion of colonists onto their territories and the alarming increase in fatal diseases, such as flu, measles and hepatitis, which this has brought. Over the last five years, ONIC has been insisting that the authorities create a Reserve for the *Nukak*, but the Colombian Agrarian Reform Institute (INCORA), the body responsible for land titling, has procrastinated for over a year in making a decision, in spite of the fact that the legal requirements have been complete since the 8th November, 1992.

On the 18th of August, Sendero Luminoso carried out one of its most ferocious attacks in the River Ene valley, Peru. On this occasion 80 people were killed, 30 of whom were indigenous *Ashaninkas*. According to witnesses, a column of more than 50 persons, dressed in traditional Ashaninka clothes entered the community of Tahuantisuyd, where they killed 21 people with arrows and machetes. Later they went on to another six villages where they killed some 40 to 50 people and wounded about ten children. Some indigenous people have stated that the massacre was the product of reprisal against the communities which formed self-defence groups, the so-called 'rondas', with the support of the Peruvian army. In November 1993 and January and February 1994 Sendero Luminoso also attacked different Ashaninka communities leaving more people dead and injured.

In November, in response to the violence against the Ashaninka people, the First Ashaninka Summit took place in Satipo. This historical meeting was attended by 178 delegates from all the Ashaninka organisations of the Central Rainforest in order to find a united response to the many urgent problems which beset this people, aggravated by the violence which reigns in the region. Among the agreements reached, the Ashaninka proclaimed an emergency situation because of the extreme poverty they were experiencing as a consequence of the political violence and social breakdown in Peru. They demanded that the military authorities and the judiciary immediately free all Ashaninka being held unjustly for defending their communities.

On the 2nd December, 1993, the Peruvian government signed ILO Convention 169 on Indigenous and Tribal Peoples. The Convention recognises the rights to property and the possession of land which indigenous peoples have traditionally occupied and, furthermore, indicates that governments ought to take the necessary measure to safeguard the rights of those interested in utilising land which is not exclusively occupied by them but to which they have traditionally had access. Nevertheless, in Chapter VI, Articles 88 and 89 of the recently revised Constitution, the guarantees to fundamental rights of inalienability of indigenous lands have been removed. In this situation, the Peruvian indigenous organisations have mobilised to pressure the Peruvian government to modify the Articles so that they accord with the international legislation to which it has just subscribed.

Meanwhile, the Interethnic Association for the Development of the Peruvian Rainforest (AIDSESEP) continues implementing an extensive programme of demarcation and titling of communal territories in the Central Rainforest. This project, financed by the Danish Ministry of



Delivering the property titles to the Indigenous Communities at Ucayali. Photo: Pablo Lasansky

External Relations via IWGIA, has titled more than 100 native communities, covering an area of almost 2,000,000 hectares in the Ucayali region. The current phase of work concerns the demarcation of another 100 communities and the establishment of eight Communal Reserves.

Between the 25th and 31st August, Iquitos was the location for the II Conference of the World Alliance of Indigenous and Tribal Peoples of the Tropical Forests with the participation of 31 organisations from Asia, Africa, Central America, the Caribbean and South America. The Conference redefined the criteria for membership of the Alliance and the internal structure which was adopted at the first meeting in Penang in 1992. Among other resolutions, it also drew up a petition to encourage governments to ratify ILO Convention 169 and to apply the conclusions and recommendations of the UN meeting of experts held in Nuuk, Greenland, in 1991.

In Ecuador oil companies continue their expansion through the Amazon. The main force of the oil activities was concentrated in the provinces of Napo and Sucumbíos under the responsibility of Texaco until 1990 when the contract was taken over by the company, Petroecuador. The Texaco company created serious environmental and social upheavals without providing any compensation. Meanwhile, the government has called for international bids for the construction of an

oil pipeline and road some 172 km in length in the eastern province of Pastaza. The indigenous organisations oppose the project because they believe it will provoke a massive influx of colonists and because there are no sufficient guarantees for environmental protection. The bidding for the oil pipeline and the road are in addition to the opening in January of another ten areas in the Amazon region for oil exploration and exploitation covering an area of three million hectares. A total of 30 per cent of the Ecuadorian Amazon is at present committed to oil extraction activities.

To try to halt oil-related activities in the rainforest, the Coordinadora of the Amazon Basin (COICA), the Confederation of Indigenous Nationalities of the Amazon (CONFENIAE) and environmental organisations have begun a campaign called 'Amazonia for Life'. The campaign demands an environmental audit by Texaco and the reparation of damages incurred; an international boycott of Texaco until it makes reparations for environmental destruction in the Ecuadorian Amazon; the cancellation of the contract with the Maxus company in Block 16; support for the demand for a moratorium on all commercial extractive activities or resources in the territory of the *Huaorani*; and the creation of an independent surveillance system to monitor the environment, in which the affected parties can participate.

Meanwhile, in June, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) called for a day of protest against the government's refusal to attend to indigenous peoples' demands concerning territorial conflicts. At that time there was a series of confrontations with the military which resulted in the death of three indigenous people and several were injured. On the 29th June, the government agreed to resume dialogue with the indigenous Confederation. On this occasion CONAIE presented an agrarian project to be raised at the National Parliament. At the same time they pressed the authorities for a solution to the hundreds of land conflicts which the Ecuadorian judiciary had been processing for several years.

In November more than 100 indigenous leaders, representing some 1,000 communities, initiated a four-day convention to install the first indigenous parliament in Ecuador. The meeting took place in the province of Pastaza and was organised by CONFENIAE. The indigenous peoples have been working towards the creation of this parliament over the last two years in order to strengthen the indigenous movement's struggle for the legalisation of its territories and the rejection of oil exploitation. Parliamentarians are elected for a period of three years and meet for seven days every six months. The constitution

of this indigenous parliament does not imply the intention to form a parallel state: "it is simply part of the recognition that we belong to a pluri-cultural country" states CONFENIAE. Nevertheless, this explanation does not satisfy the Ecuadorian business magnates for whom talk of 'pluri-nationality' implies that the indigenous peoples want to form another state in the Amazon. This belief is shared by the government itself and by the armed forces, which only three years ago produced a document ensuring that extremist movements and international bodies "benefiting from the ingenuousness of the natives" cannot try to form a legal state.

The emergence and consolidation of the indigenous movement over the last few years has made a significant mark on Ecuadorian socio-political life, particularly through the indigenous uprising in June 1990, which in organisational terms led to the consolidation of CONAIE. From the 15th to 18th December, 1993, CONAIE celebrated its IV National Congress. One notable result of this event was the approval of the Political Project, conceived of as the "theoretical instrument of the Indigenous Peoples and Nationalities which will guide the struggle towards the construction of a New Humanist Society today and in the future". This political proposal, according to the reflections of the Congress, tries to go beyond certain ethnic limits and find a global proposal, not to solve exclusively the problems of the indigenous peoples but to serve to find ways forward for all sectors of society.

In the 1993 presidential elections in **Bolivia**, Gonzalo Sanches de Lozada was elected president and Victor Hugo Cardenas, an *Aymaran*, vice-president. The appointment of an *Aymaran* has caused much discussion throughout the country as it is the first time an indigenous person has held such a high position. Some of the initiatives of the present government are important for the indigenous peoples. First of all, it has presented a proposal for educational reform which includes intercultural and bilingual education. Furthermore, in the area of forestry, it is expected that the state will authorise timber concessions according to certain conditions, which will provide the indigenous communities with a measure of equality with the lumber companies. The government's promise to draw up a new constitution has generated a process of struggle to ensure a place in the legal framework for the rights of the indigenous peoples of Bolivia.

However, this positive perspective of the current Bolivian government is not shared by the *Chiquitano* people who live in the Amazon region. The *Chiquitanos* communities of San Antonio de Lomerio denounced the state mining concession which is situated only 300

metres from the village of San Antonio. Some months previously, the government had rejected a petition for some hectares of land for members of the indigenous community. The same inhabitants of Lomerio have suffered over the last 12 months from a blockade by the mining company, Quebrada Azul, whose overseers have issued death threats to the indigenous leaders who opposed their activities. Today Chiquitanos from other areas bordering with Lomerio are suffering from the same situation. The lumber companies are extracting 80 per cent of the commercial lumber in Bolivia from the lands of the Chiquitanos without paying the taxes which ought to be used for the benefit of the region. It is estimated that the lumberers have a debt of some USD8 million.

Three years after the historic indigenous march 'for territory and dignity' which covered 600 kms. in three months, the peoples of Eastern Bolivia have still not achieved half of their demands. The march brought a new awareness of the presence of indigenous peoples to the country but little has been done on the question of indigenous territory. Although the previous government of Paz Zamaora approved a series of laws recognising indigenous territories, the invasions of colonists and lumberers still continue and the authorities do nothing to stop them.

The struggle for the demarcation of territories still continues. In the last three years 10 indigenous territories have been recognised, totalling some 2,700,000 hectares. Nevertheless, the physical process of demarcation has still not been carried in the territories. Strong opposition from certain business sectors, the government's ambiguous position and the lack of specific legislation have been important factors in this respect. One of the areas recognised by Supreme Decree on the 30th October, 1990, is located in the Chimanes Forest where lumbering is prohibited. Nevertheless, timber companies are still active today in this area. At the last meeting of the Chimanes Forest authorities in February 1994, the indigenous people called attention to this unacceptable situation and warning them that they will take serious steps to stop the lumbering activities.

In July 1993, Rogelia Burgoa, secretary of the Indigenous Women's Organisation of Tropical Bolivia, travelled for the first time to the UN Working Group on Indigenous Populations in Geneva. She took this opportunity to denounce the abuses to which the peasant-indigenous communities of Chapare are being subjected by the special forces combatting drug-trafficking in this traditional coca-producing zone. The peasant-indigenous organisations have often proposed that the authorities look for alternative forms of production to coca, but to date

none of the proposed programmes have been successful. Without finding any alternative means of subsistence for the inhabitants of Chapare, the Bolivian army, with the support of the special North American forces, continues to intimidate the population and dissuade them from commercialising the coca leaf.

The indigenous organisations have experienced a considerable strengthening throughout 1993. CIDOB, the Centre of the Indigenous Peoples of the Beni (CBIP) and the Centre of the Indigenous Bolivian Amazon Region (CIRABO) have held different meetings which have been significant steps in their organisational consolidation.

In **Brazil** the killing of the *Yanomami* in the community of Hashimu on the 19th August 1993 has had huge repercussions. The massacre occurred as the campaign against demarcation of indigenous territories began in Brazil. This real genocide against the *Yanomami* has not just started recently but dates back to 1987 when the first massive invasion of gold prospectors took place. Since then, the *Yanomami* population has been reduced by 20 per cent as a consequence of disease, particularly malaria. At the end of 1991, 40,000 *garimpeiros* were thrown out of the indigenous area where they had been working and the Indigenous *Yanomami* Area of some 9,000,000 hectares, was demarcated in November of the same year. Nevertheless, the re-invasion of *garimpeiros* has been constant. Up until February 1994, the National Indian Foundation (FUNAI) had ejected 4,700 *garimpeiros* but once again thousands have returned to illegally occupy the *Yanomami* Area. The new invasion provoked a marked increase in the cases of malaria and other diseases. Meanwhile, rumours circulate about the possible construction of a road from the military base in Surucucus, which will doubtlessly facilitate the entry of more *garimpeiros* into *Yanomami* territory.

But the violence against the indigenous peoples of Brazil is not limited to the *Yanomami*. Countrywide, the number of indigenous assassinations has reached 45, with 85 attempted killings. This is almost a doubling of the number of deaths in 1992. The main motive for the killings continues to be the question of territory. In this sense, and as was expected, the Brazilian government did not comply with the agreement to demarcate indigenous territories before the 5th October. Of 532 indigenous territories, only 266 indigenous areas have been demarcated. Of these, 198 have been validated, that is their demarcation has been confirmed by the President. The Minister of Justice, Mauricio Correa, announced the suspension of all demarcation work because of a lack of funds and because of the pressures which the

government suffered resulting from the demarcation. The landowners as well as the mining companies, lumberers and some groups of the military opposed the demarcation of indigenous lands. Of the 519 indigenous territories, only 87 have been demarcated. Nevertheless, a few days before the meeting of countries which are financing the Pilot Plan for the Conservation of Tropical Forests in Brazil, which took place in Brussels on the 23rd March 1994, the Brazilian newspaper, 'Jornal do Brasil' revealed that the Brazilian government had written to the German government asking that the 'Demarcation of Indigenous Areas' project of some USD18 million be removed from the funding programme.

Concerning the Carajás Plan, in spite of the fact that the Brazilian government has not complied with the agreements over indigenous rights in the Pará area, there is now information circling that the national authorities have negotiated a new loan from the World Bank of approximately USD50-60 million to revive the project for mineral exploitation in the area. It is feared that if the loan goes ahead, the indigenous *awa-guajá* will be seriously threatened.

At the same time, the Minister of Justice, Alexandre Dupeyrat, announced a plan to create an inter-ministerial commission to draw up new criteria for the indigenous land demarcation process, replacing Decree 22 which regulated this process. The Minister maintained that the 266 demarcations already carried out only followed criteria imposed by anthropologists and indigenists. The Minister is concerned to ensure that the demarcations do not impede the exploitation of subsoil resources by Federal and State governments.

Concerning the revision of the Constitution, the first phase was concluded on the 15th December 1993, when 17,245 proposed amendments were presented, 290 of which related to indigenous rights, and 170 were directly opposed to the rights and interests of the indigenous peoples which are recognised and enshrined in the 1988 Constitution. Some of these amendments impede the demarcation of indigenous communities in border areas, thus affecting some 12 indigenous peoples, and at the same time they facilitate mining activities on indigenous lands.

On the 14th March, 1994, hundred of indigenous members of the Indigenous Council of Roraima blocked the road near Olho d'Água in protest over the illegal presence of gold prospectors in the region. They also demanded the demarcation of the Raposa-Serra do Sol Indigenous Area in Roraima. They were thrown off the road by military police but returned ten days later to block the road again. A new army contingent came to disperse them using violence against the protestors and later

invaded and destroyed an indigenous encampment. After this episode, some 45 highly armed police were to be found controlling the route and firing into the air to keep the indigenous peoples at a distance of 50 metres from the road. On the 17th May, also on Raposa-Serra do Sol lands, two indigenous *Macuxi* were killed by Jose Saraiva, a local rancher. Members of the *Macuxi* community of Napoleon confirmed that for some time Jose Saraiva had been threatening them because of their lands. The press in Boa Vista, the capital of Roraima, announced that there will certainly be a blood bath if the Indigenous Area of Raposa-Serra do Sol continues to be demarcated.

In Paraguay the most serious problem confronting the indigenous peoples is the lack of access to land. While many indigenous communities live in colonies where they have secured land, in the majority of cases these areas are extremely overpopulated and it is impossible to live from them. Furthermore, there is still a large number of communities without land and throughout the year there have been concerted efforts to exclude *Enxet* and *Pai Tavytera* communities from a series of areas. They have been subjected to, among other things, death threats and the burning of their houses.

Nevertheless, many indigenous peoples have continued to try to legalise at least a part of their traditional lands. The most important case of that is the *Ayoreo-Totobiegosode*, who number some 150 persons. Between 1979 and 1986 the majority of them were removed by force from the rainforest by acculturated *Ayoreo*, supported by North American missionaries, although there is still a group in the forest who have evaded all contact with non-indigenous society. In a surprising move, the 'captured' *Totobiegosode* presented a demand to the government for the legalisation of 600,000 hectares of their territory. Their objective is to protect their families, halt the ecological destruction which is advancing into the area and to return once more to their own lands. To strengthen their case, they obtained a court order prohibiting changes on their lands (such as forest clearing) and their sale.

The other group making important demands for their lands are the *Enxet*, 4,000 of whom are trying to legalise a minimum of 160,000 hectares. At the end of the year they also applied for a court order to prohibit changes and sale of three areas totalling 400,000 hectares. This was finally approved in February 1994. The landowners union, the Rural Association of Paraguay, has reacted to these court orders and is trying to have them annulled. The *Enxet* have also been extremely active and, in December, more than 100 of them went to Asuncion to talk with members of Parliament, publicising their case by spending a night dancing in front of the Parliament building.

To date, none of these indigenous groups have been successful, in spite of the fact that the 1993 Constitution obliges the government to provide indigenous peoples with lands. Certainly, in 1993, no authorisations were made under any state budget categories for the purchase of lands. This is the situation, despite the fact that in Paraguay the majority of the indigenous peoples are living on private property. In reality, the total amount of lands in the possession of the indigenous peoples in 1993 was minimal. The only success was the expropriation by the Parliament of 7,600 hectares of the sacred hill of the Pai Tavytera, Jasuka Venda, and a total of 2,422 hectares were expropriated in the name of three *Mbya* communities. Nevertheless, the required compensation is still to be paid out to the indigenous owners, who state that Jasuka Venda is still being deforested.

In fact, deforestation in Paraguay has continued at a very fast rate throughout the year and very little official action has been taken to stop the smuggling of timber into Brazil. Indigenous communities, which apparently control their land have also been affected and there continue to be reports of cases of non-indigenous invasions onto indigenous lands to extract wood.

Another serious ecological disaster took place with the construction of a canal to divert the water of the Pilcomayo river to Argentina, which left a huge area of the Paraguayan Chaco completely dry. A series of *Nivakle*, *Guarayo* and *Manjuy* communities, which depend on the river for their subsistence, were affected and began a campaign for the closure of the Argentinean canal. The situation was aggravated by an extensive drought which affected the majority of the Chaco. Many communities had to receive food supplies from the state and the inhabitants of some communities were forced to walk several kilometres to get drinking water. Nevertheless, there was very little care taken with how the provisions were distributed, and many indigenous peoples who were not facing an emergency situation were able to benefit. Moreover, the government initiated a new distribution policy of food-for-work with the Chaco communities.

The foodstuffs came from the United Nations and, in 1985, private organisations which worked with the indigenous peoples opposed a similar programme because they objected to the increase in dependency of the indigenous communities vis-à-vis the state. Nevertheless, there was no opposition to the new policy and the distribution has continued at full speed but with minimum supervision. Increasing dependency has been noted and, more alarmingly, many indigenous leaders have been investing more effort into obtaining this food than in the struggle for land. This is a situation which, given the lack of state

interest in resolving the land question, obviously suits the government.

In spite of the fact that practical support in Paraguay for the indigenous peoples has been insignificant, this has not stopped the government from passing legislation advanced in the name of indigenous peoples. The most recent example was the ratification in July of ILO Convention 169. This move has improved Paraguay's international position but, so far, has done little to help the indigenous communities.

1983 saw the first real participation of the indigenous population in the national elections. There were many accusations of politicians manipulating the 'Indians' and the three main parties were implicated. Nevertheless, more detailed studies have suggested that many indigenous communities were well able to stand up to the politicians and, in many cases, it would be more appropriate to say that it was the 'Indians' who manipulated the politicians. Nevertheless, following the success of the election of an indigenous member of the Constituent Assembly in 1992, another two indigenous persons obtained seats in a governmental organisation, this time as members of the local parliament in the Department of Boqueron.

However, the elections also resulted in the election of some members of Parliament with considerable previous experience in opposition to indigenous rights. For example, the brothers Saguier, members of the Authentic Radical Liberal Party (PLRA) and long-time defenders of landowners against indigenous peoples, gained seats in the National Assembly. Another example is Blas Riquelme, the then president of the Colorado Party, accused of the persecution of the indigenous peoples who live on his land. However, the most alarming example is the election of Díaz Calderera, the national deputy of the Colorado Party in Alto Paraguay, who was accused of firing at Enxet in Puerto Casado as they tried to vote for the opposition. Despite having been denounced by the local Catholic bishop, no action was taken against him and, in fact, when the parliamentary sessions began he was put forward as the only candidate for the presidency of the Commission of Human Rights and Indigenous Affairs in the Camera of Deputies. This provoked a national scandal and his name was quickly removed, although he remained a member of the Commission. However, the election of some members of Parliament with a long tradition of support for the indigenous peoples should also be mentioned, in particular, Elba Recalde, Juan Carlos Ramirez Montalbetti and Martin Sannemann, all from the PLRA.

The state body responsible for indigenous affairs, the Paraguayan Indigenous Institute (INDI) had a tumultuous year. Its president, Numa Mallorquín, was bade farewell in January and replaced by Federico

Doldán, one of the more experienced employees at the Institute with a long record of service in the Stroessner years. The change appeared to make little difference to the work of INDI in spite of this being due to a certain extent to a financial crisis. The majority of the Institute's budget went in salaries for its excessively high number of employees, few of whom have been seen in the indigenous communities; they had complained of the lack of money for transport as well as the lack of travelling expenses. The shortage of funds also affected the functioning of the INDI clinic at Santa Teresa, which was supposed to look after seriously ill indigenous patients who were sent to Asuncion. There were many denunciations in the national press of the inadequate attention the indigenous patients received. This could be summed up by the fact that many indigenous communities receive no medical help at all, not even vaccinations. Throughout the year there were notices in the press of the large number of indigenous deaths due to dysentery, TB and measles.

At the end of the year, Doldán himself was replaced by Valentín Gamarra, who had worked previously as a customs official. He is a member chosen from the peasant section of the governing Colorado Party and his nomination was clearly political. Nevertheless, he has a reputation for having given strong support to the indigenous peoples in the Constituent Assembly. His nomination was questioned by several indigenous people living in Asuncion, many of whom are employed by INDI. They occupied the INDI offices but the support they received from the indigenous communities was insignificant and the total number of protesters barely reached one hundred. Other indigenous groups in Asuncion gave their support to Gamarra and the protest rapidly collapsed.

In the past few years, different indigenous peoples have tried to create their own organisations with the objective of pressing their own interests more effectively. Most recently, in 1993, the Mbya brought together two existing organisations of the Pai Tavytera, Ava Guarani and from the area of Pilcomayo. In contrast, the organisation which tries to represent indigenous peoples at the national level, the Association of Indigenous Parties (API) continued to break up and a dispute between two rival indigenous groups in Asuncion for control of the organisation had to be finally resolved by the Supreme Court. A serious problem for API is that it is financed by INDI and many of its leading members are employees. Consequently, it is frequently accused of being politically compromised and its functions severely criticised by many indigenous leaders who prefer to remain in their communities.

There were incidents outside the presidential palace in the capital of Chile on the 22nd April when the police moved in on indigenous Mapuche who tried to initiate a hunger strike in protest at the judgement of illegality on 144 land occupations. The hunger strike was organised by the Mapuche organisation, the Council for All Lands, which in 1992 promoted the re-occupation of indigenous ancestral land. It was because of these occupations that the Chilean authorities filed suits against the 114 indigenous people accused of illicit association and usurpation of the land. The Council of All Lands condemned these convictions as violations of human rights and began a campaign to change the sentence.

On the 28th September, 1993, a new indigenous law came into effect which permits the integration of different ethnic groups into Chilean society, with respect for different identities. However, several indigenous organisations have expressed their dissatisfaction with the law. The Mapuche leader, Dagoberto Cachaña, criticised the exclusion of indigenous representatives in the formulation of the law and the fact that it does not take into account indigenous land claims. However, Cachaña also recognised that the efforts of the national government in the present period of transition in which the country is living through, has made it difficult to formulate a more advanced law.

Meanwhile, indigenous and environmental organisations continue to protest at the construction of the Pangué dam on the river Bio-Bio. In December 1992, the World Bank agreed a loan to the company ENDESA for financing the dam. It is estimated that with the construction of the dam, parts of the river will be dry for 90 days a year and which will lead to the disappearance of various species of vegetation and animals. To begin with 55 Mapuche families will be forced to leave their lands but once the six planned reserves are complete the number of displaced families will rise to 600, with another 400 indirectly affected. Six Mapuche organisations and many other foreign NGOs have formed an action group to focus attention on the consequences of the project.

Argentina has been characterised in the past by attitudes and policies designed to exterminate the indigenous peoples and later a denial of their existence or their forced assimilation. It is therefore understandable that many indigenous groups hid their identity as a self-defence mechanism and, in some cases, negated their indigenous identity.

With the polemic surrounding the 500 years of the 'discovery' of the Americas, the International Year of the Indigenous Peoples, and the increasing activity of indigenous organisations within the country, there has been a process of changing attitudes towards the indigenous

question in Argentina. This has had effects among the indigenous population itself in terms of confidence and a rise in its own self-esteem. In the northwest, the peoples known collectively as *Kolla* (previously a deprecatory term) are gaining more confidence in their indigenous identity and claiming legal recognition. In the Province of Salta, for example, when the official body for indigenous affairs, the Provincial Institute for Aborigines (IPA) was created in 1985 it had excluded the *Kolla* people but over the last year they have been demanding their rightful participation in the IPA.

In the south, especially in the provinces of Chubut and Rio Negro, there had also been the tendency among the Mapuches to hide their indigenous identity from the outside, but this tendency is now being reversed. The emphasis of various Mapuche organisations, particularly in Neuquén, to affirm their status as a 'people-nation' and to broaden their connections with the Mapuche in Chile, illustrates this growing revaluation of identity.

Another aspect of the same process is the reaffirmation of the use of indigenous languages and the desire to have these officially recognised, for example in formal schooling.

Linked to this revaluation process have been several examples of increasing indigenous organisational capacity, above all in relation to the national society. Among the Mapuche of the Rio Negro, the Indigenous Advisory Council (CAI) is becoming increasingly stronger at negotiating with the provincial and national authorities, while carrying on its aim of strengthening economic and political (non-party) organisation within the Mapuche communities themselves.

In October, the Co-ordination of Mapuche Organisations, 'Tain Kinegetuam', which groups together three indigenous organisations from the province of Neuquén, held a meeting of impressive proportions with the presence of Mapuche representatives from the five Argentinean and Chilean provinces (more than 200 persons), thus demonstrating a level of organisation not seen since the conquest. At the same meeting a Declaration was drawn up which established the basic principles for the process of self-determination: Mapuche rights to territory, language, cultural integrity, and their political identity of as a 'people-nation'.

There has also been an increase in organisational activity in the Chaco region, which goes beyond the local community. For example, there is the Association of Aboriginal Communities, 'Thaka Honat', which brings together more than 30 communities from four different original peoples (*Wichi*, *Iyojwaya*, *Komlek* and *Niqaklé*) in the area of Pilcomayo in northern Salta province.

This example of the coming together of many communities is, to a large extent, motivated by a movement for the defence of traditionally occupied territory. The Association is reclaiming some 400,000 hectares of fiscal lands and denouncing the exploitation of their land for cattle ranching and uncontrolled deforestation by non-indigenous people. The Association presented its claim to the provincial government as well as to the President, together with proposals for an environmental recuperation programme once the land has been decided in their favour. However, to date there has been no concrete response in favour of the Association.

Also in Salta, the *Kolla* community of San Andres has taken its land claim to Buenos Aires. This land was appropriated by the large sugar processing company, San Martin de Tabacal. After holding several days of demonstrations in front of the national congress, they managed to secure an interview with the President and get his support for the expropriation of the lands, which was later legally sanctioned by Congress. However, there are still various legal papers to be completed as well as delineating the land before the expropriation can go ahead.

In the province of Chaco, the *Tobas* of Teuco-Bermejito, who are part of the Meguesoxochi Community Association, continue their long struggle to secure the 150,000 hectares which they were legally awarded in 1924. They have again cut off one of the roads in the province to call attention to their claim. Two years ago the national government sent funds to carry out the delineation of their lands but the money 'disappeared' en route.

Although these were the three most notable cases over the last year, the legalisation of indigenous possession of traditional lands has become a generalised claim among all the original peoples of Argentina. The national society's response to these claims depends considerably on the politics of each province: thus, while in the province of Formosa there have been significant advances in handing over land titles, in other provinces, such as Salta and Santa Fe, the process has been very sluggish.

Increasing public and international interest in the indigenous situation, in the action taken by different pressure groups and in the protests carried out by indigenous peoples in the federal capital, has forced the national government to focus more attention on the political demands, although there is still no fundamental change to be seen in government policy which can be characterised as one of 'containment'. In this sense, the setting up of the National Institute for Indigenous Affairs (INAI), the body responsible for implementing the law on 'Indigenous Policy and Support for the Aboriginal Communities', can be inter-

preted as an ambivalent step; on the one hand it is positive in that it signifies greater interest on the part of the national government, but, on the other hand it is also negative because INAI does not represent indigenous peoples and, moreover, it could easily be co-opted.

In this sense, it is important to make clear that the law on Indigenous Policy is very weak in terms of resolving territorial claims and, in general, is oriented more towards protection than self-determination. This means that, although the national congress sanctioned ILO Convention 169 more than a year ago, the Executive Body still refuses to deposit the signed Convention with the Director General of the ILO, which would give it force in Argentina.

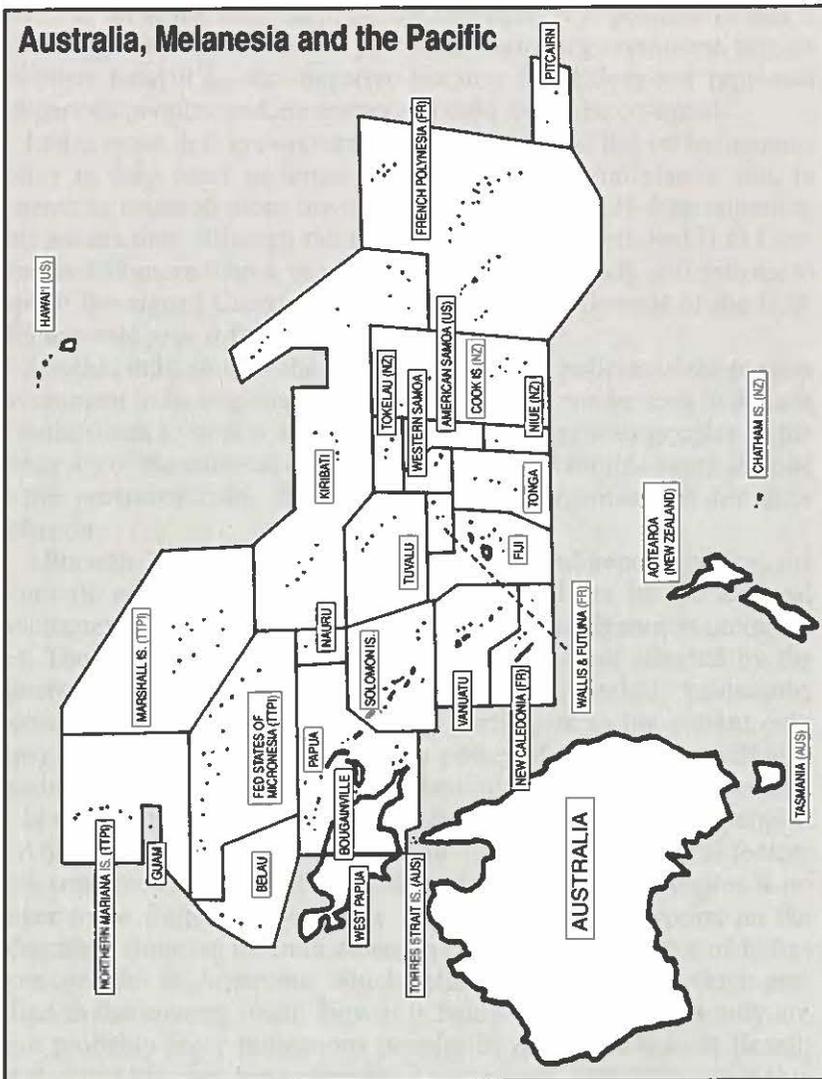
Another indication of the superficiality of the policies of the present government in its response to indigenous claims can be seen in its lack of enthusiasm to deal with the rights of the indigenous peoples in the reforming of the national constitution (scheduled for this year), in spite of the pressures from different groups and organisations for their inclusion.

Although it is not an explicit part of its indigenous policy, the economic adjustment programme being carried out by the national government has inevitable consequences for the indigenous communities. The regional and rural economies are the most affected by the adjustment and the indigenous communities are especially vulnerable, according to the extent to which they participate in the market economy. It still remains to be seen if the policy of privatisation will also disadvantage them when it comes to dealing with legal claims for land.

In spite of the limitations in the policies for the indigenous peoples of Argentina, it is evident that over the last two years several factors have combined to ensure that the fate of the indigenous peoples is no longer to be forgotten. For many years, international reports on the indigenous situation in Latin America ignored the existence of indigenous peoples in Argentina, which reflected the attitudes which prevailed in the country itself. Now it is being realised that not only are there probably more indigenous peoples in Argentina than in Brazil, but also that they are demanding to be recognised, with their own rights as original peoples.

Sources

IPS; Latinamerica Press; Amigos de los Indios; Nuestra Amazonia; ALAI; Voz Indígena (Peru); CIMI, CIR, CCPY (Brazil).



MELANESIA, THE PACIFIC AND AUSTRALIA

Melanesia

In **West Papua**, the Indonesian authorities resettled 1,390 indigenous families in 1992, and in 1993 they planned to resettle another 2,146 families. During the coming five years they have set targets for resettling 2,150 Papuan families each year. One obvious reason for the resettlement of indigenous communities is to use the indigenous territories for the settlement of Indonesian transmigrants and for large-scale economic activities such as mining and logging.

Early this year, Indonesian Minister of Information, Harmoko, announced, after his annual 'Ramadhan safari', that the government intends to intensify its programme to send people from Java and Bali to West Papua. Harmoko said that, through transmigration, he hoped that the population of 'Western New Guinea' would increase rapidly in order that its vast economic potential could be tapped. President Soeharto plans to divide West Papua into three provinces. With three governors and three times the bureaucratic and military machinery, the government hopes to speed up infrastructural 'development'.

However, he also announced that the government plans to open new resettlement areas along the border with Papua New Guinea. Such sites will be of strategic importance to the Military in order to secure the border and carry out clandestine operations against anyone the government perceives as OPM (Free Papua Movement) activists. Killings on both sides of the West Papuan-PNG border in October 1993 suggest that Indonesian military activity along the border is intense. The Indonesian army crossed the border after carrying out sweeps against the OPM armed resistance in Wiwirok and Batom sub-districts in West Papua. An OPM spokesperson in Port Moresby reported that as many as 121 people may have been killed. Thirteen deaths by Indonesian crack troops were confirmed in the PNG village of Yapsei.

The struggle of the *Moi* people is an example of the denial of land rights for the indigenous peoples of West Papua. The *Moi* of Sorong, Bird's Head, continue their struggle to prevent the logging of their

ancestral land. The logging company PT Intimpura Timber Co. have a logging concession which includes 333,000 hectares of Moi ancestral land which they have been logging since 1990. From the beginning, the Moi, who number about 4,000, have been campaigning for the withdrawal of PT Intimpura and PT Kayu Lapis (Indonesia) from their lands. The latter company is looking to expand its plywood production interests into Moi land and a feasibility study is being carried out by the Canadian consultancy, SNC-Lavalin, and financed by the Canadian International Development Agency (CIDA).

In April, 1993, there was a confrontation between the Moi and PT Intimpura employees who were surveying Moi land in contravention of a 1992 agreement stipulating forms of co-operation between the two parties. The Moi were told that "No land is owned by the Moi people, land is owned by the Irian Jaya Maluku Military Command Kodam 8". In May 1993, three Moi from Klasowo village were arrested, accused of murdering a policeman. Reports state that the policeman entered a Moi sacred site with three others but the details of the death are unclear. At every stage the Moi have tried to negotiate with the company and the civilian and military authorities. In return, they have been made empty promises, threatened and intimidated, and those who do not speak up are accused of being subversives.

In the refugee camps on the border with Papua New Guinea conditions continue to deteriorate and there were two demonstrations by refugees in East Awini camp at the beginning of 1993. The refugees were demonstrating about the poor housing conditions, the infertile land which means they can barely grow enough food, and the attendant health and nutritional problems. They were also demonstrating about the 'active discouragement policy' by the PNG government and the UNHCR which they fear will become more severe until they are forced into repatriation.

The indigenous peoples of **Bougainville** are particularly concerned about the fact that the government of Papua New Guinea has not seen fit to place the highest priority upon responding to the Resolution of the last Commission of Human Rights (1993/76), to correspondence from the UN Secretary General, to written inquiries from the Committee for the Elimination of Racial Discrimination, or to communications from the Special Rapporteur on Arbitrary, Summary or Extrajudicial Executions. Furthermore, the government has not co-operated with non-partisan assistance from organisations concerned with human rights, such as *Medicins sans Frontiers* and the International Commission of the Red Cross.

The ongoing detention and torture of the civilian population of Bougainville is a result of a war that cannot be won and where the losers are the civilians. The Papua New Guinea military has taken a position against self-determination and other basic human rights. In this situation there is a need for assistance and the promotion and protection of human rights.

The Bougainvillian people have all clearly stated their desire for a cease fire and a negotiated peace in the joint declaration between the Papua New Guinea government's mandate 'North Solomons Peace Monitoring and Negotiating Committee' and the interim government of Bougainville which was signed in July 1993 in Honiata. Since the declaration, repeated correspondence from the interim government of Bougainville expressing a willingness to enter peace negotiations with Papua New Guinea and offers from Australia and New Zealand to facilitate such talks, have elicited no response from Papua New Guinea.

In addition, they have as yet not responded to Human Rights Sub-Commission resolution 1992/19, which was discussed at last year's UN Commission and carried without a vote. The resolution refers specifically to the matter of 'Detention in Bougainville'. Papua New Guinea has also made no attempt to accede to this resolution which calls for the return of freedom of movement for the people in Bougainville. The siege of the island has been strengthened and tightened. More and more people are being removed into the so-called government 'care centres'. It is now estimated by reliable sources, and confirmed by the Papua New Guinea government itself, that over 60,000 peoples have been interned in these 'care centres'.

The Papua New Guinea government has displaced and interned people as a condition for receiving minimal food, shelter and basic medical supplies. *Medicins Sans Frontiers* reports that these centres have inadequate medical and sanitation facilities and that they were prevented from visiting the vast majority of them.

The International Commission of the Red Cross (ICRC) has been negotiating for over one year with the Papua New Guinea Government, seeking access to Bougainville prisoners taken from the island to detention centres in other parts of Papua New Guinea, where they are reportedly subjected to inhumane treatment. To date, the ICRC has not received permission from the government for this much sought-after access to the prisoners.

During the UN Human Rights Commission, Bougainville representatives called on the Commission to request the Secretary General to take further direct action by appointing of a special representative to be

mandated by the Secretary General to assist the Papua New Guinea government and the Bougainville people to find a peace that will ensure the return to basic human rights.

The Pacific

Hawai'i. 1993 marked the centennial of the takeover of the Hawaiian government in 1893 by US Marines in collaboration with a local group of white businessmen. Many events commemorated and lamented this invasion and occupation over the year. On January 17th a large demonstration and other initiatives gathered more than 20,000 *Kanaka Maoli* (indigenous Hawaiians) and supporters at the grounds of the 'Iolani Palace in Honolulu, protesting the 1893 takeover and supporting sovereignty. The momentum has been building up ever since. The awareness of the true history of Hawai'i and the rightful claims of the indigenous people are increasing in Hawai'i as well as in the international arena. This is due to different actions as well as ongoing research and documentaries, such as the award-winning video *Act of War* about the 1893 takeover.

A national and international initiative was taken in the form of a Kanaka Maoli Peoples' International Tribunal held in Hawai'i, August 12-21, 1993. The Tribunal judges, nine distinguished international jurists and human rights experts, found the US guilty on all the nine charges of violations of Kanaka Maoli Law, the US Constitution, laws and judicial decisions of both the US and the State of Hawai'i, international law, the law of peoples as nations and human rights. The verdict included the essential point that Kanaka Maoli sovereignty had not been extinguished by illegal US action and that native title and inherent rights to lands remain (See IWGIA *Indigenous Affairs* 1, 1994).

The record made by the Tribunal judges and the evidence received have been preserved as public documentation along with transcripts of oral and written testimony received from Kanaka Maoli and supporters. The Interim Report of Charges, Recognitions, Findings and Recommendations has been published, and a Final Report is being prepared.

The State of Hawai'i's initiative to 'assist the native Hawaiians in enforcing their legitimate claims against the US Government' (cover letter by Senator Solomon to Committee Report, May 1993) is a testimony to the power of the sovereignty movement. The State legislature in June 1993 passed Act 359 which established a 19-member governor-appointed Hawaiian Sovereignty Advisory Commission

(SAC) with the purpose of working "toward a Hawaiian Convention which would propose an organic document for the governance of a Hawaiian Sovereign nation" (ibid.). Many Kanaka Maoli see this initiative as another move by the state to take over control of the movement.

On November 23, 1993, President Clinton signed the US Congress Senate Joint Resolution 19 which became Public Law 103-150. In this law, the US for the first time recognizes Kanaka Maoli as the aboriginal people who have occupied and exercised sovereignty in Hawai'i prior to the arrival of foreigners in 1778 and who continue to exist as the native or indigenous people of Hawai'i.

This so-called 'apology resolution' apologizes to Kanaka Maoli on behalf of the US for its armed invasion and illegal overthrow of the independent nation, the Kingdom of Hawai'i, on January 17, 1893, but does not address the continuing deprivation of the Kanaka Maoli right to self-determination, nor does it acknowledge the continuing violations of civil, political, social, cultural and economic rights. The law acknowledges that, prior to the illegal act of war and invasion in 1893, Kanaka Maoli lived in a 'highly organized, self-sufficient subsistent social system based on communal land tenure with a sophisticated language, culture and religion' and admits that the overthrow of the legitimate Kanaka Maoli government was in violation of treaties between the two nations and of international law.

The 'apology resolution', while historic, is without power of implementation and redress. Kanaka Maoli repeatedly attempted to amend it during its two year drafting process to include a guarantee of restitution and reparations for past wrongs as well as addressing the issue of current civil and human rights violations, with specific reference to the illegal seizure of their lands.

Even as public awareness grows, Kanaka Maoli still have the worst health statistics profile in the US. They also come bottom in any social and economic statistics pertaining to a 'modern welfare state', at the same time as they are forced daily to fight new instances of a 'blind', economically-determined 'development' - out of consideration for their native land and sea. For example: Kanaka Maoli have the highest mortality rates through heart disease, cancer, stroke and diabetes in the 'State of Hawai'i'. They have the highest rate of infant mortality and the lowest life expectancy. Kanaka Maoli also make up 50 per cent of the prison population and have the lowest levels of family income, and the highest rate of homelessness.

The US Congress Office of Technology Assessment has projected that Kanaka Maoli of full blood will be almost extinct by the year 2040.

Since 1921 the US has established a 50% blood quantum requirement for Kanaka Maoli to apply for Hawaiian Home Lands awards.

There are continuing and escalating numbers of Kanaka Maoli being arrested and jailed for re-occupation of their traditional lands which are illegally controlled by the US and the state. There are also continuing arrests of Kanaka Maoli practising religious rights and protesting use of their lands for military purposes, such as missile launching in the Star Wars program. Examples of on-going and proposed devastating industrial and military developments are geothermal, rockets, ocean mining and radiation plants.

Taro farmer Raymond Kamaka is a tragic example of a Kanaka Maoli prisoner of conscience. He is serving two years in a Federal prison in California for protesting against the refusal of the US Government to restore and return 187.4 acres of his family lands in Waikane Valley after bombing it from 1942 to 1976. These lands have now been confiscated by the US.

Unlimited migration and massive tourism aggravate levels of over-population which are endangering the fragile island ecosystems, further depleting limited resources and overwhelming and endangering the existence of Kanaka Maoli. This creates a serious threat to the environment. On the island of Maui, of 33 major streams, today only two have water. Priority for use of water is given to support tourism, and the development of resorts, golf courses and hotels. Each golf course uses nearly 1 million gallons of water per day and there are 65 golf courses with another 102 proposed courses.

With strong backing from home, at the Berlin International Tourism Fair, March 9, 1994, Hawaiian film maker, Puhipau, called for an international boycott of tourism in Hawai'i in support of Hawaiian independence: 'Please don't come to Hawai'i,' he said. 'Tourism is killing us. We need your help to survive and to revive our lands and our people. Support us by boycotting tourism to Hawai'i until we are in control of our destiny.'

In 1994 international work at the UN and in other international and local fora continues. The State Office of Hawaiian Affairs is being sued by a group of Kanaka Maoli lawyers for misrepresentation of the Hawaiian people, an international law study group has been formed, other study groups are researching forms of sovereignty, violations of human rights being taken to the Organization of American States, and the Tribunal Committee continues to bring the Pacific peoples together to plan for the centennial of US imperialism in the Pacific in 1998. In the meantime land occupations (and evictions) continue.

Representative for Ka Ho'okolokolonui Kanaka Maoli Komike,

Nalani Minton, summarizes the position which is the driving force of the many Kanaka Maoli working towards sovereignty:

'It is our experience that majority rule bears no relevance to the needs of us as an indigenous people out-numbered in our own homeland. In our traditions the greatest measure of effective government is in the condition of the land and people. We have reached the point where the senseless waste and all-consuming greed of a government bent on profit motive and self-interest is of no comparison to our own cultural traditions, which provide for the common good. Our cultural values include powerful land and ocean conservation practices, environmentally enhancing food production practices and survival skills, and decision making which honors the needs of present and future generations. The wisdom of our culture is in the responsible conduct of each individual in harmonious and peaceful relationship to all life as family. For us the very life of the land is established in the right conduct of the people.'

Aotearoa. Over the past few years, the New Zealand government has been negotiating with the *Maori* over the use of *Maori* fishing rights and the establishment of a deal whereby they will give up their fishing resources in return for a guaranteed quota. The Waitangi Tribunal assessed the measure of support for this deal and concluded that there was a mandate for the settlement, provided the Treaty of Waitangi was not compromised. Nevertheless, this agreement, known as the 'Sealord deal' has produced a storm of objections from *Maori* concerned that the deal is a removal of their Treaty rights and that *Pakeha* (non-*Maori*) fishing companies will over-exploit the seas in a capitalist way, quite opposed to the way many *Maori* view the sea and its resources. Furthermore, some groups expressed concern that the deal affects *Maori* traditional and customary rights to fish, thus removing these resources from the control of the *Maori* traditional authorities and putting them at the whim of the government.

However, options for groups opposing the Sealord deal are limited to taking their case to the Privy Council in London, which is not only expensive but unlikely to be successful if previous Council rulings are anything to go by. The implications of the Sealord deal may in the future go beyond fishing resources and focus on land claims. But some *Maori* take heart in the knowledge that future generations may not take the loss of their birthright quietly and the Sealord deal, and any others with which the government may try to follow it, may have very little long term chance of being kept.

In 1993, for the first time, a representative of the *Chamorro* people of **Guam** arrived in Geneva to present their case to the UN Working Group on Indigenous Populations. Guam is one of the 15 islands

known as the Mariana Islands, although Guam has been incorporated into US territory, the northern islands are part of a US Commonwealth. For more than ten years the people of Guam have put forward different initiatives for achieving their self-determination. As a result of a plebiscite Guam chose commonwealth status as an interim political status and in 1987 the text of the Guam Commonwealth Act was approved and sent to the US government where it is under scrutiny.

The indigenous rights coalitions have demanded the end of immigration to Guam. The authorisation for immigration is in the hands of the US government but in the Commonwealth proposal it is anticipated that the control of migration will be transferred to the local authorities. At present, of the island's 150,000 inhabitants, 65,000 are Chamorro.

Australia

The past year has seen the most dramatic developments in indigenous-white relations in **Australia** since European settlement began in 1788. There have also been more quiet achievements, and some disturbing trends. The socio-economic disparities between black and white Australians create a situation in which gradualism and trial-and-error are not workable options. In the local phraseology, Australians must 'get it right' quickly.

In June 1992, Australia's highest court found in *Mabo* that indigenous rights survived unless specifically removed by law or removed in fact, e.g. by selling the land to someone else, or using it in a way which prevented indigenous use. *Mabo* rejected the legal fiction of *terra nullius* which had comforted many Australians that their dispossession of indigenous people was right and just. *Mabo* also recognised that some indigenous law and law-making continued to exist.

Mabo so stunned Australians that there was a great silence for nine months. Governments and business quietly researched *Mabo*'s meaning. The media interviewed "experts" who saw *Mabo* as occasion to re-write Australian race relations, and others described how Canada, USA, New Zealand and the Nordic countries were working through similar issues. There was little of the expected extreme reaction.

This quiet period, added to the court's moral authority, was beneficial. When debate resumed in March 1993, triggered by the Prime Minister's announcement that a new land rights policy was coming, many important individuals and organisations took an open, nuanced

view. Opponents rapidly isolated themselves: some leading mining and grazing interests, part of the Melbourne elite, leading sections of Liberal and National parties, and many politicians in Brisbane, Perth, and Darwin. (There is a likelihood that when the Liberal-National coalition wins government in Canberra they will try to reverse *Mabo* in whole or part, bringing a world human rights campaign, contempt in Asian capitals which Australia is trying to cultivate, and a firestorm of white and black resistance at home.)

Prime Minister Keating had impressed indigenous peoples with his late 1992 speech inaugurating the International Year of Indigenous Peoples. In April 1993 he met indigenous leaders to discuss new policies. No national representative *Aboriginal* body exists, but despite many differences of language and culture, Northern and Outback leaders, plus important indigenous legal and representative bodies from the South-East, developed a unified position. Throughout 1993 negotiations continued, sometimes publicly and bitterly, more often quietly behind closed doors. After the longest Parliamentary debate in history the Native Title Act was passed in late December 1993.

There was some strong opposition to the Act and the process of its negotiation from South-East urban Aborigines: the process had excluded many people such as themselves and the Act confirmed their dispossession.

The Aboriginal negotiators replied that the Act had merely re-stated the *Mabo* decision; in practice it would concern the North, Centre, and West almost exclusively; and it pre-empted legislation being advocated by powerful enemies of *Mabo*. Most interests, pros and cons, black and white, believed that quick comprehensive legislative action was desirable, a view which would surprise other countries and is disputed by some in Australia. A national 'social justice package' will be negotiated for the benefit of indigenous groups who do not benefit from *Mabo*.

The commitment of the Prime Minister himself to face-to-face negotiations with indigenous leaders was crucial. He engaged in detailed backroom bargaining up to the last minutes of Parliamentary debate. After re-election in March 1993 he had made examination of indigenous issues something of a priority and added a third minister to help. While such priority attention is unprecedented in modern 'first world' countries, heads of government having retired from meeting 'the natives' after these were subdued, administration back-up has been lacking. To secure Keating's breakthrough, mechanisms for future indigenous-government political consultations and an appropriately qualified policy unit are needed in Canberra.

The Act ignored marine rights. In December 1993 the national Resource Assessment Commission issued its report on the Coastal Zone urging that indigenous marine rights and interest, and full indigenous participation in policy-making, be basic elements in Australian coastal management. The Torres Strait Islanders were praised for starting work on a regional marine protection and management strategy, and for winning official and institutional support. (*The Marine Strategy for Torres Strait: Policy Directions*, by Mulrennan and Hansen, was published in April 1994).

Torres Strait Islanders are also developing ideas for regional self-government. Both Government and Opposition in Canberra say they are sympathetic, in principle. Torres Strait leaders have made study visits to fellow Melanesians and others in the South Pacific, and are researching indigenous political models in the Northern hemisphere. Now they are implementing a modest but useful regional administrative reorganisation with the federal government.

In the Prime Minister's Mabo policy paper of June 1993, we read:

"10.14 Issues such as self-determination (including greater autonomy and cultural integrity) are not well understood in the wider community, although they are key tenets of the modern approach to Aboriginal and Torres Strait Islander affairs. Some issues, such as self-government and new constitution arrangements, are not yet defined and would require further development before being given detailed consideration, although the experience of Canada and New Zealand on these issues is instructive."

An excellent 1991 study sponsored by the Queensland government, *Towards Self-Government*, outlined a practical approach to Aboriginal and Islander self-government. It was not implemented. In addition to the work undertaken by the Torres Strait Islanders in 1993, a week-long Aboriginal constitutional convention of Northern Territory peoples was held on self-government in August. Interest is growing around Australia in the subject. The three main models to date are direct federal funding of indigenous communities, i.e., bypassing state and Northern Territory authorities; recognising indigenous communities as local governments under state law; and comprehensive regional agreements including resource management and governance provisions along the lines of Canada's comprehensive claims settlements.

The most promising moment of the year came in June 1993 at a special constitutional conference in Canberra. Delegates were invited by the national Aboriginal Reconciliation council and the Constitutional Centenary Foundation, both officially sponsored bodies created by the Prime Minister in past years. Indigenous and legal perspectives

on indigenous constitutional status in New Zealand, Canada and USA were highlighted. Plenary sessions and workshops were very active and the disparate group came up with a consensus which may be stated thus:

- that indigenous peoples are distinct political communities in Australia with unique needs; and
- processes should be established as soon as possible for them to work out the nature and details of their constitutional place in Australia.

The Aboriginal Reconciliation council has sponsored eight indigenous policy papers summarised in *Addressing the Key Issues for Reconciliation* in late 1993. When published in 1994 they individual discussion papers may advance policy thinking. A danger endemic in Australian politics is that political fixers finesse issues before they mature. Whenever whites 'solve' indigenous problems on the basis of their own understandings, they fail because indigenous authorship and consent are lacking (and because whites misread indigenous priorities).

In addition to these positive developments there are disturbing trends. While not new, these must be viewed in a new context. First is the visible failure of policies and programmes to cope with poor social conditions and extreme disparities suffered by many Aborigines and Torres Strait Islanders. Whether publicity has created new expectations or new standards, or whether conditions are worsening, indigenous administration is discredited in the eyes of whites and blacks. Only genuine self-government is likely to bring positive change. Despite practical proposals coming forward from blacks, Australian whites seem to refuse to leave blacks alone to do anything. Whether policing country towns or city malls, or consulting on new programmes, the whites exhibit a passionate need to supervise, control, interfere with, intrude among, or 'be responsible for' blacks. At national political level this penchant parades with dignity as 'parliamentary accountability' which, we are told, precludes indigenous self-government (despite the fact that white entities are deemed sufficiently accountable through normal procedures of financial administration).

Second is the visible breakdown in civil relations between indigenous and non-indigenous peoples in parts of the country.

Of course, some of this is the refusal of blacks today to accept old abuses, and some is heightened media attention to indigenous peoples. In Queensland the white community and its politicians are angry about an alleged upsurge in black lawlessness, especially among youths. The black community refuses to accept the opinions or inquiry findings of

whites, calling for social reform instead. Blacks are prepared to seek constructive solutions; whites involved insist that the problem is black behaviour requiring tougher policing (which has itself been a major source of the problem). Mutual trust and respect are lacking, and basic social and political consensus do not exist at all.

Third is the comfortable triumph of liberal tolerance among white élites. While this marks progress for many Australians, it creates self-satisfaction. Much has been achieved in white minds, but not nearly enough in black lives. Further, simplistic notions of liberal equality have been the major obstacle to indigenous policy reform in 'first world' countries. The key to whatever 'first world' progress has been made in recent decades, for example, in Alaska, Canada, Scandinavian Sapmi (Lapland), Greenland, and New Zealand, has been awareness of the prior rights, historical wrongs, continuing disadvantages, unique cultures, social problems and resulting special needs of indigenous peoples. A powerful first report in late 1993 by Aboriginal Social Justice Commissioner, Mick Dodson (a black barrister and land rights expert), provides hope that this new office may focus new Australian policy thinking.

An important problem is the tone of public discourse. Public figures regularly dispute the aboriginality of individuals who are not black enough to fit stereotypes. The 'quality' press prints articles by eminent people questioning the viability and even existence of indigenous culture. Letters recycling empty old prejudices are published in the best newspapers. In early 1994 the media around Australia matter-of-factly report that the Northern Territory government is stirring white fears about blacks to win re-election. The media do not question the admissibility of such politics in a 'civilised' society. The same media are outraged if such things occur in Germany, or if 'public opinion' is evoked to justify ethnic animosities in Bosnia, Mexico or Indonesia. Northern Territory blacks have suffered no less genocide in times past than those countries.

Fourth is the growing regional dissidence of the 'frontier' states of Queensland, Western Australia and the Northern Territory. There the major political parties resist or reject indigenous rights and aspirations. Overlapping national movements for a more assertive national culture, a republic and major constitutional reform are becoming stronger as the centenary of Australian federation approaches in 2001. The future of Australia will be negotiated, explicitly or implicitly, by mature élites of the South-East with the raw, defensive and strident populists of the North and West. Will Aborigines and Islanders be sacrificed in the 'national interest'? Or will wise heads recognise that no national

identity or renewal is possible without accommodation of the first inhabitants?

Black-white relations in Australia are set for explosion or a rapid improvement.

The lack of national consensus on policy directions among blacks or whites, and the state of confusion of many of even the most well-intentioned white policy-makers, make for an exciting time ahead and additional risk. The relative ignorance among Australians of the considerable experience already gained in other 'first world' countries on indigenous policy, and xenophobic animosity towards 'outside' bodies like the United Nations which make suggestions or criticisms, make the country dangerously isolated. The most likely future scenario is unsteady progress toward indigenous cultural autonomy and self-government accompanied by political shocks at home and thumps over the head from abroad. Even achievements to date are not secure because their makers often do not recognise that these form part of a knowable universal pattern of cross-cultural relations.

Hit and miss policy, outrageous 'special pleading', strong polarisation, dizzy lurches, and sudden reversals - these are the qualities of Australian indigenous policy for years to come. The only certain 'good news' is that Aborigines and Islanders have ever more resources in education, experience, funds and non-indigenous support for defending themselves against a majority who have not yet accepted them as fellow citizens or, in some cases, even as full human beings.

Sources

Down to Earth; Tapol Bulletin; Pacific News Bulletin; IWGIA Document 75.



EAST ASIA

China has been experiencing spectacular economic development with growth rates of more than 10 per cent. However, the traditional tension spots continue to be the Autonomous Regions as well as Western Tibet and Xinjiang. The Chinese press, which often touches on the theme of national minorities, has presented them throughout the year as participants in this approaching era of prosperity but it is not easy to confirm this. However, although the information that comes out of China is very poor and manipulated it is possible to establish some facts.

In the Xinjiang region the *Han* Chinese are not welcome, even in peaceful periods. They are pursued down the street by hateful glances and the police force seems to be content to maintain the appearance of order without entering the most traditional Muslim districts. No one cares to follow laws or directives; the only emphasis is on maintaining national unity and after the recent example of the breakup of the USSR, any solution is a good one if it maintains this unity.

Nevertheless, in August, the separatist Muslim group, the East Turkistan Party, launched a bomb attack on the centre of Kashgar which cost the lives of at least three Chinese. The continuing state of unease among the Chinese of Kashgar continued until the arrival two months later of large military convoys which included heavy weapons and artillery. There has been no news of the casualties caused by this restoration of order in the city.

There were also serious religious confrontations throughout 1993 in the neighbouring region of Qinhai, which has a palpable Muslim and Tibetan presence. In September, after the publication of a book which showed some Muslims praying together to a cow, more than 10,000 Muslims demonstrated in Xining, the capital of the province, and attacked the headquarters of the local Communist Party and government offices, damaging police vehicles and confronting the police themselves. The protests paralysed the city until the 7th October when the police confirmed that they had restored order. The publication of another sacrilegious story in November, 'The woman who recited the scriptures and the dog who listened', provoked a smaller protest.

Meanwhile, in the southern provinces of Yunnan (where there are 28 of the 56 recognised national minorities in China) and Guangxi (where the *Zhang* and other minorities live) development fever may endanger the physical or cultural survival of some peoples. In July, the first section of the Manwan Hydroelectric Centre went into operation on the Lancang River (known as Mekong in Indochina). Producing 250 megawatts, it is the first of five phases which are programmed to produce altogether 1,250 megawatts of electricity by June 1995. However, the Manwan Centre is only the first step in the project to convert the Lancang River into an enormous source of energy which will be exported to the neighbouring province of Guangdong, where there is a staggering economic growth, and also to neighbouring countries. Xiaowan, Dachaoshan and Nuozhadu Centres will be responsible for meeting these targets.

At the end of the year, in the neighbouring province of Guangxi, the construction of the Longtan Hydroelectric Centre on the River Hongshui was announced. The Centre is expected to be the second largest in Asia, second only to the Three Gargantas. A dam 375 metres high will be built to facilitate the production of 4,200 megawatts. Along the length of the course of the River Hongshui it is anticipated that another ten dams will be built to help control the fluctuating height of the river and allow for the generation of up to 11,000 megawatts when the project is finalised.

Neither the Chinese nor the foreign press have published information about the fate of the peoples affected by these projects. The development of the plants for the Three Gargantas project on the Yang Tse displaced a million people which suggests that, following the principle that a few can be sacrificed for the benefit of all, their resettlement will not be satisfactorily prepared. An international campaign is necessary to try to guarantee the resettlement.

Changes in the situation for Tibetans in Tibet in 1993 were changes for the worse. The number of known political prisoners increased significantly and the pattern of repression and control became more efficient but less visible. At the same time talks between Beijing and the exiled Tibetan leaders in Dharamsala in India were increasingly frustrated.

The number and scale of political protest activities increased in 1993 after some quieter years following the lifting of martial law in the Tibetan capital Lhasa in May 1990. A series of protests broke out in Lhasa in late February and culminated in large demonstrations on the 24-25th March, involving some 2,000 Tibetans who, at first, protested against price rises and increased taxation and later also called for an independent Tibet. This was the biggest demonstration against Chinese

rule in Tibet since the 5-7th March 1989 and it illustrated the tendency towards increasing engagement in political protest activities in the countryside. Following two months of poster campaigns, a pro-independence demonstration and road blocks by villagers of Khyimshi and monks of the adjacent Sungrabling and Dungpu Choekor monasteries in Gongkar County, Lhokha Prefecture, a reported 1,700 soldiers surrounded the village and conducted house-to-house searches every day for one month. At least 35 people were arrested.

On the streets of Lhasa the visible presence of soldiers and armed and uniformed policemen has given way to Tibetan plainclothes policemen supported by three remote-control video cameras erected in the Tibetan part of the city. While the number of known political prisoners doubled from 1991 to 1992, it rose 30 per cent from February to August 1993 when 119 new arrests brought the total figure to 412. Sentences handed down ranged from 1 to 20 years and averaged just over six years.

The London-based Tibet Information Network, which compiled the list of detainees, notes that the increase in arrests in 1993 reflects a much greater efficiency and determination by the security forces in tracking down dissidents, and in particular a big increase in home arrests of underground activists. In a comprehensive report on political and religious prisoners in China and Tibet released by Asia Watch in February 1994, 'Detained in China and Tibet', its author asks "why is it that in Tibet,... there are currently more known political and religious prisoners reported to be in jail than in the rest of the country combined?"

In December 1993, at least 22 nuns were arrested for demonstrating for Tibetan independence in the streets of Lhasa. The nuns' protests follow a 'political re-education' campaign by the Chinese authorities in the nunneries in the Lhasa area in the autumn. The campaign is part of a concerted effort by the Communist Party in Lhasa to eradicate political activity amongst the nuns who have led 55 of the 125 known pro-independence protests in Lhasa during the last six years.

The re-education strategy is carried out by 'work teams' (*ledön rukhag*) which last year spent up to three months visiting each of the five main nunneries in or near Lhasa. The teams imposed new regulations, including a ban on admission to the nunneries of any woman who has been detained for political activities. Other regulations include a ban on nuns going to Lhasa without permission, as well as the expulsion of nuns suspected of pro-independence sympathies.

On 1st March 1994, the Department of Information and International Relations of the Tibetan Government-in-Exile released a transla-

tion of a confidential report from the Sixth Conference of Delegates of the Tibet Branch of the Bureau of Religious and Nationalities Affairs which, for the first time, documents a policy of restrictions on the numbers of nuns and monks in the monasteries in the Tibet Autonomous Region. For the fifth and sixth successive years, Tibetans were forbidden to celebrate the Monlam or Great Prayer Festival publicly in 1993 and 1994. The last public celebration of Monlam was in 1988 when the week-long ceremonies erupted in large scale demonstrations and the security forces opened fire killing several Tibetans.

There is little doubt that the major concerns of many Tibetans in Tibet in 1993 were the economic, demographic, and cultural changes brought about by the recent opening up of Tibet to Chinese and other foreign investments. The impoverishment and marginalisation of Tibetans by 'foreign invaders' was one of the foci of recent protest activities in Tibet. Benefits from the economic opening up of Tibet appear so far to have bypassed most Tibetans, as the large majority of the new shops and small businesses in the towns are owned and operated by new Chinese immigrants who enjoy easy access to business and residence permits and to low-interest loans. The influx of Chinese settlers has resulted in increased unemployment among Tibetans.

The recent imposition of school fees in Tibet make it impossible for many Tibetan children to get even a basic education. One visible result of the repression and marginalisation of Tibetans is the increased number of refugees who flee to India for political reasons and also to receive an education in the schools run by the Government-in-Exile. Numbers reached around 3,000 in 1993 which was a new record.

In Lhasa and in the other major towns in the last two years, Chinese cultural influence has grown through video parlours showing low-quality movies and by hundreds of new karaoke bars accompanied by prostitution. The cultural impact of the Chinese presence was stressed by the increased speed of Tibetan house demolitions in the old, religiously significant centre of Lhasa, where Chinese immigrants have now started to settle. The demolition of the old Tibetan village of Shol below the Potala Palace has begun and will make space for a park. The tourist industry promotes an image of Tibetans as an ethnic minority whose cultural features are traditions belonging to the past, while the Chinese influence is depicted as an a-cultural modernising and civilising force.

A rural development project in the Lhasa valley, partly sponsored by the UN World Food Programme and named 'China 3357', came to a halt in 1993, officially because of the low quality of the construction of

cement irrigation structures and the lack of a proper monitoring of the achievements of the project. However, Tibetans in the area criticised it because of lack of payment for the work carried out and a feared influx of Chinese settlers as a result of the development scheme.

Several political arrests were made prior to a high level visit to Tibet by representatives of the countries in the European Community from the 17-22nd May, 1993. Arrests on the 13th March of the Tibetan human rights monitors, Gendun Rinchen and Lobsang Yonten, caused worldwide attention, and the presence of the EC delegation initiated unprecedented international pressure on China to have them released. The Chinese authorities finally released them on the 10th January, 1994.

For the fourth year running the UN has been persuaded by China to throw out a resolution criticising its human rights record. On the 9th March 1994 China won a procedural move in the Commission on Human Rights by 20 votes to 16 ruling that 'no action' should be taken on a modestly worded resolution proposed by the European Union. The UK made a strongly worded call for the Commission to preserve its credibility by allowing discussion about major nations like China. When it was announced on the 10th June, 1993, that His Holiness the Dalai Lama was barred from the UN World Conference on Human Rights in Vienna it caused worldwide outrage and widespread press coverage. All 14 Nobel Peace Prize winners invited to the Conference boycotted it.

Contact between Beijing and Dharamsala was hindered in 1993 by evidence that Beijing's only interest in negotiating with Tibet's political and spiritual leader, His Holiness the Dalai Lama, was to resolve the problem of his 'repatriation', rather than to address the issue of Tibet's future. After talks in Beijing in June 1993, which Dharamsala called "frank and cordial", the Chinese ambassador to India issued a hardline statement on the 26th August accusing the Tibetan leader of using language that favoured independence.

On the 29th August, the Government-in-Exile released information obtained from an unnamed source in Tibet claiming that a high-level meeting on the 12th May of officials under the Chinese 'United Front' Ministry had decided to organise the transfer of Chinese into Tibet as a policy instrument to neutralise dissent. Subsequently, on the 4th September, the Dalai Lama published parts of his correspondence with Deng Xiaoping in breach of a secrecy pact between Beijing and Dharamsala. The Tibetan leader stated that the Chinese government "must unequivocally reverse this decision, not only in words, but in practice". The letters were published to prove that the Dalai Lama had

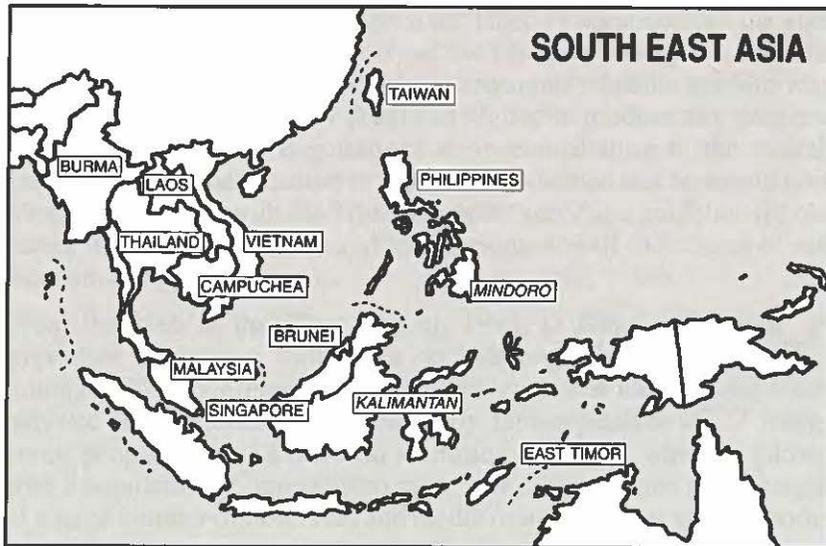
never insisted on full independence for Tibet. In his speech on the 10th March, 1994, the 35th anniversary of the Tibetan uprising in Lhasa, the Dalai Lama declared that he now had to recognise that his 'middle-way approach' during the last 14 years had "failed to produce any progress either for substantive negotiations or in contributing to the overall improvement of the situation in Tibet". He indicated that he would now let a 'consultation' with the Tibetan people "serve as a guideline for our future dealings with China and the reorientation of the course of our freedom struggle".

From the 19th to the 22nd August, 1993, in Nibutani, **Japan**, an important conference took place on indigenous peoples and ethnic minorities. The conference was financed by several national and international organisations and attended by representatives of 27 indigenous peoples from 12 different countries. Nibutani, which is a town with a population of normally no more than 500, attracted the attention of a large number of observers and media representatives which booted attendance figures to more than 3,000. The *Ainu* took the opportunity of the conference to express their thanks for the international recognition which they have received and to hope that this will encourage Japan itself to recognise them as an indigenous people.

The conference had the support of the inhabitants of Nibutani who provided food and accommodation to all the participants. The aim of the conference was to generate an exchange of information and positions and the central theme of the debate was hunting and fishing rights. There was also considerable emphasis on collaboration between indigenous peoples. The *Ainu* leader, Shigeru Kayano, stated in his address: "It is important that we trust in ourselves and strengthen our solidarity, that we put aside our disputes and gather information about the struggle in which other nations are involved. This can happen in meetings like this which, from the outside, seem small and unimportant. But we can see that it has attracted people from all corners of the world. These people will return to their homes and continue to inform others about us, and about what has taken place here. Therefore what seems like an insignificant event will continue to spread like rings on water".

Source

Tibet: Tibet Information Network news compilations, Tibet Press Watch (published by the International Campaign for Tibet), and Human Rights Updates from the Tibetan Government in Exile.



SOUTH EAST ASIA

In the **Philippines**, the change of government has brought neither significant improvements in the general human rights situation nor improvements in the situation of the country's 3.3 million Muslim and 4.7 million non-Muslim indigenous people. Contrary to its promises, only part of the 633 political prisoners in detention at the end of the Aquino era have so far been released by the government. Arbitrary arrests, political murders, and harassment of civilians by armed vigilante groups continue almost unabated.

Above all, ceasefire and peace talks with the National Democratic Front, part of the general peace process initiated by president Ramos shortly after his election in 1992, have become bogged down and progress appears unlikely, even in the light of an agreement on a next round of negotiations in Vietnam this year. Despite officially declared priority on peace talks in the national reconciliation programme, the government's offer of a general amnesty for guerilla fighters could also be seen as a means of weakening the military strength of the insurgency. Meanwhile, military operations continue all over the country, in many cases on indigenous peoples' territories.

The Zamboanga peninsula of western Mindanao is one of the regions suffering most from the continuing civil war. Repeated military offensives since the 1970s have wrought havoc particularly to the indigenous people on the peninsula, the *Subanen*. Like the other *Lumad* peoples of Mindanao, the Subanen were deprived of their lands in the lowlands by decades of successive waves of immigrants and forced to retreat further into the mountains. Since bombing of their upland territories began in 1984, thousands of Subanen have been forced to seek refuge in the forests, sometimes for months at a time. Many have been killed or died of sickness and starvation. Over the last 10 years hundreds of peoples have died whose deaths have gone unreported. During the 1992-93 military operation in the Mt. Paraya area alone, 296 Subanen children and 171 adults died. Many have been thrown off their lands several times, others now lead a miserable life in refugee camps. 75 per cent of Zamboang's 1,433 registered internal refugees are Subanen.

But militarization is only one of the current threats which have reached the remote settlements of the Subanen families: the Lakewood Tourism Development Plan envisages a tourist resort which will displace some 200 Subanen living around the lake; the Dumpoc Dam, a hydroelectric power project, threatens to displace more than 70 families, and the Mt. Malindang Development Plan, with tourism and a hydroelectric power plant component, will affect more than a hundred Subanen living in the area.

As a part of its two-pronged peace initiative, the Ramos administration has sat down at the negotiation table with the Moro National Liberation Front (MNLF), the strongest among the indigenous Muslim insurgency groups in the Southern Philippines. Like the communist insurgency, the movement for secession of the Muslim provinces in Mindanao, Basilan and Sulu led by the MNLF has lost much of its momentum during the past few years.

Excluded from the framework of patron-client politics created by the government-sponsored Autonomous Regional Government in 1991, the MNLF's support among the population appears to have severely dwindled.

At the same time, more radical groups like the Abu Sayyaf (Arabic for 'swordbearer') are challenging the MNLF's supremacy in militant politics by stepping up political violence and issuing calls for an independent Muslim state in Mindanao governed by the fundamentalist tenets of Islam.

By talking peace with the government, the MNLF is seeking to recover its former constituencies in Muslim areas, whereas the government's most likely motive seems to be the creation of more favourable conditions for the exploration of Mindanao's natural resources and for attracting foreign capital to the island. Both parties negotiated a formal ceasefire in Jakarta (Indonesia) between October 25 and November 7 under the auspices of the Indonesian government and the Organization of the Islamic Conference (OIC). Subsequent negotiations are supposed to outline the structure and content of regional autonomy in the Muslim South. However, it will prove very difficult to find a compromise between the MNLF's claim for jurisdiction over thirteen southern provinces and nine cities (the coverage of the 1976 Tripoli agreement) and the government's ideas which are based on the outcome of a plebiscite held during the reign of Aquino. Any stipulation tying autonomy to a plebiscite is bound to preserve the status quo because, after decades of Christian immigration, the Muslim population in the whole of Mindanao has dropped below 25 per cent.

The proposed bill seeking to protect the remaining 6.1 million

hectares of forest through a country-wide logging ban is still being debated in Congress. However, experiences in the 55 provinces where commercial logging has already been banned revealed the government's obvious failure to enforce the law. Deforestation has accelerated rapidly. Rampant corruption and lack of financial resources have prevented the Department of Environment and Natural Resources (DENR) from effectively counteracting illegal logging, land speculation by influential businessmen and the massive influx of landless peasants into forest lands. The increased pressure on the uplands has led to violent disputes over land occupancy and above all to the harassment and displacement of indigenous people.

A test of the central government's sincerity in protecting the country's remaining forests is Palawan, the Philippines' 'last frontier'. Despite the total logging ban imposed on the island in 1992, illegal logging continued unabated during 1993, though, as environmentalists claim, with the covert support of the Palawan Council for Sustainable Development (PCSD).

The PCSD is proving to be the main obstacle in enforcing the forestry law in Palawan, as it is composed of influential local politicians, members of governmental development agencies and representatives of the private sector who have strong interests in the continuation of logging in the remaining 800,000 hectares of forest. Palawan's old forests, however, are almost exclusively located on the ancestral lands of the island's indigenous peoples: the *Batak*, *Palaw'an* and *Tagbanwa*, whose livelihoods are based on a complex utilization of the forest and whose physical and cultural survival therefore depends on the maintenance of this ecosystem.

However, wood has become scarce in the Philippines, prices are up and therefore profits in the logging sector still good. And with 'Philippine 2000', the Ramos administration's ambitious new development strategy which seeks to uplift the Philippines to the status of a NIC (Newly Industrialised Country) by the turn of the millennium, environmental concerns or indigenous people's rights are not very likely to be given equal standing with, let alone or even preference over, economic interests.

The activities of the La Villa Resources Corporation (LVRC) with the Department of Environment and Natural Resources (DENR) and the Philippines Armed Forces (AFP) in the first quarter of 1994 strongly indicate that logging operations will soon resume in Zinundungan Valley, part of the ancestral lands of the Aggay and Isneg in North Eastern Luzon. The aerial and ground surveys show that the LVRC target is the forest between Lasam and Rizal. Such surveys are

now recognised as signalling the start of the logging season. In fact a number of LVRC logging teams are already in the area.

The ground had been well-prepared in advance. The 502nd Brigade's Task Force Zebra conducted combat exercises and Special Operations Team/Civilian Military Operations during the second half of 1993 to clear and secure the cutting areas. Military operations throughout the 1980s have already decimated the indigenous population of the Paco Valley. Although Zinundungan Valley is the main target, the Paco Valley is also in danger, as logging companies often extend their operations beyond the permitted area. The construction of a logging road near the Tawit river, Paco Valley, points to such a possibility.

The collusion of the logging company with the military has always been evident. There is a definite and strong correlation between military activities and logging activities. Thus the present military movements in the Cagayan-Apayao area are certain indicators of impending logging activities. In the Marag Valley, not far from Zinundungan, military manoeuvres have driven out most of the 200 Aggay and Isneg families that used to inhabit the heavily forested valley. Of the original seven large communities, only one small settlement remains today. Apart from these military manoeuvres, another move raises suspicion. The Department of National Defense and the Tribal Farmers Affairs Group of Abrino Aydinan have proposed to the Department of Agrarian Reform that 5,000 hectares of property in Marag be set aside for an agrarian reform community. Therefore, in addition to the logging companies already known to be present in the area, the Aydinan group and other individual loggers will possibly strike in the Marag Valley.

Events in the hinterlands of San Luis, Agusan del Sur, in Northeastern Mindanao, parallel those in Marag and Zinundungan. While they were able to stave off intruding loggers for most of the 1970s, the 23,000-strong Banwaon have now appealed for outside help in the face of the resumption of logging operations on their ancestral domain in July 1993. The Banwaon territories at the boundary of Agusan and Bukidnon province are among the last areas in Mindanao which still retain significant primary forest cover.

Although, as a result of their obstinacy, the Banwaon have become accustomed to annual military campaigns since 1984, they now feel seriously threatened by the simultaneous issue of a large tree plantation concession and systematic military operations. The Industrial Forest Management Agreement (IFMA) covers most of the Banwaon farming and hunting grounds. With rebel activities by the NPA (New People's Army) at an all-time low in the area, the setting up of checkpoints and

the imposition in September of a food blockade against hinterland communities seem to have the sole purpose of intimidating the population and discouraging opposition to the resumed logging operations. The military and the loggers have resorted to branding one of the most influential *datus* (leader of a local community) as an NPA-commander, while at the same time creating fake *datus* not native to the area who publicly endorse the logging activities. The Banwaon are demanding an end to all logging on their lands and the recognition of their rights to their ancestral domain.

The case of the Ata-Manobo of Davao del Norte (again in Mindanao) is similar. Their already logged-over lands have been included in a reforestation scheme under the same IFMA programme as that of the Banwaon. Purporting to serve the re-greening of denuded forest areas, the programme in fact allows logging firms all over the country to retain or even expand their areas of operation by the large-scale planting of fast-growing tree species which can later be lumbered. In the case of the Ata-Manobo people, the concessionaire, Alcantara & Sons, Inc., is intending to convert more than 13,000 hectares of prime agricultural land on Ata-Manobo territory to plantations of *falcata* and *mangium*. The Ata-Manobo were not consulted by Alcantara & Sons, and their fruit trees and other crops were cut down and they themselves prohibited from further planting in the area. Company officials threatened to have the Lumad communities bombed and their leaders killed. Military patrols by regular army units are reinforcing the pressure on the villages in the target area.

Bearing in mind the still pressing energy shortages, combined with the vision of rapid industrialization in the near future, the development of the energy sector is likely to remain number one on the government's priority list.

The prospects of still halting the construction process of the geothermal project on the slopes of Mt. Apo seem to be steadily diminishing. Despite growing evidence of serious environmental damage inflicted by construction works and the recent rejection of funding by yet another foreign financial institution, the building of wells and access roads on the mountain in the heart of the territory of the Bagobo and five other Lumad groups has gone on.

The PNOC (Philippine National Oil Company, the state-owned company set to develop the geothermal field) so far has drilled seven wells and tested three production wells. For the latest testing site alone, the access road required the felling of 4,200 large trees. Critics have long pointed to the fact that although the geothermal reserve covers only 0.6 per cent of Mt. Apo's total area and looks modest on paper, it

is situated within the remaining 20 per cent of the mountain's primary forest. According to Bagobo informants, birds and other animals once abundant in the area are becoming increasingly difficult to sight. Reports from fact-finding missions indicate incidences of strange skin diseases featuring blister-like wounds probably contracted by bathing in water courses running by the geothermal sites. In addition, unusually high concentrations of arsenic were detected in several of the rivers having their source at Mt. Apo. The toxicity in the samples exceeded by several times the level of tolerable concentrations set by the World Health Organization. It is still not sure, however, if the contamination can be attributed to the PNOC's activities.

While specialists disagree about some of the ecological effects, nobody disputes the heightened militarization brought about by the project. In addition to the five companies, substantial numbers of paramilitary troops recruited and paid by the PNOC are patrolling the area. Inhabitants of nearby Bagobo settlements are subjected to constant identification and registration procedures when they move between their fields and settlements.

Worse still, the issue of the geothermal plant has prompted bitter disputes and unprecedented divisions within the ranks of the Lumad. Opponents and supporters of the project alike have invoked sacred ritual traditions to either block or grant the power company access to the mountain. Divisiveness reached a dangerous climax when PNOC groups declared a *pangayaw* (blood feud, war) on their adversaries in April, 1993. This followed the formation, by end of March, of a Mt. Apo-wide Lumad organization poised to stop the project.

Although the withdrawal of support for the Mt. Apo geothermal plant by foreign financial institutions was both justified both because of environmental concerns and with reference to the Lumad peoples' opposition, biodiversity conservation is definitely of much greater concern among the international community today than the plight of the indigenous peoples. Situations like Mt. Apo, where environmental concerns and indigenous peoples' interests coincide, are rare. Yet, conflicts are in most cases not of a fundamental nature but produced by a narrow-minded and, as larger conservation agencies increasingly realize, misleading concept of environmental conservation.

The National Integrated Protected Area System (NIPAS), funded through a loan from the Global Environmental Facility, in many respects represents an improvement over the already existing national park system in the Philippines. Although these areas should serve primarily for biodiversity conservation, human activities in and around them is also being taken into consideration in their development. Parts

of the protected areas are being set aside for human settlement and farming, etc. Above all, the NIPAS law, enacted on June 1, 1992, by former President, Corazon Aquino, is the first in Philippine history to recognize the difference between migrants and indigenous peoples among those living on or near the NIPAS sites. It refers to the less destructive impact indigenous peoples' activities usually have on the environment. Nevertheless, although this recognition provides the members of indigenous communities with certain rights to the use of natural resources within specific areas in the park and prevents their being evicted, they are still considered squatters.

The NIPAS recognizes ancestral lands, but does not detail a policy or programme for granting ownership to the indigenous communities. The enforcement of restrictions will impose severe limitations on the livelihood of the indigenous communities living in such areas. Permits have to be sought for traditional practices such as hunting, gathering wild plant products and farming, or even the building of a settlement in the areas designated as 'Sustainable Use Zones', 'Multiple Use Zones' or 'Buffer Zones'. Within the 'Strict Protection Zone', however, any human activity except religious rituals are prohibited also to indigenous peoples.

It is not surprising, therefore, that on Mindoro, representatives of many Mangyan communities overwhelmingly rejected the Mangyan Heritage Natural Park (MHNP), one of the NIPAS priority sites, during the DENR-sponsored consultation. Consequently, the World Bank withdrew its funding for the MHNP project "due to local opposition", and it was removed from the list of ten priority NIPAS sites. The funds were transferred to the Subic Forest Reservation.

At present, a much stronger impact on the traditional culture and livelihood of the Mangyan stems from the Asian Development Bank funded Low Income Upland Community Project (LIUCP). This is a DENR pilot project on Mindoro, now in its fourth year of implementation. The LIUCP was designed to discourage upland communities - and therefore above all Mangyan - from "destructive practices" (that is swidden agriculture) in upland areas.

In **Malaysia** dispossession of their customary lands continues to be a very severe problem for the 83,000 *Orang Asli*. Traditional land has been lost to loggers, government land schemes, illegal settlers, highway and dam projects, etc., and recently a new international airport has been projected on *Orang Asli* lands. At the root of the problem is the insecure legal situation of traditional land rights. Only about 27 per cent of the *Orang Asli* villages have recognised status as *Orang Asli*

Areas of Reserves, and even in these cases there is not security of tenure. The Aboriginal Peoples Act (1974) at best considers the Orang Asli as 'tenants-at-will'. The Act also gives the state the authority to withdraw the status of any Orang Asli Area of Reserve, without any need for compensation.

In the northern part of the Perak and Kelantan states, there have been several encroachments onto the *Jahai* Orang Asli's lands by logger and non-Orang Asli settlers. In April, 1993, the Jahais of Kampung Sungei Manok in Jeli were involved in an encounter with an intruding group of Kelantan locals, who insisted that the Jahais move out immediately. When the Jahais refused to leave they were attacked and four of the intruders died from injuries sustained in the skirmish that followed. Nine Jahais have been charged with 'culpable homicide not amounting to murder', but the case is pending and once in court it is expected that it will discuss issues which have implications for Orang Asli rights to land and to protection through various laws and governmental agencies. The Jahais are represented by seven of the country's top lawyers, which has been possible due to the influence of the Centre for Orang Asli Concerns (COAC) and support from the Malaysian Bar Council and the National Human Rights Society (HAKAM). The case is expected to last a long time.

More than thirty *Iban* longhouse communities in the Beluru/Bakong and Tinjar areas of the Baram district in Sarawak are protesting against relentless pressure from the State Government to give up their land, which would be converted into oil palm plantations.

The massive scheme will cover thousands of hectares and will also include native customary land. It is a project of the Land Custody and Development Authority (LCDA).

The LCDA is a government agency empowered to facilitate the opening up of underdeveloped areas, regardless of whether they are native customary lands or not. It has the legal authority to sort out problems concerning titles and compensation. One of its functions is to act as a middleman between landowners and developers of the land.

The native communities of Teman, Bakas, Kelabit Seruas are against the proposal. They were not consulted at all.

The timber company Tamarak Sdn Bhd which has been operating in the district, has been told to stop its operations and Rimbunan Hijau would be taking over the task of extracting timber and clearing the area for the oil palm plantation scheme.

The indigenous peoples have had unpleasant encounters with logging companies, who have been responsible for stripping their land bare of trees.

Their experience tells them that timber companies (and at times government agencies) do not keep their promises. Now they have before them Rimbunan Hijau who claims that it wants to help the natives achieve a higher standard of living. Understandably, the natives are not convinced at all.

"First they took our timber, now it looks as though they are after our land," remarked the indigenous leader T.R. Baie.

"Before, as a timber company, they promised that if we allowed them to extract the timber, they would assist us in making roads or in digging fish ponds, but they never kept their promises. Now they promise to compensate us for our land and it is not even clear if they mean to lease or take our lands," he added.

On 15 January, a timber company, Limbang Trading Ltd. signed an agreement with the *Kelabits* and *Penans* of Ulu Limbang to allow the company to carry out logging activities in the Longa napir and Adang areas. The agreement effectively put an end to the protests by the affected communities in the area and an end to the tussle between the two parties for the past few years.

Written in English, it was purportedly signed by the representatives of the communities. Besides mentioning some insignificant compensation of a few thousand dollars per year, the agreement does not mention anything about the rights of the local natives to their lands and the resources thereon. It also does not mention anything about the forest areas which the people have been demanding for their domestic use.

Such unfair deals are expected especially when they do not understand the implications and when the people participating in the negotiations are those who are not involved in the struggle. nevertheless, the question remains. "Will the agreement solve the people's problems and can the crumbs given by the company replace the resources that they have been depending on?"

At a seminar held in the University of Indonesia in Jakarta on the 4th February, 1994, numerous government representatives, anthropologists and other scholars debated the future of Indonesia's indigenous peoples. Conspicuously excluded from the debate were the only people who have the right to determine the future of Indonesia's indigenous peoples, namely indigenous peoples themselves.

Though academics, government officials and even a minister wrestled with definitions and the categorisation of Indonesia's indigenous peoples, there was no clear voice heard which contested the government's basic proposal to resettle all of Indonesia's indigenous peoples. At best, 'cultural-revivalists' only criticised the government's top-down approach to changing people's living conditions. Although Dr

Koentjaraningrat, a noted academic, stated that "resettlement itself as progress for isolated tribes is not necessarily correct" he also suggested that before being resettled, people should be given time to adjust themselves to the idea by means of what he calls 'development terminals'. Perhaps these could take the form of areas of cleared forest, with no crops, where indigenous peoples come for a few days to experience starvation, tuberculosis, cholera and working for little or no wages. That should prepare them well enough for the reality which is to come if previous resettlement projects are anything to go by.

The indigenous peoples of Maluku in Eastern Indonesia are facing the onslaught of at least 34 logging concessionaries and countless other investors. The *Evav* of Kei Island, Southeast Maluku, have for centuries enjoyed customary rights to the sea. Now the Indonesian government has 'rented out' that part of the sea which they traditionally fished to a military owned company, PT Mina Sinega. As a result, fish stocks have been depleted and the *Evav* have to sail some 23 km out to sea in simple boats to find fish. On land, the *Evav* are prevented from entering the forest where they live - it has been designated a conservation area. Now they have to walk some 10 km to search for sago, their staple food. Not a single *Evav* is employed by PT Mina Sinega. The *Evav* are concerned that the presence of PT Mina Sinega is not only denying them their staple food and an income, but that the loss of the forest means the loss of their culture.

4,700 *Tobelo Dalam* of Halmahera, North Maluku, are being resettled because their land in Subaim has been allocated as a transmigration site. The Indonesian government has stated that indigenous peoples must be resettled in order to 'civilise' them by improving their health care facilities, education etc., and by bringing them out of isolation and 'into the modern world'. But in Halmahera, the *Tobelo Dalam* are to be resettled in an isolated region further into the interior of the island, whilst new schools, health facilities, etc., are being built for the transmigrants.

Southeast Asia's largest and most modern timber factory is being built on Halmahera by PT Barito Pacific Timber, owned by Soeharto's daughter Tutut's closest associate, Prajogo Pangestu. In fact most logging concessions on Halmahera are owned by Barito. The *Behuku* of Buru Selatan, Halmahera, have had 300,000 hectares of their traditional forest felled by logging concession holder PT Gema Sanubari. Yet only 20 out of an estimated 35,000 *Behuku* are employed by the company. All attempts by the *Behuku* to take their grievances straight to PT Gema Sanubari have been denied. Instead they are always met by armed thugs hired by the company.

The *Jarjui's* traditional source of income comes from pearl fishing in the mangroves of Aru Island. The forests which they once farmed have now been parcelled out to 28 separate companies and the *Jarjui* themselves are no longer allowed to look for pearls. Those who work for the companies are employed as coolies for Rp 500 per day. Now, Aru has been inundated with workers from Europe, Japan, Australia and the US.

Transmigration Minister, Siswono Yudohusodo, reiterated the government's intention to resettle all of Indonesia's estimated 1.5 million indigenous peoples. They will be forced off their traditional lands to make way for logging companies, plantations, dams and transmigration sites.

At a seminar in Jakarta, in 1994, Siswono stated the government's intention of combining the transmigration programme with the plan to resettle all Indonesia's indigenous peoples. This, he said, was necessary in order to 'leave behind backwardness' and in order that they should 'experience modernisation because it is the only way they can enjoy a better way of life and reach a standard of living equivalent to that of their fellow countrymen' (*Jakarta Post* 7.3.94). This comes at a time when 51.1 per cent of their 'fellow countrymen' (farmers) have seen their real incomes decline over the past five years.

Through transmigration, the government's resettlement of Indonesia's indigenous peoples will rob them not only of their living, homes, lifestyle and tradition, but also of their very essence in order to 'civilise' them and bring them into the mainstream and under control.

Siswono and the Minister for Social Affairs, Inten Soeweno, are also working together on a plan which aims to resettle and re-educate those to whom they refer as Indonesia's 'marginal people'. Together, they hope to resettle 650,000 former convicts, beggars and vagabonds to the 'Outer Islands'.

Under the decree, even victims of natural disasters will now be bundled off along with the rest of Indonesia's 'social misfits', Siswono Yudohusodo, (*Jakarta Post* 29.02.93). Meanwhile, existing transmigration schemes around the archipelago are in a state of collapse, leaving thousands of people without the means to an income, food, homes and hope.

At the annual conference of the traditional Indonesian Islamic boarding schools (*pesantren*), Transmigration Minister Siswono urged the schools to encourage their pupils to become transmigrants. He called upon the traditional school elders (*kyai*) to help facilitate his Ministry's efforts as he suggested that his office's mission was similar to the Islamic commandment to alleviate poverty and that 'transmigration was commendable in Islam'.

But Siswono acknowledged to reporters on the 7th February, 1994, that a major stumbling block to the scheme was "finding people willing to move out of their villages and resettle in faraway lands". Rather ominously however, he said that his ministry was "looking for an effective way of encouraging them to move out for the sake of their own future".

Timber Estates must now be linked to the transmigration schemes. The costs of site preparation and resettlement are now the responsibility of this company, enabling the government to continue its programme of mass eviction, social and territorial control. The transmigrants provide a cheap source of labour for the timber companies. Meanwhile, hundreds of thousands of hectares of forest are destroyed to make way for the transmigration sites, as well as through the logging concessions themselves. In Halmahera, Maluku, 1.2 million hectares of land have been cleared for forest concessions and transmigrations sites between 1985 and 1989, yet only 2,200 hectares have been replanted.

Two years ago, Satiman and his family from Central Java joined the timber estate/transmigration scheme run by PT Arara Abadi (PT Indah Kiat Pulp and Paper's sister company) in Desa Mandi Angin, Bengkalis, Riau. Satiman was promised 1 hectare of land for crop cultivation, 1/4 hectare of land with a home and land for planting food for his own consumption, a wage of Rp 2,500 up to Rp 4,000 per day from PT Arara Abadi plus a weekly food allocation.

When he arrived at the site he was shocked to find that the house he had been allocated was not fit for habitation, and that the 1 hectare of land was covered in shrubs and in no condition for immediate cultivation. The provisions allocated by the Transmigrants Resettlement Unit (UPT) were insufficient and often not fit for human consumption. Last March, all their food provisions and living funds were stopped altogether, and their land is still unable to sustain the crops they were told to plant. By now 130 out of the original 300 families have returned to Java.

Some of the remaining transmigrants have been working for PT Arara Abadi as casual labour. Their wages are small and payment is usually delayed - three months in one case. It was not until the transmigrants took action by taking 2 PT Arara Abadi cars and 7 motorbikes 'hostage' that they finally received their pay.

As it turned out, the transmigrants were being mobilised by PT Arara Abadi to carry out illegal logging in areas not included in their timber estate in order to provide the raw materials for PT Indah Kiat Pulp and Paper's pulping plant in Perawang, Bengkalis. As a result of this illegal activity, PT Arara Abadi had their logging concession

revoked by the Forestry Ministry. The future of the remaining transmigrants now looks increasingly uncertain and the damage to the local environment has yet to be accounted for.

After years of dispute, the uproar surrounding the Sei Lapan nuclear estate/smallholder plantation project should have finally been laid to rest. On the 26th February 1994, all parties concerned signed a Memorandum of Understanding which it is hoped will resolve the symptoms, if not the actual cause of the Sei Lapan dispute.

In the long term, PIR schemes, combining transmigration with the promotion of a plantation economy, are likely to continue to spell poverty for farmers and disaster for the environment. The PIR projects have been used to inject new life into a transmigration programme flagging under the weight of failure of poorly planned and implemented food crop as well as plantation crop settlements. Around 80 per cent of PIR plantation workers are transmigrants. According to a report by the Indonesian daily newspaper, Pelita, PIR transmigrations schemes also have little possibility of success.

During the first week of September, the Asia-Pacific Festival of Indigenous Peoples was held in Pekanbaru. Supposedly a celebration of culture, the festival was more concerned with how best to exploit the tourism potential of indigenous peoples. In her opening speech, Social Affairs Minister, Inten Soeweno, reiterated the government's policy on Indigenous Peoples in Indonesia. She emphasised the need to 'develop' indigenous peoples, deploring the fact that during the first 25-year plan this had only been effected with 35,000 indigenous families, or 12 per cent of the total indigenous population. She stated that their 'backwardness' was evident from their homes, health, education, rituals, religious beliefs and lack of technology. She went on to state that, because of their 'backwardness', "they were not able to function properly as (Indonesian) citizens, and were not as yet able to fulfil their role in national development". She also said that it was the strength of their traditions which blocked their development.

A cursory glance at the Indonesian press itself demonstrates the extent to which indigenous peoples' rights are ignored and their livelihoods trampled on without regard. Though constantly belittled and given no respect, the indigenous peoples themselves are becoming increasingly active and adept at defending their rights. Though they only stand a slim chance against the power of the Indonesian government, all over the archipelago indigenous activists are forming NGOs to defend their rights and publicise their struggles.

The forest around Butik Duabelas, Bungotebo district in Jambi Province Sumatra is the home of the *Kubu* people. In 1980, 40 km² of

the forest was officially recognised as being the traditional home of the Kubu. The Kubu are mainly nomadic hunter-gatherers who live off the natural produce of the forest, either by consuming it themselves or by exchanging it for food or tools.

Now, in Bungotebo (which covers an area of 1,365 thousand hectares) there are seven companies operating with logging concessions in an area covering 731 thousand hectares. There is no doubt that the forest of the Kubu is being threatened by the loggers and moreover, the government is already building roads which cut through Kubu forest.

On 12th October, the Kubu demonstrated their frustration and anger at the encroachment on their traditional land, by pulling down a tent and seizing tools owned by one of the logging concessionaries, PT Intan Petra Darma. The Kubu have taken care of the forest in a productive and sustainable way for generations. Ironically, a member of the Cultivation and Preservation of the Environment section of the Department of Social Security has been allocated the task of 'developing' the Kubu and moving them out of the forest in order that the loggers can move in.

Logging concessions, the transmigration programme and the violation of indigenous peoples' rights are the main ingredients of the current struggle facing the *Bentian* people in East Kalimantan. 150 hectares of land owned by the Bentian Dayaks of Desa Jelmu Siblak have been totally cleared by the company PT Kalhold Utama, part of Bob Hasan's Kalimanis Group. Typically, Bob Hasan's company made no efforts to consult the Bentian people beforehand, who have in their possession an official document dating from 1813 which proves that the land in question is legally theirs. The land has been cleared in order to build housing units as part of the joint Timber for Industry/Transmigration scheme. 200 families of transmigrants from outside Kalimantan, plus another 100 local families are expected to be relocated to the site this December. A representative of Fasumad, a group of 10 local NGOs which have united to fight alongside the Bentian people, recommended that the government withhold its plans to send the transmigrants.

The land clearing undertaken by Bob Hasan's company has meant the destruction of thousands of clumps of rattan cultivated by the Bentian people, as well as hundreds of Durian, Rambutan, Lansium, Jackfruit, Sugar Palm, Salak and Tamarind trees. After felling, PT Kalhold Utama's employees burned the trees, perhaps in order to remove evidence of the productive nature of the forest. The destruction of their forest means that the Bentian people have lost their source of income, but perhaps what upsets them more is the wanton destruction

of a number of their ancestral graves, the bones of their relatives scattered around the burial site. A representative of the Bentian people said, "We really cannot accept this kind of behaviour. Not only is it an affront to our traditions, but it is also in contravention of the Pancasila". A member of Fasumad confirmed that ancestral graves had been overturned during the logging, providing journalists with photographic evidence.

East Timor. On December 15, 1993, a so-called 'reconciliation meeting' took place between two groups of East Timorese: those who are living in the former Portuguese colony which was invaded by Indonesia in 1975, and those who are living in exile.

The meeting took place in Britain, about 30 kilometres from London. But the exact location was secret. Two reporters were allowed to interview participants on the explicit condition that they would not reveal the name of the place. Even though the meeting was organised by the Indonesia embassy in London, the official position is that Indonesia is not involved.

The external delegation was headed by Abilio Araujo, who was ousted some months before as president of FRETILIN, the resistance movement, because he was too friendly with the Indonesians. There were two items on the agenda: development and justice. There was no communiqué and no press conference.

It was an extraordinary meeting, the first of its kind, and it is still not known what consequences it will have. Perhaps it has already had one: on December 23, 1993, AFP reported from Jakarta that Abilio Araujo was allowed entry into Indonesia.

"We will welcome anyone who wants to return, on condition he will not question the political status of East Timor, which is a part of Indonesia," said Susilo Sudarman, Coordinating Minister for Security and Political Affairs.

Meanwhile, the leader of the resistance movement is still in prison. Xanana Gusmao was caught by the Indonesians in November, 1992. In May 1993, he was sentenced to life in prison after a trial which Amnesty International and other independent observers were not allowed to attend. Three months later, president Suharto reduced his sentence to twenty years in an attempt to ease criticism over Indonesia's internal and external line of policy. The prisoner has been transferred to Indonesia itself to the Cipinang prison in Jakarta.

In December 1993, UPI reported from Jakarta that Xanana had written to the International Commission of Jurists in order to have his sentence annulled. The Indonesian authorities were furious: how had he succeeded in having a letter smuggled out of prison and out of the

country? "We will see whether the motive behind it was money or another reason," said General Feisal Tanjung, Commander of the armed forces. The Indonesia regime cracks down hard on any opposition or protest against the occupation of East Timor.

In December 1993, an activist from East Timor, Alberto Rodrigues Pereira, was sentenced to 22 months in prison for ripping down an Indonesia flag. The prosecutor had demanded a three year prison term, pointing out that the accused had committed his crime on August 16, on the eve of Indonesia's independence anniversary. Apparently, this was considered an aggravating circumstance.

The verdict against Pereira was handed down shortly after another East Timorese, Pedro Sarmiento da Costa, was sentenced to one year in prison for 'defacing the Indonesian currency', the Rupiah.

Pedro Sarmiento da Costa had written a note to president Suharto on a 10,000 Rupiah bill (value about US\$5.00) demanding compensation for the victims of the November 1991 massacre in the Santa Cruz cemetery, during which Indonesian soldiers killed at least 100 people and wounded many more.

One of the few people able to criticize the Indonesians without reprisals is the local bishop, Carlos Felipe Ximenes Belo. The Catholic Church is the only official institution not controlled by Jakarta. Many people join the Church, because it is the only legal way to protest.

Indonesia does not want a conflict with the Vatican. Thus, the Bishop is given special rights. On the other hand, he knows he must tread carefully. Thus, his criticism focuses on humanitarian and not political questions. In November 1993, he was in Australia, on one of his few visits abroad, during which he attended a special mass in Saint Patrick's Cathedral in Melbourne, on the second anniversary of the Santa Cruz massacre.

"Think of the future and how to build a new generation - a future based on peace and justice and reconciliation," the Bishop said, knowing that he must be careful if he wants to return home again. As he was leaving the cathedral, Australian journalist Mark Baker asked him about the repeated claims by Jakarta that its military presence in East Timor is being scaled back and that tensions are easing in the territory. "You believe it?" he said, smiling broadly. "Myself, I like to see first, to check."

Outside of East Timor, many activities are taking place in order to show solidarity with the struggle of the East Timorese people. In Britain, for instance, a campaign is being organised in order to prevent British Aerospace from selling more Hawk jet fighter planes to Indonesia, because they are being used to commit genocide in East Timor.

In June 1993, Indonesia signed a £500 million contract with British Aerospace for 24 Hawk aircraft and associated equipment and training. It is widely believed that Indonesia intends to purchase no fewer than 144 Hawks to equip six squadrons with 24 warplanes each, even though it is not threatened by any foreign power. The military equipment is being used to subdue the population at home and in the occupied territories (East Timor and West Papua).

The campaign is being organised by British Aerospace Campaign working with other groups such as TAPOL (the Indonesia Human Rights Campaign), British Coalition for East Timor and the Irish East Timor Solidarity Campaign.

The government in Jakarta has often stated that the question of East Timor is settled. The resistance is broken and the people are satisfied, it is claimed. But the facts show otherwise. In spite of difficult conditions there is still active and passive opposition against the bloody occupation.

In **Burma (Myanmar)**, the ruling State Law and Order Restoration Council or SLORC continues to be a human rights pariah, despite its cosmetic gestures to respond to international criticism. Aung San Suu Kyi, the 1991 Nobel Peace Prize Winner, was permitted visits from her family but remained under house arrest for the fifth year. SLORC announced the release of nearly 2,000 political prisoners, but it was not clear that the majority had been detained on political charges nor could most of the releases be verified. At least 100 critics of SLORC were detained during the year, and hundreds of people tried by military tribunals between 1989 and 1992 remain in prison. Torture in Burmese prisons continues to be widespread. Foreign correspondents were able to obtain visas for Burma more easily, but access by human rights and humanitarian organisations remains tightly restricted. A constitutional convention met throughout the year, but over 80 per cent of the delegates were hand-picked by SLORC.

Professor Yozo Yokota, the Special Rapporteur to Myanmar appointed by the UN Commission on Human Rights, issued a report in February on his December 1992 visit to the country. The report documented systematic violations of basic personal freedoms and physical integrity and concluded that "serious repression and an atmosphere of pervasive fear exist in Myanmar". It also noted the lack of co-operation from SLORC and the intimidation and harassment of individuals wishing to provide testimony.

The UN Commission on Human Rights passed a resolution on 10th March which called on SLORC to, among other things, end torture, forced labour, abuse of women, enforced disappearances and summary executions; allow investigations of violations; improve prison condi-

tions; cooperate with UNHCR for the safe return of refugees; and release Aung San Suu Kyi unconditionally. It also extended the mandate of the Special Rapporteur for one year.

To respond to international condemnation of its refusal to allow the National Assembly elected in May 1990 to meet, SLORC convened a national constitutional convention in Rangoon on the 9th January. Of some 700 delegates who attended, only 120 were elected parliamentarians. It was chaired by a 15-member commission, all of whom were active military officers, and delegates were divided into eight groups by occupation and background, such as peasants, workers and 'national races'. Each group was chaired by a military officer.

The convention met on and off throughout the year, and in September, six out of the eight groups agreed to a constitution that gave the military continued control of the government. The two groups which opposed it were the elected parliamentarians and representatives of political parties.

Many SLORC opponents were arrested in connection with the convention meetings. On the 4th August, Dr. Aung Khin Sint, a convention delegate and elected representative of the opposition National League for Democracy (NLD) and Than Min, alias Tin Tun Aung, an NLD Executive Committee member for Mingla Taungnyunt Township, were arrested for distributing leaflets.

They were accused of political agitation and intent to undermine the national convention. On October 15, they and nine others were sentenced to 20 years in prison. All were detained in Insein Prison in Rangoon.

Fighting between the Burmese military and various ethnic insurgencies along the Thai-Burmese and other borders was minimal during the year, in part because of a concerted effort by SLORC to negotiate ceasefires with different minority groups. In April, for example, a ceasefire was negotiated between SLORC and the Kachin Independence Army (KIA), and on October 1, a formal ceasefire agreement was signed. Thailand and China pressed insurgents based along their borders to negotiate or else lose their ability to shelter and mobilize on their respective territories.

Despite the low level of conflict, however, refugees continued to stream into Thailand. In June, NGOs estimated that 1,000 Burmese were crossing the border every day. The Thai government and international agencies were quick to refer to the newcomers as illegal immigrants, but many reported fleeing forced relocations, forced labour and forced conscription.

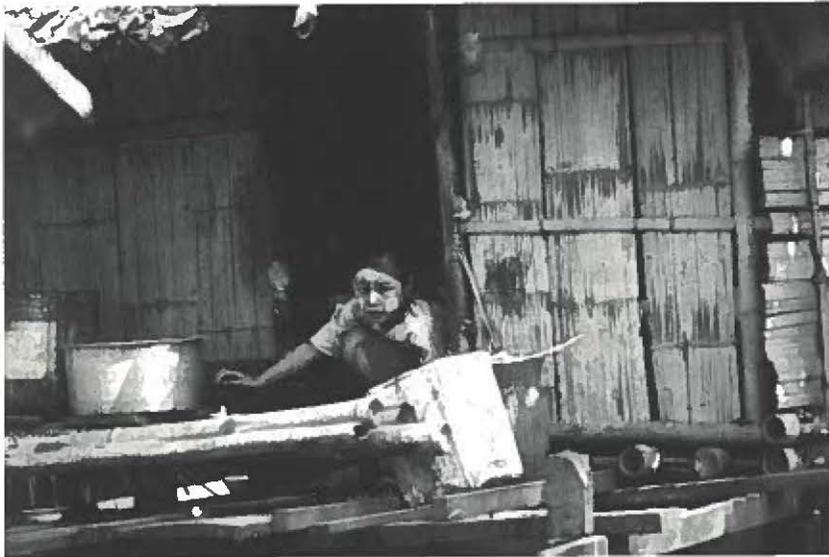
The state of Arakan in northwest Burma, home to the Rohingya Muslim minority, remained off-limits to outside observers, raising

concerns about the possible repatriation of almost 300,000 Rohingyas who had fled to neighbouring Bangladesh in 1991 and 1992. More than 13,000 refugees were repatriated in late 1992 and early 1993 without adequate screening procedures to determine whether they were returning voluntarily or there were adequate monitoring mechanisms on the Burmese side. On the 31st January, UNHCR staff were allowed to interview refugees scheduled for repatriation in one transit camp in Bangladesh and found that nearly all were there against their will. In May, a memorandum of understanding was signed between UNHCR and the Bangladesh government ensuring UNHCR full access to all camps, and in July, Sadako Ogata, the head of UNHCR, reached an agreement in principle that her agency would be allowed a monitoring presence in Arakan. On November 4, 1993, the Burmese government signed an agreement with UNHCR providing for UNHCR access to 'all returnees' to Arakan voluntarily repatriated from the camps in Bangladesh. It was not clear, however, how large a presence UNHCR would establish or what degree of freedom of movement and access they would have in Arakan.

Thailand continued to recover from political upheaval in 1992, but its chronic human rights problems remained. The treatment of Burmese and Cambodian refugees was a major cause for concern. Members of Burma's ethnic minority groups continued to flee into camps along the Thai-Burmese border. The camps were set up at the discretion of local authorities with little control from Bangkok; by the end of the year they housed 72,000 refugees, who found themselves increasingly vulnerable to refoulement. On the 7th April, two camps were burned to the ground by the Thai army's 9th Division and 545 residents were forced back into Burma. In August, Camp No.2, in Mae Hong Son Province, housing *Karen* peoples was ordered to be vacated and its occupants forced back to Burma.

On the 17th September, after extensive negotiations and a written agreement between Thai officials and leaders of the *Mon* people that Mon refugee camps would be permitted to remain on Thai soil, the Mon were pressured to begin relocating back to Burma. The Thai military escorted some 140 Mon refugees from the Loh Loe camp back to Burma to begin clearing land around Halockhane village, only an hour's walk from a SLORC (State Law and Order Restoration Council) military base camp. The entire Loh Loe refugee population of nearly 7,000 was expected to be moved back to Burma by early 1994.

The Thai government was quick to label the majority of Burmese coming across the border as 'illegal immigrants', despite the fact that



Karen refugee camp in Thailand. Photo: Jørgen Abelsen

many were reportedly fleeing forced relocations, forced labour and forced conscription. The influx of refugees peaked in June, when NGOs estimated that over 1,000 Burmese were crossing the border each day.

The Thai government treated Burmese students and intellectuals differently from the ethnic refugees. On the 14th January, the Thai Standing House Committee on Justice and Human Rights called on the government to grant Burmese students political refugee status. The call followed the announcement of the United Nations High Commissioner on Refugees (UNHCR) in late 1992 that it would cut off assistance to 516 Burmese 'students' recognised by the Thai Ministry of the Interior unless they agreed to go to a camp in Ban Maneeloy, commonly called the 'safe area'. Questions about how the Thai government determined who was a student and which students were valid refugees were not resolved; it was clear, however, that the camp was designed to keep the politically active refugee population out of Bangkok. By February, only a handful of Burmese students had gone voluntarily to the camp, but as third country resettlement was made conditional on passing through the camp, the number of students going there slowly increased. The number of camp inhabitants also rose after some Burmese detained in the Immigration Detention Centre in Bangkok were given the option of going to the camp or being deported.

In April, the UNHCR cut off assistance to another 222 Burmese 'intellectuals' selected by the Interior Ministry for the Maneeloy camp. If they refused to go, they faced destitution and possible arrest and deportation as illegal immigrants. Despite these risks, only a little over 100 Burmese were living in the camp by the end of the year. Many Burmese were afraid to go because the camp was seen as little more than a prison, albeit a relatively open one, and there were only imperfect safeguards against abuse by Thai military guards and infiltration by the Burmese military intelligence (SLORC).

Thailand's treatment of Burmese refugees reflects its relatively close relationship with SLORC. On the 15th September, Thailand's foreign minister announced his government's intention to invite Burma to apply for observer status to the Association of Southeast Asian Nations (ASEAN).

The repatriation of nearly 300,000 refugees to Cambodia was not entirely orderly or willing. On the 7th May, 1993, hundreds of Thai military arrived at Site 2 Refugee Camp in buses with UNHCR markings. The military then forced 400 to 500 Khmer refugees, who had been unwilling to return, onto eight of the buses and returned them to Cambodia. At the same time, as the repatriation concluded and fighting within Cambodia escalated in the run-up to the elections, on the 4th May, 1993, the Thai Interior Ministry ordered all provinces bordering Cambodia to take tough action against Cambodians who illegally entered Thailand.

On the 26th October, 1993, the Thai government reportedly removed over 300 Hmong refugees from the Phanat Hikhom Centre and put them in detention until they could be repatriated in November. It was clear that they were forcibly removed from the camps; it was not clear, however, if any had been adequately screened to determine the validity of their claims to refugee status. The move appeared to be linked to a July agreement between the UNHCR and the governments of Thailand and Laos that all refugee camps in Thailand housing Hmong people would be closed by the end of 1994.

A major World Bank/GEF/FINNIDA project in Laos is in its final phases of preparation. The project aims to promote a radical restructuring of forest management and conservation in Laos with the goal of effectively regulating and controlling access to forest resources and promoting sustained yield logging, plantation forestry and protected area management. It seeks to ensure that forest dwelling communities are given 'enforceable rights' to use and access to forest resources. The ambitious project has implications for all forests of Laos and for some 50 per cent of the Laotian people whose livelihoods depend on their

forests. Serious doubts have been raised about the project's approach, notably:

- The project has ignored the World Bank's established procedures on indigenous peoples despite, the fact that most of the people in the forests of Laos belong to ethnic minorities.
- The project has been developed without adequate consultation with NGOs and local communities, local authorities and provincial governments.

A main concern is that the project's top-down approach to land use classification overrides indigenous systems of land use and will impose major restrictions on local communities. In logging areas, the project will entrust community development to national and international logging companies and will lead to community needs and rights being sacrificed to the interests of the logging industry.

The Laos government considers shifting cultivation to be the main constraint on increased forest production. The government has, as a consequence, embarked on a policy of resettling shifting cultivators to fixed farming areas. In 1989, the government set itself the ambitious target of completely eliminating the practice of shifting cultivation by the year 2050, with the immediate aim of resettling 900,000 peoples onto 750,000 hectares of land as permanent cultivators by the year 2000.

Donor agencies and NGOs have been strongly critical of these policies and, as a result, the Laos PDR government announced in April 1992 that forced resettlement would not be a part of its future policy. Despite this, more recent government documents continue to assert the government's intention to move up to 900,000 people out of the forests by the year 2000 and admit that people are still being forced out of the forests through "the strict enforcement of restrictions on shifting cultivation" (National Background Report on Shifting Cultivation, September 1992). Recent reports from the provinces make clear that resettlement of shifting cultivators from areas slated for logging is still being undertaken, especially in areas being logged by the Laos army.

Laos is one of the most ethnically diverse countries in Asia, including some 68 different ethnic groups within the national territory. The majority of the peoples to be affected by the project are classed by the Bank as 'indigenous peoples', that is to say, they are members of "social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged by the development process" (World Bank Operational Directive, 4.20:1).

The Chittagong Hill Tracts, Bangladesh. A cease-fire has been in effect since August 1992 and in November of the same year negotiations started between the Government of Bangladesh and the Parbatiya Chattagram Jana Samhati Samiti (PCJSS, usually referred to as JSS), the political organisation of the indigenous *Jumma* people. This is an important change in the situation in the Chittagong Hill Tracts. The Shanti Bahini, the armed wing of the JSS, unilaterally declared a cease-fire from 10 August 1992 and during the negotiations this became a mutual cease-fire agreement. The cease-fire agreement has been extended by a few more months during each dialogue.

From 5 November 1992 till 5 May 1994 seven rounds of talks have been held. However, so far the dialogue has not brought any significant results and the government of Bangladesh is systematically trying to delay the negotiations process. The main demands submitted by the JSS to the government committee involved in the negotiations in December 1992 are to set up a Jumma Regional Council, for the removal of the Bengali settlers from the Chittagong Hill Tracts (CHT) and the demilitarisation of the area. The government gave its reaction in writing in September 1993, nine months after the JSS submitted its demands, stating that to date most of the JSS demands had already been fulfilled through the Hill District Councils. However, the Hill District Councils, which were set up under the previous government headed by General Ershad, were rejected from their inception by the JSS and a broad section of the Jumma people.

The main objections of the Jumma to the Hill District Councils are:

- They have no constitutional basis and can be changed or repealed at any time without the consent of the hill people or their representatives.
- They formalise and legalise the presence of Bengali settlers in the CHT.
- Jumma land rights are not safeguarded and there are no provisions for the return of land illegally occupied by Bengalis. Only 10 per cent of the CHT is under District Council jurisdiction. Furthermore, the District Councils have not been given any real power; they have been fully controlled by the military.

Another recent development is an agreement which the government of Bangladesh made with the government of India to repatriate the 56,000 Jumma refugees from camps in the Indian state of Tripura. The refugees initially refused to go back because the demands which they had submitted to the Bangladesh government had not been fulfilled. There

were widespread local and international protests, urging the Indian government not to repatriate the refugees against their will and, in case of voluntary repatriation, to involve the UNHCR (United Nations High Commission for Refugees) in the process. The Indian government gave a verbal assurance that the refugees would not be repatriated by force or against their will. But the government did exert 'non-violent pressure', as one camp official expressed it, by drastically reducing food rations, except for rice and salt, which resulted in near-starvation and malnutrition among the refugees. After much diplomacy and considerable pressure on the refugees, a first 'experimental' batch of 379 Jumma families, comprising a little over 1,800 individuals, were repatriated in February 1994. The Bangladesh government promised to guarantee their physical safety and proper rehabilitation and it ensured that Bengali settlers had been removed so that the land could be restored to its rightful Jumma owners. However, most of the settlers have been moved to adjacent hill tops without any means of subsistence, which in fact has created a potentially more dangerous situation. The settlers have been organising themselves and resorting to provocation and organised attacks on the Jumma people. Many Jumma fear that there will be a recurrence of bloodshed because the relocated Bengali settlers are still in the immediate vicinity and their dissatisfaction is mounting. Some of the 379 repatriated refugee families did receive their land back, but many others found their land still occupied by Bengali settlers or by army and para-military camps. Occasionally renewed efforts are made by the Bangladesh and Indian governments to repatriate the remaining 54,000 refugees, but the refugees refuse to go. They do not want to return unless there is a political settlement to the 22-year old conflict. Both the governments of India and Bangladesh rejected the involvement of the UNHCR or any other third party in the repatriation.

Apart from these developments, the Bangladesh government's policy on the Chittagong Hill Tracts has not changed significantly. The parliament that was installed after the elections in early 1991 plays no significant role in CHT policy decision-making. This policy is still decided by the Cabinet Committee for the CHT which includes Army chiefs and is headed by Prime Minister, Khaleda Zia. There has been no reduction of the military presence in the CHT, although, since the beginning of the cease-fire, it is reported that military personnel are confined more to their barracks. Although initially some army camps were dismantled, the JSS has alleged that 27 new camps have been established at other places. There are also plans to build a new cantonment in Rangamati District.



Refugee camps, tripura. Photo: CHT Comission

While previously it was denied that the military controlled the administration in the CHT, the government now claims that the military has been withdrawn from the administration. According to some Jumma sources, the District Councils, which were previously under full military control, are now subject to less interference but the army continues to play a background role. The only official administrative position that the army holds is the chair of the CHT Development Board (CHTDB). At present the GOC (General Commanding Officer) is officially the Chairman of the CHTDB and controls the development funds. The government has been requested to withdraw the military from this crucial post, but so far this has not been done.

The CHT remain a very sensitive area and reports of human rights violations continue. After the cease-fire was declared, the human rights situation in the CHT initially improved, but tensions began to build up again and new restrictions were imposed on the Jumma people. Unlawful killings, rape, detention without trial, forced labour, curtailment of freedom of expression, looting and burning of property have all continued, even during the cease-fire period.

On 17 November 1993, a peaceful rally organised by the CHT Hill Students' Council in Naniarchar Bazar, Rangamati District, was attacked by a counter demonstration of Bengali settlers with the support of the Bangladesh army. At least 29 Jummas were hacked to death by settlers or killed by army bullets and more than a hundred Jummas were wounded.

More than 200 Jummas who were detained under the Special Powers Act (SPA), which permits detention without trial for 90 days, were released through a High Court order which judged that their detention had been illegal. Nevertheless, since then Jumma are increasingly being held under the new Curbing of Terrorist Activities Act (CTAA) for which bail is not available and which is more difficult to fight in court. According to Amnesty International, Home Minister Abdul Matin Chowdhury informed Parliament in June 1992 that "between September 1991 and June 1992, 34 people had been detained under SPA in Rangamati District, 50 in Khagrachari District and 3 in Bandarban. Of these 17 had been released in Rangamati and 30 in Khagrachari". However, according to local lawyers, more than 200 Jumma have been detained under the SPA during the same period.

Disputes over land continue as Bengali settlers still illegally occupy land belonging to Jummas on a massive scale. In July 1992 the Ministry of Land announced plans to carry out a cadastral survey in Rangamati District from November 1992 onwards in order to map out all land and register ownership. The plan elicited large-scale protests by the JSS and other Jumma people's organisations and the government had to postpone it. The Jummas fear that if this survey is carried out now, while much of their land is occupied illegally by Bengali settlers, the settlers will be registered as the legal owners. Once their names enter the cadastral register, the rightful Jumma owners, thousands of whom have had to flee, will never be able to regain it. For this reason it has been argued that the cadastral survey can only be carried out after all refugees have returned from Tripura and have reoccupied their land.

The democratic movement of the Jumma people, which was established after General Ershad was ousted in 1990, has grown in size over the last few years. The Hill People's Council, the Hill Students' Council and the Hill Women's Federation have continued their work in close cooperation, providing momentum for the democratic movement. Their main activities centre around organising and mobilising the Jumma people to demand their rights by democratic and peaceful means. They have organised numerous meetings and demonstrations and have the active support of a large number of Jumma. Now they have become a well established force which can no longer be ignored.

There is also increasing support from Bengali people for the Jumma peoples' rights. The National Committee For The Protection of Fundamental Rights In The Chittagong Hill Tracts, which was formed after the Logang massacre in April 1992, issued a statement after the Naniarchar massacre demanding the immediate arrest and trial of those responsible for the killings, and demanding that steps be taken against

the Parbatya Gana Parishad, the organisation of Bengali settlers held responsible for the massacre. They also called for a political solution to the conflict in the CHT based on a "constitutional guarantee of the rights of the ethnic peoples of the CHT, the settlement of their land disputes and the establishment in the region of an independent administration, free of military control".

Some representatives from political parties and from human rights organisations have also been actively monitoring the situation in the CHT and carried out investigations after the Naniarchar massacre.

The CHT issue continues to be raised regularly at United Nations bodies, including the Commission on Human Rights, its Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and the Working Group on Indigenous Populations. Interventions expressing grave concern about the situation in the CHT have been submitted by Jumma representatives and by Professor Douglas Sanders, co-chair of the Chittagong Hill Tracts Commission. The matter has also been raised by a number of non-governmental organisations, including IWGIA, Anti-Slavery International and Survival International.

The International Labour Organisation has also continued to focus attention on the situation in the Chittagong Hill Tracts. Bangladesh is a signatory to ILO Convention No. 107 on Indigenous and Tribal Populations. In its most recent report (1993), the Committee of Experts states that it remains concerned that the life and property of the tribal population are not adequately safeguarded as prescribed by Convention No. 107 and provided for in the Constitution of Bangladesh. The Committee further recalled its "earlier recommendation to the Government to conduct impartial and thorough investigations of human rights violations, with tribal participation". The Committee of Experts requested the Bangladesh government to submit information on measures taken or envisaged to implement the provisions of Convention No. 107.

The persistent violations of the fundamental rights of the Jumma people prompted the European Parliament to pass a unanimous resolution on 16 September 1992, which vigorously condemned the massacre in Logang on 10 April, 1992. The resolution urged the United Nations Commission on Human Rights to appoint a special rapporteur to monitor the situation in the Chittagong Hill Tracts and demanded that the European Parliament's Sub-Committee on Human Rights investigates the matter, if possible by sending a mission to the Chittagong Hill Tracts.

On 9 March, 1994, the European Parliament addressed the issue in another resolution which was passed unanimously. In it, the European Parliament condemned the massacre at Logang and the more recent

massacre at Naniarchar (17 November 1993). It considered that “the Bangladesh authorities have failed to safeguard the lives and property of its Jumma tribespeople against both encroachment on their traditional lands and acts of violence committed against them”. It called on the government of Bangladesh to “create conditions necessary for the repatriation of the Jumma refugees, as put forward by the Jumma refugees, including lifting the military occupation of the Chittagong Hill Tracts, and negotiating with the Jana Samhati Samiti on the future autonomy of the Chittagong Hill Tracts within the constitution of Bangladesh, in order to seek a sustainable solution to the ongoing conflict, and to offer the refugees written guarantees of their safety”. It also called on Bangladesh to “allow the United Nations High Commission for Refugees to offer its full protection services to returning refugees and to allow international humanitarian and human rights organisations to monitor the process of resettlement”. The European Parliament also called on India “to ensure that there is no repatriation of Jumma refugees against their will and to ensure that adequate food and medical supplies are provided to the refugee camps”. And it asked India to consider involvement of the UNHCR in the refugee camps. Finally, it called on “the major international donor countries and especially the EU to create a special budget to support a resettlement programme for both the Jumma refugees [in the CHT] and the Bengali people [outside the CHT], as Europeans have to recognise their responsibility for the present situation, which is largely a result of European colonialism in the past”.

With a population of 110 million and a GNP of US\$170 (UNDP), Bangladesh remains heavily dependent on foreign aid for its development and socio-economic programmes. Despite the fact that donor governments have increasingly made human rights an issue in the disbursement of development aid, they have not been willing to apply the human rights criteria strictly. They have continued to give huge amounts of aid to Bangladesh without considering taking more concrete action such as making continued aid to Bangladesh conditional on a speedy solution to the CHT crisis, or applying cuts in the aid disbursed, despite questions raised in some of the national parliaments. It is thanks to this aid that the Bangladesh government is able to maintain its huge military presence in the CHT. Donor governments and international donor organisations have also been unwilling to develop alternatives to the present aid policy or make a positive contribution to a solution of the CHT conflict.

The Chittagong Hill Tracts Commission brought out a second update of its report ‘Life Is Not Ours’. Its main conclusions and recom-

mendations, which incorporate recommendations presented in its reports of 1991 and 1992, are:

1. Political Settlement and Autonomy

Negotiations have been going on for more than a year, but so far without much result. This is a crucial time. Parliamentary democracy has been restored and there is a broad agreement that the CHT conflict should be resolved politically. If the government and the JSS fail to come to an agreement now they will lose their chance.

- a) A process of demilitarisation of the CHT must begin immediately. The present military occupation of the area has not created the preconditions for peace and has obstructed political and economic development.
- b) The issue concerning the CHT is no longer whether or not there should be autonomy, but which institutions should exercise autonomous powers, the extent of those powers and which legal basis should exist for the system of autonomy. The District Council Acts should be repealed and constitutional guarantees should be given to a future autonomous administrative body.

2. Land Issues and the Presence of Bengali Settlers

Civilian and military authorities have acknowledged that the programme to bring settlers into the CHT had been a mistake. There is a broad consensus among the Jumma people that the settlers should leave. The notions of land ownership held by the government and by the Jumma people are in contradiction with each other. The CHT Commission recommends that:

- a) A thorough study should be done of indigenous notions of land ownership, the carrying capacity of land in the CHT, biodiversity and indigenous notions of development, by the Jumma people themselves or at least in close cooperation with them. The government must respect the traditional indigenous way of life of the Jumma people.
- b) A neutral and expert body should determine the status of title to lands in the CHT before any cadastral survey can be carried out.
- c) No further settlement by outsiders must be permitted in the CHT.

- d) Many Bengali settlers have become victims of the whole process, particularly settlers in the Bengali cluster villages. Many stated that they would happily return to the plains if there was a place for them to go to. A process of resettling settlers in the plains should be started. Several western donor governments have expressed their willingness to consider allocating foreign aid for rehabilitation and employment schemes to relocate settlers outside the CHT if the government of Bangladesh would request them to do so.
- e) All cluster villages should be dismantled.
- f) The Chittagong Hill Tracts Regulation of 1900 should not be repealed in total. Bangladesh law should recognise the authority of the autonomous administrative body of the CHT to implement and amend the provisions of the 1900 Regulation dealing with land rights and settlement.

3. Human Rights Violations

Human rights violations have continued and tension is still high in the CHT, as revealed by the Naniarchar massacre and many smaller violations.

- a) It is vital to have a continuing (human rights) monitoring capacity in the CHT. The Commission recommends a Special Rapporteur (of the UN) on the CHT issues, supplemented by continuing investigatory and advisory work by the ILO, Amnesty International and other competent NGOs.
- b) The UNHCR, ICRC or any other international body should be involved to monitor the voluntary repatriation of the Jumma refugees.

4. Development Aid

- a) As all development programmes in the CHT cannot escape being part of the Bangladesh government's counter-insurgency programme, the CHT Commission calls upon all aid-granting states and agencies to stop funding programmes in the CHT until demilitarisation has taken place and a political settlement has been implemented.
- b) All donor governments, in particular those governments that profess concern with human rights violations, must take concrete steps to contribute to ending human rights violations in the CHT and to

facilitate a political settlement of the problem in the CHT. The Commission encourages aid which will promote demilitarisation, rehabilitation of settlers back to the plains, autonomy, the resolution of land issues and development initiatives of the Jumma peoples themselves, based on their own indigenous notions.

In Nagaland in November the *Naga Students' Federation* (NSF) and the *Naga Peoples' Movement for Human Rights* (NPMHR) arranged a 'Naga Week' in Kohima to commemorate the UN Indigenous Peoples' Year. It was also an opportunity to celebrate their culture and traditions and to reflect on the future. To express the unity of the Nagas and the indivisibility of their homeland, a commemorative monument was erected in Kohima with stones collected from every single Naga Village from the entire Naga territory.

In Manipur/Nagaland the violent clashes between *Kukis* and Nagas continues. The Kuki-Naga violence has been going on since mid-1992. Thousands of homes of both Nagas and Kukis have been burnt and many villages have been destroyed. Several thousands have become refugees. Destruction of lives and properties continues with no sign of respite.

The clashes began in early May, 1992, in Moreh town in Chandel district of Manipur. Some of the Kukis living in the region had refused to pay 'tax' to the National Socialist Council of Nagaland (NSCN) on the grounds that they did not subscribe to Naga nationalism. The NSCN has been collecting this 'house tax' from every household in the Naga areas since its inception. Nagas have been paying it willingly as have Kukis living in Naga areas. However, there were reports that the Kuki National Army (KNA) and the Kuki Federal Council (KFC) have been campaigning to stop Kukis paying. Kuki also claimed that the NSCN were threatening to evict those who would not pay. The NSCN and the Kuki militant organisations have been active in Moreh region for some time.

On June 3, 1992, Onkholet Haokip, a Kuki tribesman, was killed in a shoot-out between the KNA and the NSCN near Moreh town. The KNA said he was an innocent villager while the NSCN claimed he was a KNA volunteer. After the incident many Nagas living in and around Moreh town were reported to have been abducted and tortured by the MNA. Some were also killed. The Naga villagers claimed that the KNA was extorting money from them and there were reports of Naga villages being burnt down. A delegation of Manipur Ministers led by Deputy Chief Minister, Mr. Rishang Keishing, visited Moreh town on June 14, 1992, and appealed to all communities to maintain peace. Prominent Kuki leaders of Moreh did not attend the meeting.

However, the KNA and the KFC of India and Burma stepped up the violence in the Moreh area. On July 13, 1992 a mass exodus of Naga civilians started from the Moreh area.

Despite several memoranda and petitions to the State Government by the Naga villagers asking for protection for their lives and property, nothing was done to stop the ethnic violence. Some of the senior leaders of the Manipur Government took partisan positions and issued statements which inflamed passions on both sides. The news that the Chief Minister and Finance Minister were giving financial and material help to a section of Kuki militants further vitiated the already highly charged atmosphere. The news that the army and the RAW were using Kuki militants in their counter-insurgency against the NSCN gave credence to rumours that the state of India was taking its revenge on the Nagas through the Kuki militants.

The clashes spread to other districts and Nagas formed village protection forces. KNA, KFC and other Kuki organisations in these districts became militant. The Naga-Kuki clashes have now spread into the neighbouring state of Nagaland. It is possible that Naga underground organisations may be involved in the clashes, but the NSCN has denied their involvement, particularly in the incident at Zoupi village in Tamei sub-division in which some 35 innocent Kukis were gunned down by Nagas in retaliation for attacks against Naga villages in the area. Retaliations and counter retaliations continued throughout 1993 and many civilians were killed.

The State Government's response has been to bring in more and more armed forces. In September, 1993, the Central Government in New Delhi released an additional grant for modernisation of the Manipur Police and for raising another battalion of reserve police for the state. Five battalions of army were air-lifted to Manipur to fight NSCN insurgents in the hill areas. Three more battalions of para-military forces were also sent to the state to control the ethnic violence in the valley and other areas.

The influx of more armed forces into the area has led to further hardening and distrust between Nagas and Kukis, not least because armed Kukis are allowed freedom of movement and the Security Forces and the Army have overlooked excesses committed by the land-hungry Kuki. The Kuki are now demanding a Kuki Homeland to be carved out of Manipur, Assam, Nagaland and parts of Burma.

On December 31, 1993, Manipur was placed under presidential rule.

Source

Malaysia: Centre for Orang Asli Concerns. Utusan Konsumer. Indonesia: DTE; Forum Keadilan; Kompas; Republika; Setiakawan; Suara Pembaruan; Pelita; Editor; Jakarta Post; Wahana Informasi Masyarakat). East Timor: New Internationalist, No.253, March 1994, UK; Timor Link, UK; TAPOL Bulletin, Indonesia Human Rights Campaign, UK; Cold Blood: The Massacre of East Timor, Yorkshire Television, 1992; Death of a Nation: The Timor Conspiracy, ITV, 1994; Reg. Easttimor, news and information about East Timor. Reg. Indonesia, news and information about Indonesia. Nagaland: The Other Media (New Delhi); Report from the Solidarity Group for Restoration of Civil and Democratic Rights; local newspapers). Utusan Konsumer.



SOUTH ASIA

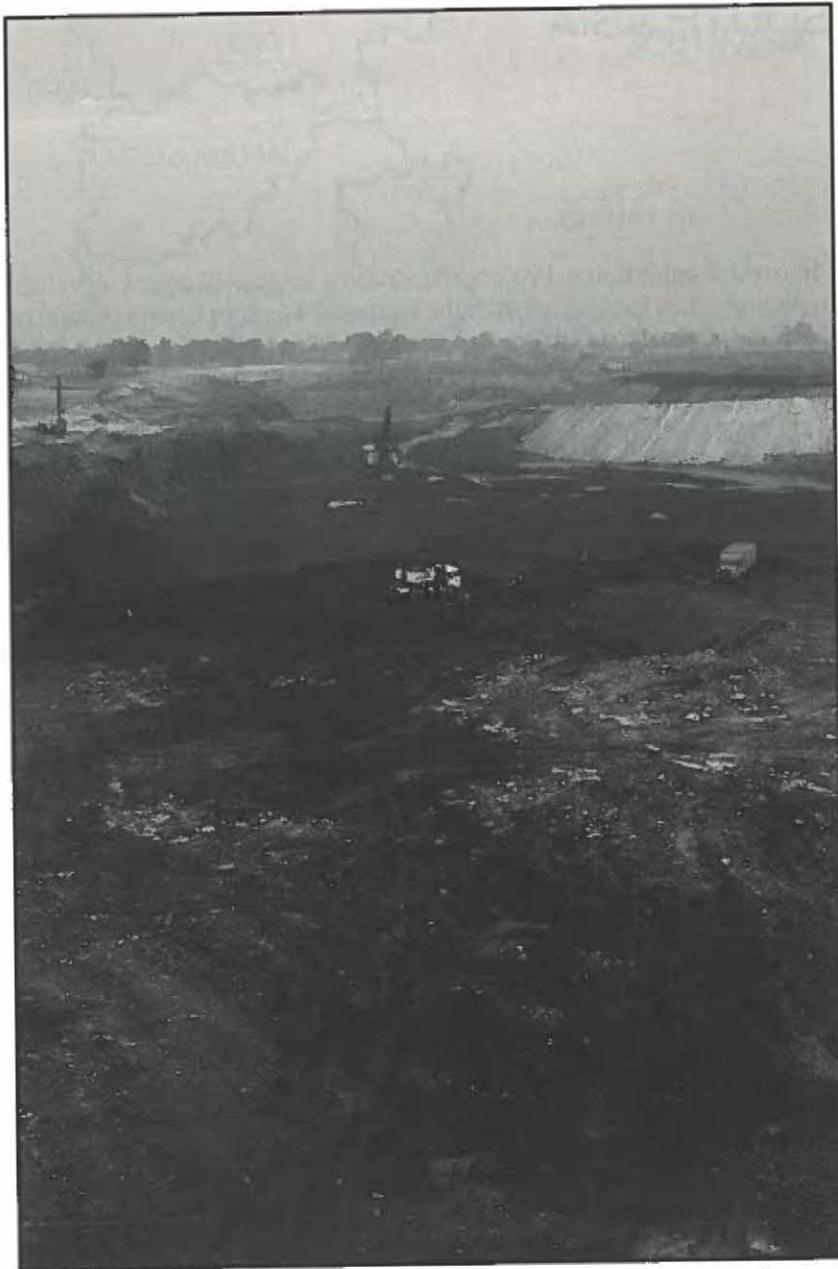
Piparwar Coal Mining Project, Australia's largest overseas development project, is located north of the Damodar River in Chatra district of south Bihar, **India**. It covers an area of 6.38 km² with minable reserves of 197 million tonnes. The annual targeted production at Piparwar will be 6.5 million tonnes of raw coal and 5.5 million tonnes of power grade coal. Piparwar will have the highest ever productivity, five to six times more efficient than current mining operations in India. The deal between Australia and India was clinched because of the unique Australian designed 'in-pit crushing' technology which White Industries has developed.

This high level of mechanisation of the mining process is responsible for the loss of thousands of jobs. For instance, one mechanical loader replaces about 500 manual workers. Furthermore, this capital-intensive mining technology is expected to be the forerunner of 23 new mining projects in the same valley.

This valley, the North Karanpura Valley, comprises of a unique ecosystem and valuable archaeological sites. Furthermore, it is inhabited mainly by small farmers and Adivasis who are facing displacement and being deprived of land without proper compensation.

The project is being delayed due to authorities being embroiled in fights with local people for the acquisition of their lands. Agitation by the Jharkand (indigenous movement in central India) in the area is also a cause of constant delays. In spring 1993, several strikes and blockades were arranged causing delays and financial loss for the project.

Project-affected peoples repeatedly claim they have not been notified or consulted. This problem arises partly because of the methods used by authorities to gain and pass on information. Surveyors usually only go to the house of one prominent person in a village there they will be looked after and obtain information easily about the village. By working through one such person officials avoid having to go personally to each house in the village to obtain data. The 'middleman' between the authorities and villagers is able to negotiate good compensation for himself, his family and friends while black-listing those out of favour.



Piparwar Coal Mining Project. Photo: Lotte Petersen & Karin Sonne-Jensen

During 1993, the resistance has been further intensified. Parallel with the direct acts of resistance, NGOs and activists have been producing documentation. In May 1993, a report called 'The Peoples' Story' was published by Aid/Watch, Australia, and in July 1993, the Indian NGOs, Bharat Jan Andolan and Nav Bharat Jagriti Kendra, published a report on the social impact of the Piparwar and the North Karanpura Coalfields.

Those engaged in the resistance hope that the case will gain national and international attention and the unfortunate process of displacement and the disastrous consequences for the environment and the displaced will no longer be ignored.

In India the UN Indigenous Peoples' Year was celebrated in a number of ways. A celebration took place in New Delhi in November, organised by the Indian Council for Indigenous and Tribal Peoples (ICITP). This was also the second ICITP General Assembly and, for the first time ever, Adivasi from all over India were gathered for a five day meeting.

The number of participants varied from day to day, peaking on the 16th of November, when about 2,000 Adivasi from six different zones of the country belonging to over 60 Adivasi communities participated.

At the official opening ceremony, a portrait of the legendary tribal hero Birsa Munda was revealed. He is a symbol for the Adivasi in their struggle for rights to land and forests, and in their resistance to dominance from outside. He was the leader of a revolt against the British in the tribal region of Bihar at the end of the last century.

The opening speech was given by guest of honour Douglas Sanders from Canada, and the panel was introduced by Professor Kisku from India. The panel consisted of ICITP delegates and non-Adivasi supporters, each of whom gave a short statement on the Adivasi issue. Following this there were cultural programmes.

In the following days the Adivasi leaders held several meetings. The issues discussed were the following:

1. The Adivasi's status as indigenous peoples.
2. Forest problems and deforestation.
3. Land alienation, land acquisition and displacement.
4. Constitutional and administrative measures.

Resolutions were adopted on each of these items.

On the 16 November, a mass rally took place. About two thousand Adivasis dressed in their traditional dress danced and sang their way

through the streets of Delhi demanding the status of indigenous peoples. The seven kilometre walk ended at Jantar Mantar in central Delhi, where people continued dancing and singing and a few speeches were made. The rally was a rich display of tribal culture and received substantial and positive coverage in the press.

The ICITP leadership was elected on the 20th of November. Dr. Ram Dayal Munda, who represents the Regional Zone Jharkand, was re-elected as Chief President and Professor Kisku was given an honorary seat as chairman of the Advisory Board in the Central Committee. Mr. Pushkar, Karnataka, who is also a representative for South Zone Adivasi Forum, was elected Secretary General and Ms. Juliane Singh from Assam was elected treasurer.

On the 21st at the final session of the meeting, Rigoberta Menchu was invited to give a speech of solidarity.

Immediately following the meeting in Delhi, the South Asian Adivasi Sammelan met in the Kolhan Forest, Bihar. This conference was organised by local activists and organisations in cooperation with a human rights organisation which is based in Delhi and led by Mr. Smitu Kothari and co-organised by a Nepalese Professor of Anthropology from Syracuse University, USA.

The Kolhan Forest is part of the Chotanagpur Plateau in southern Bihar and thus is part of the Jharkhand area for which the Adivasis are claiming the right to self-determination. Chotanagpur is one of the richest mineral sources in India. Thousands of tons of coal are dug here to supply the rest of the country with electricity, while the local population cannot afford to buy coal for cooking.

The Kolhan area of Singhbhum district comprises approximately 1,400 villages spread over 3,100 km² and is mainly inhabited by the Ho. The Ho people of Kolhan have for long been fighting for a separate state, often called Kolhanisan. Kolhan is normally quite inaccessible to outsiders, and the uninvited prevented from entering the area by young Ho guards equipped with bow and arrows. This, in combination with the Indian government's low priority for the area, has resulted in very little 'development' taking place there.

The conference was sought as a follow-up to a series of regional meetings held in Bihar, Orissa, West Bengal, Madhya Pradesh, Maharashtra and other states. In this major conference the outcome of previous meetings was to be discussed. There were cultural activities and group discussions. The main items discussed were:

1. Culture, language and tradition
2. Development

3. Autonomy
4. Human rights
5. Economy

These issues were discussed in language-based groups and the outcome of the discussions were presented on the platform. This process formed the basis of the preparation of an Adivasi Manifesto.

'Cultural programmes' consisted of presentations by the delegates of their traditional dances and music. Some presented plays constructed around their everyday problems as well as religious and mythical tales.

By calling the meeting the South Asian Adivasi Sammelan (i.e. gathering or come-together), the organisers were opening the way for participation from other Asian countries, but the only non-Indian attendance was a small delegation from Nepal. By far the majority of participants were from the Jharkhand region and some from West Bengal, Orissa, Southern Madhya Pradesh and Rajasthan. The three southern states, Karnataka, Kerala and Tamil Nadu were represented by a delegation from the South Zone Adivasi Forum. Moreover, a single representative from Maharashtra and two Nagas were also present.

The former Commissioner for Scheduled Castes and Scheduled Tribes, B.D. Sharma, gave a speech detailing Adivasi status in the Constitution from his deep understanding of the Adivasi situation.

The political situation in the area was rather tense, both because of the 'anti-national' movement for an independent Kolhan area, but also because of the large turnout of Jharkand supporters.

Prior to these meetings, however, the 'Adivasi Sangama 1993' took place in Kushalnagar, Karnataka in October with some 600 delegates and observers. The first 'Adivasi Sangama' was held in Kerala in 1992. This is a forum organised by and for Adivasi themselves to which all non-Adivasi attend as observers. It was organised by Budakuttu Krishikara Sangha, Kerala, on behalf of the South Zone Adivasi Forum, which consists of Adivasi representatives from the three southern states of Karnataka, Kerala and Tamil Nadu. The purpose of the seven day meeting was for Adivasis from different districts and states to meet and discuss their problems and strategies and to look for common strategies for the future.

The daily programme consisted of workshops and plenary meetings. The workshops were held by existing Adivasi organisations, and were closed to non-Adivasis. Therefore, parallel meetings took place for NGOs and social activists. However, unhappy with this situation,

some of the support-organisations withdrew their economic, moral and practical support at the last minute and organised a seminar on Adivasi issues on the same dates. This incident made it very important to discuss the relationship between Adivasis and support organisations, not least because the Adivasis need the financial, educational and political support for the process of organising themselves.

The meetings ended with a 'mass rally' in the streets of Kushalnagar, followed up by a public rally where, among other matters, the resolutions from the meetings were presented. These concerned especially rights to land and forests. Adivasi land is still taken over by non-Adivasis, and they are being denied the use of forests and forest products. The often critical health situation in the villages and the lack of education in the Adivasi areas were also emphasised as important issues.

Towards the end of 1993, it was confirmed that the Netrahat Field Firing Range would go ahead, a plan which involved establishing an army cantonment and a firing range in the middle of the Jharkand area, South Bihar.

Apart from the negative effects of such heavy army presence in an area that is striving for self-determination, about 200 villages, 174,000 indigenous people, 235,000 hectares of agricultural land, virgin forests and a Tiger National Park will disappear.

The reaction of the people of Netrahat to the news was immediate and spontaneous. Protest marches were held, and letters were sent to the offices of the Prime Minister, the Union Home Minister and the Minister of State for Internal Security. The authorities in charge of the Betla National Park and the Project Tiger Reserve have also raised their voices in protest, with the support of some sections of the Bihar government.

The Indian government's position is far from clear and there appears to be a deliberate policy of spreading different, contradictory messages. Thus at the moment, no one has a clear picture of what will happen.

On the 8th of December, the population of Chandil and the surrounding villages in the district of Singhbhum in the state of Bihar gathered once more to demonstrate against the deficient rehabilitation plan in connection with the construction of the Chandil Dam.

The Chandil Dam is part of the huge Subernarekha Multipurpose Project. The main purpose of the project is to dam the large quantity of water which falls in the monsoon months and which has, until now, run off into the Subernarekha river and on into the Bay of Bengal.

The project started in 1974 as a result of an agreement between the three states, Bihar, Orissa and West Bengal, over sharing expenses and

profits, and has been financed by loans from the World Bank. Some part of the Chandil Dam have now gone into use. Sixteen villages have already been submerged and the population, of which 50 per cent are tribals, has been displaced to half-made rehabilitation colonies. When the dam is taken into full production, 18,400 hectares will be submerged and 15,000 families from 116 villages will be directly or indirectly affected. Nevertheless, the official declaration of intent asserts that the project will improve the living standards of the local population, of which 85 per cent are living below the poverty line. The state claims that the key to these improvements is irrigation for agriculture, but the fact is that most of the water will be channeled to big industrial complexes in the area. What the population demands is that they receive land for land.

In 1990, when the World Bank came under pressure from local peoples' movements, steps were only then taken to draw up a plan for resettlement and compensation. The World Bank demanded that loans be conditional on consideration of the social and ecological consequences of the project. As a result, a plan was produced to ensure that those affected had rights to, or compensation for, loss of houses, schools, roads, electricity and wells. However, this provision remains only on paper and has not been properly implemented.

Those people already affected from flooding have been relocated to half-built colonies, none have received the land they were promised, and when their small amount of cash compensation is used up they will be without any means of subsistence. The government firmly suppresses the peoples' opposition to the dam and the police have carried out mass-arrests and harassed peaceful demonstrators.

Since 1987, work on the connecting canals of the dam has been stopped due to financial problems. It is said that the World Bank will withhold its loans until an evaluation report on the economic sustainability and the ecological consequences of the dam has been produced. At the moment the three states are negotiating further funding with the World Bank but people's movement against the dam hopes that the World Bank will force the state authorities to implement a better and more just resettlement policy.

Strong opposition from the local people to the controversial US\$1.5 billion dams project on the Narmada River in India continues. If the Narmada Sagar and Sardar Sarovar Dams are completed, agricultural land and community forests belonging to some 500 villages - more than 130,000 hectares of land - will be submerged.

On 30 March, 1993, the Indian government in New Delhi requested the cancellation of the remaining US\$170 million of the World Bank's

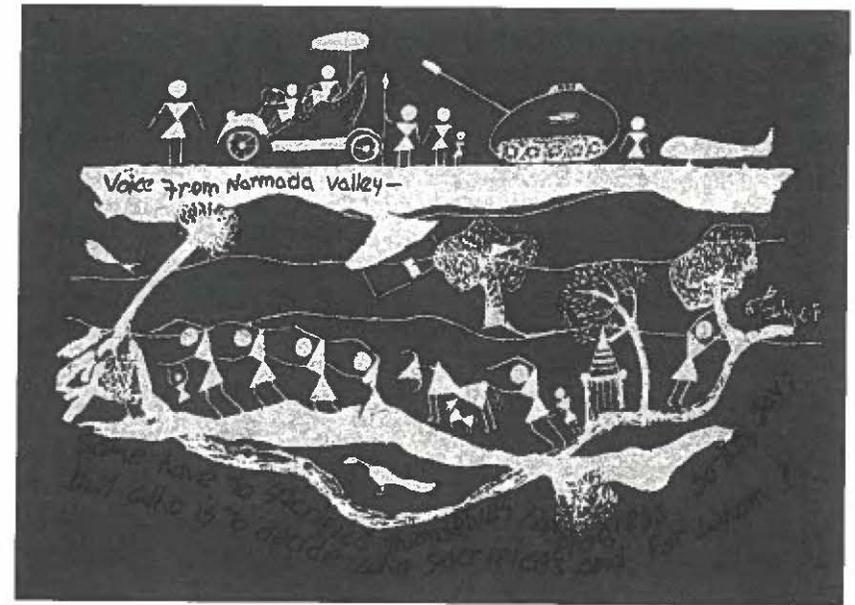
US\$450 million loan to the Narmada project. The authorities decided to complete the construction of the projects on its own and work continued especially on the Sardar Sarovar Projects (SSP), but independent experts doubt whether India has the financial means to do so.

The State of Gujarat is already heading for bankruptcy; its financial situation was so bad that the state had to borrow 200 million Rupees in May 1993 from a private religious trust. The Narmada Bachao Andolan estimates the costs of the SSP at Rs250,000 million, of which the state has financial arrangements for only 28 per cent, including the World Bank aid which dried up in June.

NGOs called upon the World Bank to exert its influence regarding the linkage between construction work and the resettlement and rehabilitation processes. The World Bank laid down the condition that submergence should only start one year after the villagers have been resettled ('Next Steps' World Bank Document, 11 September 1992) but this has not been enforced. NGOs believe that the World Bank still has legal responsibility for the SSP as it is still involved to the sum of US\$280 million. Nevertheless, the World Bank declared at the Aid India Consortium in Paris in July, 1993, that it was no longer part of the project and had no responsibility for anything that happened in the Narmada valley. However, a leaked internal memo written by the World Bank's Vice-President stated that the government of India was still "legally obliged to the Bank to carry out its obligations under the (Sardar Sarovar) agreements", a position confirmed by the director of the World Bank's India Department, Mr. Heinz Vergin, in January 1994. In a remarkable letter to the Indian Government he threatened to cut the loans to India concerning the overall development programme unless construction on the SSP was slowed down and the World Bank received further assurances that dam construction was being carefully synchronized with resettlement and rehabilitation.

In December the Indian Ministry of Environment stopped construction on the SSP and did not close the sluice gates which would have resulted in the permanent submergence of the valley during the monsoon in June 1994.

In violation of directives from the Prime Minister Narasimha Rao, the Narmada Control Authority and a ruling by India's supreme court, the construction of the Sardar Sarovar dam continues. The sluice gates are closed and the level of the permanent flooding behind the dam is rising. Gujarat's Chief Minister, Chimanbhai Patel, announced that the dam should reach 80 metres by June, 1994. If this happens, about 4,000 families, approximately 20,000 people, will have to be resettled during the forthcoming monsoon.



Narmada Campaign. Design by Visthar

The official number of homeless from the Sardar Sarovar Projects has reached around 206,000 people, a large number of whom belong to tribal communities. The Madhya Pradesh government updated the number of families affected by the projects in the state to 33,193, about 10,000 more than in 1992. This gives a total number of 41,200 families in the 3 states.

The chances of finding resettlement land for all the families affected by the SSP reservoir are zero. The resettlement and rehabilitation policy has failed and the World Bank's conditions for resettlement clearly have been breached. The authorities have built helipads, radio stations and flood shelters in or near the first villages behind the dam but such measures are only an attempt to cover up their failure to resettle villagers before submergence. Only the widespread use of the police force makes people leave the submergence zone. Over the past years, thousands of dam opponents have been arrested, one tribal youth shot by the police and a tribal woman activist raped.

The first villages upstream from the Sardar Sarovar dam were submerged by the fast-rising waters in July 1993. Numerous houses in Vadgam (Gujarat), Manibeli (Maharashtra), including the ancient Shoolpaneshwar temple, and other villages were flooded. Villagers who refused to move from their homes were forcibly dragged out of the

water by the police. In Manibeli, the police pulled out people who were already up to their chests in water from the headman's house. The people were determined to "drown before we move" not only in Manibeli, but in other villages too. Those evicted refused to stay in the tin sheds constructed above the village or to accept any food from the police. The Narmada Bachao Andolan arranged for food for those without any shelter. Most of their possessions were washed away.

The authorities decided to close a set of ten temporary construction sluices at the foot of the dam in December 1993 rather than in June 1994 as stated in the World Bank's conditions. The authorities state that the temporary sluices, closed or not, will have very little impact on the levels during the monsoon and are in no way linked to the resettlement programming. Nevertheless, it is necessary to close the sluices to ensure the safety of the dam structure. Once the sluices are shut, they cannot be reopened and there is still a lot of forest to be felled before this happens. But local opposition made it difficult to clearfell the submergence zone in time and the closure was postponed.

Approximately a million people downstream from the dam depend directly on the Narmada for their drinking water and an estimated 10,000 families make their livelihood from the river. Many were unaware of the dam and plans to cut the flow of the river and did not believe that 'Mother Narmada' could be stopped.

The Narmada Bachao Andolan organized several anti-dam rallies in the Narmada valley as well as in Bombay and Delhi as a result of which support for Andolan's cause in India has increased substantially. The Narmada Bachao Andolan made a major political breakthrough in October when Medha Patkar addressed a rally of 5,000 Dalits in Ahmedabad, Gujarat. Dalit groups in Gujarat declared their solidarity with the displaced people in the Narmada Valley, being themselves a 'socially displaced' people.

The Narmada Bachao Andolan and central government have agreed on a review of the SSP which would involve the central government, all four state governments, the NBA and a panel of independent experts. Talks on the review have been delayed due to the government crisis in Delhi, but it was finally decided to set up an independent review group at the end of June to examine all the issues related to the project and make a report. The Narmada Bachao Andolan welcomed the decision but was concerned that there was no time limit and no legal mechanism to force the dam authorities to accept the group's findings. The various governments have made contradictory statements regarding the independent review group's mandate which has caused a lot of confusion.

The state of Madhya Pradesh has asked for a re-evaluation of the basic parameters of the SSP and circulated a proposal for reducing the

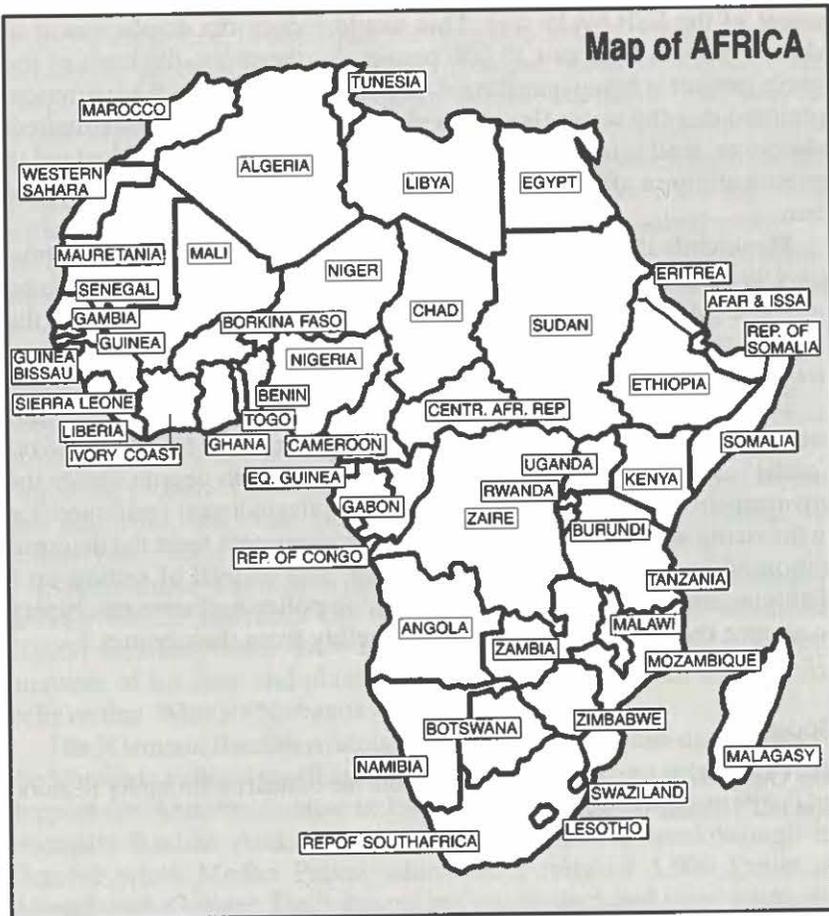
height of the SSP by 19 feet. This would reduce the displacement in Mahya Pradesh by about 38,000 people. Furthermore, the basis of the whole project is being questioned after the Mahya Pradesh government admitted that the water flow in the Narmada had been over-estimated. Moreover, it admitted that Mahya Pradesh state had neither the land to resettle all those affected by the project nor the money to complete the dam.

Meanwhile the construction of the dam has continued since February 1994 with no plans for the resettlement of the entire villages and hundreds of people who will be affected by submergence with the coming monsoon. The government does not even know how many people will be affected and does not have land for resettlement.

The Narmada Bachao Andolan called upon individuals and organisations to join those affected by the dams. The 1994 Narmada 'Satyagraha' called upon people to "flood the valley with people before the government can flood it with water". The 'jalsamarpan' (self-sacrifice in the rising water) will continue and the government fears the determination of families to stay in their homes. But instead of setting up a dialogue, the government will fall back on police and state machinery to silence the people and evict them forcibly from their homes.

Sources

The Other Media (New Delhi); Report from the Solidarity Group for Restoration of Civil and Democratic Rights.



AFRICA

The Somali Republic was formed in 1960 when it gained its independence from the former British Somaliland Protectorate and united with the former Italian Trusteeship Territory of Somalia. After ten years of civil war the former British protectorate left the union and then in May 1991 it declared its independence as the new **Republic of Somaliland**.

The events of 1993 in the Republic of Somaliland have to be understood in the context of the events of the preceding year. Until April 1992 the new Republic of Somaliland was more or less stable, however, subsequently armed clashes broke out in the town of Burco between members of two *Isaak* clans. The clan elders intervened and a peace accord was signed by both clans after only a few days of fighting.

The most serious armed clan clashes took place between the two Isaak clans in the sea port of Berbera only a few days after the signing of the peace agreement in Burco. Fierce fighting continued into October when the warring parties were summoned by not only the other Isaak clans, but the whole clan community of Somaliland, to attend a peace meeting in the town of Sheikh. Both warring parties responded positively and came to Sheikh to settle the conflict. All the clans of Somaliland mediated and in the end a peace accord was signed.

At the root of the fighting in Burco and Berbera was a power struggle between two groups each composed of military officers and politicians of the SNM, one supporting the Abdirahman Ahmed's (Tur) transitional government and the other opposing it. Most members of the opposition felt they were being left out in the cold by not receiving key positions, or any positions at all, in the Tur government. Given the economic situation in the country at that period, after the destruction wreaked by the military regime, there was no economic structure left. Moreover, there were no resources available and no aid from the international community. Thus the government was not in a position to demobilise the armed clan groups and the latter set about settling old scores.

Although armed clashes occurred between some clans in February, the council of elders of Somaliland expressed its apprehension to the

UN Secretary General concerning the deployment of UN troops in Somaliland; furthermore it stated clearly that such a move by the UN would be considered an act of alien intervention and Somaliland would be defended to the last man.

In January 1993 an inter-clan conference took place in Borama, which reached its peak attendance after the 26th February when more than 300 different clan delegates arrived, among them sultans, chiefs, elders, academics, politicians and military personnel. Foreign observers were also present, for example, the First Secretary from the French Embassy in Djibouti. In March the meeting developed into an arena for continuous debate about the future of the country and to try to create trust and understanding between all the clans of Somaliland, in particular between the large and small clans.

On the 23rd March, a grenade hit the UN office in the capital, however no one was injured. This was the people reacting against UNISOM, because of its denial of the existence of Somaliland.

In April, after four months of debate, the Borama meeting came to an end and M. I. Egal was elected president of the Republic of Somaliland. Egal formed his government in May and in July appointed the members of Parliament without any public elections. Some clans in Burco and Erigaro Regions were not happy with the way in which the President distributed the ministerial posts and parliamentary membership among the clans. They had expecting him to form a broad base government acceptable to all the clans, who would share equal power in government and in parliament. Nevertheless, the unsatisfied clans did not put up armed opposition to Egal's government, but instead declared their non-cooperation and peaceful resistance to the government. This move was in sharp contrast to the armed opposition to the former president, Abdirahma Ahmed.

On the 18th September, the president of Somaliland ordered the closing of UNSOM office in the capital after accusing the UN there of interference in the internal affairs of Somaliland.

The *Tuareg* in Mali and neighbouring Niger started a rebellion against their respective central governments in 1990. In Mali, an agreement was signed between the Tuareg and the Mali government in April 1992, which included explicit steps towards the restoration of peace. However, few of these steps have since been taken. The two parties involved accuse each other of breaching the agreement and there is considerable mistrust between them. Since the treaty was signed, rebels have stolen 60 to 70 vehicles from NGOs working in Northern Mali and animal raiding is spreading. The general lack of security and the theft of their

car in February prompted the NGO Médecins du Monde, which had been working in the refugee camps in Mauritania since the conflict started, to withdraw from Northern Mali. Meanwhile, the Malian government is doing very little to fulfil its obligations, such as preparing for the return of some 80 to 100,000 refugees. The Government, which is the first democratically elected government in Mali, also faces severe problems in the south, including student riots.

In early 1994, Mali, Niger and 10 other West African countries devaluated their Franc by 50 per cent, which further increased the instability of the country. The hope for a solution in the national agreement between Tuareg rebels and the government has been shattered and now threatens to tear the united rebel movement apart through internal strife. Everyone hopes for some positive moves to take place, but belief in change is dwindling as the possibilities of the rebellion gaining momentum grow.

Reports of the bloodbath in **Rwanda** have highlighted the differences between the *Tutsi* and the majority of *Hutu*. However, no mention has been made of the *Twa* (or *Batwa*), Rwanda's third 'tribe'.

The *Twa* were already living on the margins of Rwandese society before the present violence erupted. According to the census of 1991 there were 29,000 *Twa* in Rwanda (there are others in Burundi, Uganda and Zaire). They are among the 'Pygmy' peoples of central Africa, but most of them, though short, are not so small as to distinguish them easily from other Rwandese.

There are two groups of *Twa* in Rwanda. The majority have lived for generations as the lowest class in Rwandese society, dominated by both the *Tutsi* former aristocracy and the *Hutu* majority. They rarely possess land to farm.

The second group, sometimes known as *Impunyu*, lived until recently as hunter-gatherers in the forests. Although some still live in the Nyungwe forest, many other *Twa* have been forced to abandon this way of life. The *Impunyu* of Gishwati in the northwest had their forests cut down to make way for tea plantations and pasture in a World Bank-backed development project in the early 1980s. There was no resettlement plan for them and they were left to beg by the roadside. Later charitable projects to give them land to farm have been only partly effective.

The *Twa* are looked down on by both *Tutsi* and *Hutu*. The discrimination takes many forms; access to public wells is forbidden to them, the other groups even refuse to eat with the *Twa*, and a cup out of which a *Twa* has drunk may be broken to avoid reusing it. There have been

numerous reports of Twa being wounded or even killed because they have managed to buy some land or accumulated valuables. They are often jailed because of inability to pay taxes. Marriage tax is a special concern; if it is not paid, the children from the union are not recognised and so do not possess state identity cards.

In 1991-1992 a group of educated Twa set up two organisations to try to improve their economic and social situation. These are the Association for the Promotion of the Batwa (APB) and the Association for the Global Development of the Batwa of Rwanda (ADBR). By 1993, the APB had a workshop training young people in clothes-making and carpentry, a women's group and a music and dance band.

The situation in the refugee camps may well accentuate the existing discrimination against the Twa. Where food, water and shelter are scarce, the Twa may find their access to the necessities of life is even more restricted than that of other Rwandese groups. Because some Twa lack state identity cards they may encounter problems either as refugees or when and if they want to be repatriated to Rwanda.

One of the most conspicuous developments in Southern Africa has been the improving dialogue between the *Bushpeople* and the governments of **Botswana and Namibia**. In 1992 this resulted in the First Regional Bushman Conference which was held in Namibia. In 1993 a Second Regional Conference was convened by the government of Botswana.

In August, Bushpeople from Namibia went to a preparatory meeting in order to discuss their own matters which would be presented to the regional conference and to sum up the developments since the first regional conference.

In 1992 the government of Namibia hosted the First Regional Bushman Conference in Windhoek. This took place in a country which had only achieved its independence a few years before. Moreover, it was noteworthy that President Sam Nujoma spoke in a tone of reconciliation when he addressed the meeting: many Bushpeople had been soldiers in the South African Army and fought against Sam Nujoma and SWAPO during the war.

It was a unique event in that two African governments allowed an ethnic group residing in both countries to meet and to discuss common problems. It is true that the few Bushman delegates from Botswana were hand-picked and it was obvious that criticism was badly received. Nevertheless, at the end of the Conference the Botswana government allowed a second conference to be held there in 1993.

The Botswana government convened the Conference in October with the participation of a large delegation from Namibia and a large

number of Bushpeople from all over Botswana. With the help of several local NGOs the Bushpeople in each district in Botswana appointed their representatives.

This Second Conference was sensational in several respects. Although the responsible Minister reiterated that "there are no indigenous peoples in Botswana", government representatives were much more open than at any earlier date.

Most impressive was the courageous attitude of the Bushpeople from Botswana. They told of the many violations of basic human rights and their criticism of the government was much more open than expected. Even though Botswana and Namibia are among the African countries with the most positive human rights records, the rights of the Bushpeople are being repeatedly violated.

The most important themes that were dealt with at the Second Regional Conference, which was held in Gaborone, was the land question, the initial efforts of the Bushpeople to speak up for themselves and political progress in Namibia and Botswana.

Bushpeople have no legal rights to the land which they consider theirs. The Bushpeople in the Central Kalahari Game Reserve (Botswana) and the Bushpeople in East Bushmanland (Namibia) have certain preferential rights to hunting and gathering. In general, no other Bushpeople have specified rights.

The Bushpeople in East Bushmanland, **Namibia**, have resettled in about 30 villages and have retained the right to hunt certain animals, using only traditional methods. Trophy hunting is not allowed for the Bushpeople, but only for tourists. A foremost aim of the Bushpeople in East Bushmanland, organised in the Nyae Nyae Farmers Cooperative, is to obtain legal rights to the land, including rights to control hunting activities. At the moment they are not only confronted with an increasing number of tourists entering East Bushmanland, but also with Hereros who try to settle in East Bushmanland. On one occasion the Bushpeople have succeeded in having Hereros, who had settled in East Bushmanland, evicted.

The Bushpeople in East Bushmanland now meet regularly with government representatives to discuss matters relating to land and land-use, and a dialogue has been established. With support from the Nyae Nyae Farmers Cooperative in Baraka, Bushpeople in East Bushmanland can now get help to farm some land and to raise cattle in order to diversify the economy and to make the villages less exposed to the effect of recurrent droughts. All villages have boreholes.

Those Bushpeople who have been settled in West Bushmanland and Caprivi have recently received small individually-owned plots of land.



October 1993, Bushpeople Conference in Gabone. Photo: Jens Dahl

Over and above these plots they have no specified rights. This resettlement programme is organised by ELCIN, the Evangelical Lutheran Church in Namibia.

In **Botswana** as in Namibia, most *Bushpeople* have been evicted from their land. In East Bushmanland at present there is no threat from outsiders trying to establish farms, except the pressure being exerted by Hereros to be repatriated from Botswana. The establishment of cattle farms is, however, the greatest threat in Botswana facing those Bushpeople not already living as squatters on the farms. All people in Botswana can apply for land, but no Bushman has ever done so. The reason is fairly simple. Land in Botswana can only be owned for the purpose of farming, cattle-herding or mining. Land can not be owned for hunting and gathering purposes, which is what the Bushpeople do and want to continue to do. In this respect discrimination against the Bushpeople is very serious.

The greatest danger to the Bushpeople in Botswana at the moment is the continued fencing of land for farms and the concomitant expulsion of the Bushpeople from the area.

Recognition of rights to land is thus of prime importance to all Bushpeople, and also to those living in the Central Kalahari Game Reserve who are under pressure from the international wildlife lobby

and the Botswana government to give up hunting and to settle outside the reserve.

Only recently have the Bushpeople begun to speak up for themselves. Until then anthropologists, lawyers and missionaries have spoken on their behalf. They still do so, and to a certain extent this can jeopardise the Bushpeople's quest to speak on their own behalf.

The Bushpeople have never been one group, never acted as one group and never considered themselves as one group until recently. As a social entity 'Bushpeople' was an anthropological or racist construction. In Namibia, the Bushpeople are usually called 'San', a word preferred by anthropologists, and in Botswana the Bushpeople are called 'Basarwa', a derogatory term. As one Bushman said: "People call us a lot of different names, but we know who we are". Some Bushpeople today prefer the term 'Bushpeople', others stick to their local names. In Botswana the term 'N/oakhwe' meaning 'the red people' is still most often used by the people themselves.

The Bushpeople speak several mutually unintelligible languages. However, history, the development of the means of communication and the internationalisation of politics has meant that the Bushpeople now consider themselves as a group (nationally and regionally) with a common history of suppression, common culture, common interest and related languages.

Today there are only two indigenous Bushpeople organisations. The Nyae Nyae Farmers Cooperative (NNFC) in East Bushmanland (Namibia) grew out of a support-NGO (Nyae Nyae Development Foundation) founded by anthropologists and others to protect the Bushpeople in the early 1980s. NNFC is a democratic organisation; the council consists of one man and one woman from each of the 30 villages in East Bushmanland and the leadership occupy salaried positions and stay in the administrative and training centre at Baraka. The multifaceted development programme initiated by the Nyae Nyae Farmers Cooperative and the Nyae Nyae Development Foundation aims at raising the awareness of the Bushpeople and the organisational capacity of the Farmers Cooperative.

Besides the NNFC in East Bushmanland, the First Peoples of the Kalahari (Botswana) is the only indigenous Bushman NGO. It was founded in 1992 and was officially registered on the 11 October 1993. FPK is not yet a grassroots organisation, but was founded by the initiative of Bushpeople from Ghanzi district. Some of these persons have been active in founding a handicraft centre in Ghanzi. During the regional Bushman Conference in Gaborone in October 1993 it became

clear that FPK is the only NGO considered by Bushpeople from all over the country as their own.

Bushpeople from **South Africa** did not participate in the conference in Botswana. A few thousand of them are still living in a camp outside Kimberley under dismal conditions. Many of them were soldiers in the South African army during the occupation of Namibia, formerly South West Africa, which seems to be the main justification for not allowing them to take part in regional meetings.

PART II

INDIGENOUS RIGHTS

Draft Declaration as agreed upon by the members of the United Nations Working Group on Indigenous Population at its Eleventh Session

Affirming that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

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

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have been deprived of their human rights and fundamental freedoms, resulting, *inter alia*, in their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights and characteristics of indigenous peoples, especially their rights to their lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions,

and to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the need for demilitarization of the lands and territories of indigenous peoples, which will contribute to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, *Recognizing* also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

Considering that treaties, agreements and other arrangements between States and indigenous peoples are properly matters of international concern and responsibility,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination,

Encouraging States to comply with and effectively implement all international instruments, in particular those related to human rights, as they apply to indigenous peoples, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples:

Part I

Article 1

Indigenous peoples have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State

Article 5

Every indigenous individual has the right to a nationality.

Part II

Article 6

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and to full guarantees against genocide or any other act of violence, including the removal of indigenous children from their families and communities under any pretext.

In addition, they have the individual rights to life, physical and mental integrity, liberty and security of person.

Article 7

Indigenous peoples have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:

- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of population transfer which has the aim or effect of violating or undermining any of their rights;
- (d) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;
- (e) Any form of propaganda directed against them.

Article 8

Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No disadvantage of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

Indigenous peoples have the right to special protection and security in periods of armed conflict.

States shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict and shall not:

- (a) Recruit indigenous individuals against their will into the armed forces and, in particular, for use against other indigenous peoples;
- (b) Recruit indigenous children into the armed forces under any circumstances;
- (c) Force indigenous individuals to abandon their lands, territories or means of subsistence, or relocate them in special centres for military purposes;
- (d) Force indigenous individuals to work for military purposes under any discriminatory conditions.

Part III

Article 12

Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

Article 13

Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains.

States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.

Article 14

Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

States shall take effective measures, whenever any right of indigenous peoples may be threatened, to ensure this right is protected and

also to ensure that they can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Part IV

Article 15

Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also have this right and the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Indigenous children living outside their communities have the right to be provided access to education in their own culture and language.

States shall take effective measures to provide appropriate resources for these purposes.

Article 16

Indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.

States shall take effective measures, in consultation with the indigenous peoples concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all segments of society.

Article 17

Indigenous peoples have the right to establish their own media in their own languages. They also have the right to equal access to all forms of non-indigenous media.

States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity.

Article 18

Indigenous peoples have the right to enjoy fully all rights established under international labour law and national labour legislation.

Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour, employment or salary.

Part V

Article 19

Indigenous peoples have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 20

Indigenous peoples have the right to participate fully, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them.

States shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.

Article 21

Indigenous peoples have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. Indigenous peoples who have been deprived of their means of subsistence and development are entitled to just and fair compensation.

Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security.

Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and disabled persons.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

Indigenous peoples have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals.

They also have the right to access, without any discrimination, to all medical institutions, health services and medical care.

Part VI

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

Article 26

Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights

Article 27

Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

Article 28

Indigenous peoples have the right to the conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned.

States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of indigenous peoples.

States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 29

Indigenous peoples are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.

They have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.

Article 30

Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Part VII

Article 31

Indigenous peoples, as a specific form of exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.

Article 32

Indigenous peoples have the collective right to determine their own citizenship in accordance with their customs and traditions. Indigenous citizenship does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 33

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, in accordance with internationally recognized human rights standards.

Article 34

Indigenous peoples have the collective right to determine the responsibilities of individuals to their communities.

Article 35

Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders.

States shall take effective measures to ensure the exercise and implementation of this right.

Article 36

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements. Conflicts and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned.

Part VIII

Article 37

States shall take effective and appropriate measures, in consultation with the indigenous peoples concerned, to give full effect to the

provisions of this Declaration. The rights recognized herein shall be adopted and included in national legislation in such a manner that indigenous peoples can avail themselves of such rights in practice.

Article 38

Indigenous peoples have the right to have access to adequate financial and technical assistance, from States and through international cooperation, to pursue freely their political, economic, social, cultural and spiritual development and for the enjoyment of the rights and freedoms recognized in this Declaration.

Article 39

Indigenous peoples have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflicts and disputes with States, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall take into consideration the customs, traditions, rules and legal systems of the indigenous peoples concerned.

Article 40

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 41

The United Nations shall take the necessary steps to ensure the implementation of this Declaration including the creation of a body at the highest level with special competence in this field and with the direct participation of indigenous peoples. All United Nations bodies shall promote respect for and full application of the provisions of this Declaration.

Part IX

Article 42

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 43

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 44

Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights indigenous peoples may have or acquire.

Article 45

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.

*. UN Doc. E/CN.4/Sub.2/1993/29.

IWGIA AND INDIGENOUS PEOPLES

Indigenous Peoples

The United Nation's Working Group on Indigenous Populations designates certain peoples as indigenous because

- (a) they are descendants of groups which were in the territory of the country at the time when other groups of different cultures or ethnic origins arrived there,
- (b) they are isolated from other segments of the country's population has preserved almost intact the customs and traditions of their ancestors which are similar to those characterised as indigenous, and
- (c) they are, even if only formally, placed under a state structure which incorporates national, social and cultural characteristics alien to theirs.

Indigenous peoples are colonised and marginalised and, in the processes accompanying colonisation and decolonisation, have lost their rights as *peoples* to control their own cultural, economic, political and social development. One of the most widespread definitions of indigenous peoples is that of ILO Convention 169. This Convention states that a people are considered indigenous either because they are the descendants of those who lived in the area before colonisation or because they have maintained their own social, economic, cultural and political institutions since colonisation and the establishment of new states. Furthermore, the ILO Convention says that self-definition is crucial for indigenous peoples. This criterion has most recently been applied in a land-claims agreement between the Canadian government and the Inuit of the Northwest Territories.

While all indigenous peoples are colonised peoples, not all colonised peoples consider themselves as indigenous peoples. The World Council for Indigenous Peoples, WCIP, also considers that other indigenous peoples' recognition is a definitive criterion.

There is no ultimate definition of indigenous peoples. It is estimated that there are at least 250 million people worldwide who are indig-

enous. These peoples will typically comply with one or more criteria:

- Descendants of peoples who lived in the area before colonisation but who are today socially and linguistically marginalised (e.g. Saami),
- Culturally and linguistically distinct from the rest of a country's other population (e.g. Maasai),
- Nomadic or semi-nomadic lifestyle (e.g. Maasai),
- Inhabitants of geographically marginal regions (but which can be of great ecological importance), such as rainforest, hill regions or Arctic tundra or taiga (e.g. Yanomami, Chakma, Nenets).
- Society is locally oriented as far as culture, politics and economic institutions are concerned and have no ambitions to cede from the state (e.g. Inupiat, Innu, Australian Aborigines).

Although indigenous peoples are quite diverse they, nevertheless, have three important and related aspects in common. First, there is the cultural aspect which binds them to the term 'peoples'. We are dealing here with a group which, because of a common history, culture, affiliation to an area of land, language, etc. considers and feels itself one entity - a people or a nation. Secondly, there is the notion of a common territory. Finally, there is the political aspect which recognises that indigenous peoples or nations have at one time been deprived of the possibilities to control their own affairs, territory, wealth and prospects for development. Their members are often marginalised and excluded from political decision-making processes; and their collective and national rights to land, water and culture are not recognised by the dominating and governing group(s) of the state. The goal for all indigenous peoples is to achieve the right to their land and territories. This is what one might call the structural aspect, that is, a people's *relation* to the state of which they are members. Particular indigenous peoples and their cultures may have changed considerably over time and still be changing but, on the whole, their fundamental and marginalised relation to the state continues.

Definitions are often used as political tools to undermine people. For this reason we should be aware of those interests which appeal for the right to define another people's destiny or status. A definition does not hang on just one word, but on power and possibilities. Labels are not innocent. Enforced definitions can have violent consequences, and indigenous peoples have constantly seen their future lost through distorted or politically loaded definitions. Terms such as minority,

inhabitant, population, scheduled tribe, displaced persons, etc. are seldom appreciated by indigenous peoples themselves. The word 'minority' associates indigenous peoples with social, religious, gender-based and other groups which distance themselves from the majority of society, and does not cover the particular situation in which indigenous peoples find themselves.

It is very important to respect the different terms. For example, when the border between Kenya and Somalia was drawn, many Somalis became citizens of Kenya. Today they comprise a minority but are not an indigenous people. On the contrary, the Maasai in Kenya and Tanzania are indigenous peoples. Tibetans do not consider themselves indigenous in that their vision is to be an independent Tibetan state.

Indigenous peoples' demands differentiate them from minorities and ethnic groups in that they want to acquire rights which have been taken from them as a people through a historical process. The UN Working Group on Indigenous Populations was established precisely because many peoples around the world were not taken into consideration by the UN's general efforts to secure the interests of minorities. The Working Group was set up to remedy this discrimination, not to favour indigenous peoples. Indigenous peoples demand self-determination and self-development as sovereign peoples or nations. Many have quite clearly lost their self-determination, but not the right to demand it.

Self-determination

Indigenous peoples are linked by a central goal: to be able to decide over their own conditions, over their own future as independent peoples. Indigenous peoples' desire for self-determination is *not* necessarily the same as the wish for political independence from the state. Self-determination expresses the collectivity's desire for and right to decide how its members shall live. Culturally, this means, for example, the right to speak their own language. Politically this means, for example, the right to participate freely in constructive discussion with the state of which they are a part.

The majority of indigenous peoples want one or other form of self-government; but only a few have national independence on their agenda. They do not want to establish a new ethnically homogeneous state but to establish a cultural and political niche within the existing framework. The Greenland Home Rule is one of the most far-reaching and successful examples of this.

In the final draft of the International Declaration on the world's indigenous peoples from the UN Working Group on Indigenous Populations, this expression is formulated in Article 3: "Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". It is recognised now that self-determination is a precondition for peaceful co-existence. For example, the final report of the UN Meeting of Experts in Nuuk in 1991 states that "A people's self-determination is a precondition for freedom, equality and peace both within states and in the international community".

It is IWGIA's understanding that all governments and the European Union ought to propose that indigenous peoples' right to self-determination be recognised in accordance with Article 3 in the draft declaration of the UN Working Group for Indigenous Populations, as is being realised in practice in co-operation with the Greenlandic people. In this way, a strong political signal will be sent which will be heard and understood. Furthermore, governments must also recommend that the UN Commission on Human Rights adopts Paragraph 3 without changes, just as is suggested by the special Working Group on Indigenous Populations.

The UN Working Group on Indigenous Populations is preparing a proposal for an International Declaration concerning indigenous peoples. This is a declaration of intent, a goal towards which the international community is working. On the contrary, ILO Convention 169 on 'Indigenous and Tribal Peoples in Independent Countries' is a document which binds those countries which undersign it. On a range of points ILO Convention 169 is not particularly far-reaching but for the time being it is the most important document there is which concerns an international assurance for indigenous peoples' rights.

As a fundamental step, all states in which the indigenous peoples by free and informed consent recommend so, ought to ratify ILO Convention 169. It is IWGIA's opinion that Governments should draw up strategy plans which should not be bounded by this Convention but should support the objective that is set down in the draft International Declaration of the UN Working Group on Indigenous Populations. However, ratifying ILO Convention 169 should never be used as an excuse for weakening indigenous peoples' constitutional rights.

Political dialogue

Indigenous peoples are often excluded from decisions that concern their own future. Examples of discrimination are manifold. In certain countries, for example, Bangladesh and Indonesia, this is achieved through the use of violence. In other countries, for example, Botswana, legislation prevents hunters and gatherers from owning land, which is simply a legal means of excluding many Bushpeople from their basic way of life. In India and Hawaii the indigenous peoples are excluded because they are not recognised as indigenous.

A global aim must be to ensure that indigenous peoples are involved in all decisions that concern their own future. On a political level, this is recognised in the UN's proposal for an international declaration concerning indigenous peoples. In this, indigenous peoples' *collective* rights vis-à-vis the state are set out in detailed wording. It says that, in general, "Indigenous peoples have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State".

At a practical level, this has found expression in, for example, ILO Convention 169, which establishes a series of requirements concerning indigenous peoples' participation in the development process. The World Bank has also set up a series of specific requirements ('Operational Directive for Indigenous Peoples') for its own and indigenous peoples' participation in development projects.

The UN's Working Group on Indigenous Populations has introduced a special practice whereby all indigenous peoples' representatives have the right to speak. This has had very great importance for the political dialogue taking place at the Working Group. However, when the Working Group's proposal is debated higher up the system, only a few indigenous peoples can exercise influence on these absolutely crucial decision-making processes. There is now discussion about the way in which a new structure could change this situation.

IWGIA believes that all governments at the UN ought to propose that this practice is protected when the draft declaration is dealt with by higher organs within the UN system, that is under the Commission on Human Rights. This will ensure that indigenous peoples have direct representation and influence on their own future. In doing this, governments will adhere with one of Norway's earlier recommendations.

In many countries indigenous peoples have few or no possibilities to challenge the authorities or to protect themselves against injustices.

Support from the international community is crucial for them. The UN's Working Group serves as a place where indigenous peoples can challenge the world. This has been extremely important for the indigenous peoples on the island of Bougainville (Papua New Guinea), to name but one example. For many years a few countries have also supported the UN Voluntary Fund which has facilitated indigenous peoples' participation at the Working Group's meetings.

International meetings and conferences are very important in that, over and above their formal aims, they give indigenous peoples the opportunity to meet and learn from each other. One example is the regional meetings for the Bushpeople in Southern Africa which have had a markedly positive impact on the dialogue between them and the governments of Botswana and Namibia. Similarly, we have seen that Arctic co-operation and networking has been meaningfully strengthened through conferences both within and beyond the Arctic.

It is recommended that governments contribute to the UN Voluntary Fund and that this input is increased so that in the future specific funds are earmarked to facilitate indigenous peoples' participation in international collaboration.

In order to secure indigenous peoples' legitimate interests in this international collaboration, IWGIA supports the establishment of a permanent forum for indigenous peoples within the UN system.

Constructive agreements, land and territorial rights

Many fear that the recognition of indigenous peoples' right to self-determination and sovereignty will lead to a process of balkanisation. However, experience shows that this fear is unfounded. The establishment of the Greenland Home Rule, as well as the Nunavut agreements in Canada, are examples of how self-determination can be both peaceful and advantageous for both sides. The Greenland Home Rule and the Saami parliaments in the Nordic countries are examples of how the introduction of self-determination took place while ensuring the preservation of the states' integrity and the promotion of peaceful co-existence.

Indigenous peoples often distance themselves from the state. However, through self-determination they can nevertheless increase their peaceful interaction. Participation or institutional interaction is positive when it takes place under conditions of reciprocity and respect and between parties which recognise each other's sovereignty. Indigenous peoples' goal is to protect their rights, usually within the framework of

the state. Self-determination implies the possibility that a weak party can take part in constructive social development which strengthens both parties. This process is distinct from assimilation, where a weak group must accommodate itself to a stronger group.

Constructive relationships between the state and indigenous peoples must build on the recognition of both collective and individual rights of indigenous peoples.

Only a few indigenous peoples are nationalists in the sense that they want to rule their own state, but they all want to maintain their own ethnic and cultural identity. Until considerable self-determination is achieved, indigenous peoples will continue to employ a so-called ethno-political strategy, that is, a focus on their own ethnic rights. One way of preventing this movement developing in an extreme nationalistic or chauvinistic direction is to recognise indigenous peoples as equal partners. Given that indigenous peoples are relatively poor, treating them with dignity from the start can only be achieved by providing economic support for, among other things, their self-organisation. Self-organisation is thus a precondition for political dialogue to take place between equal partners and, consequently, also a precondition for entering into constructive agreements.

However, in spite of the fact that most African and Asian countries deny the existence of indigenous peoples within their borders, certain countries, such as Namibia, Botswana, Tanzania and Mali, have opened the way for dialogue with indigenous peoples. The reconciliation process and the establishment of constructive agreements is extremely important and should attract considerable international attention.

Constructive agreements between states and indigenous peoples must necessarily build upon the recognition that indigenous peoples have certain rights to their land. The UN's Working Group has worded this in the following way: "Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used".

Such rights can be secured in different ways by taking account of cultural conditions, historical circumstances or in certain cases power politics. The Greenland Home Rule is one example of an agreement which is based on regional self-rule. The Norwegian Sameting (Saami Parliament) is an example of advisory ethno-political self-rule. The Danish-supported demarcation and titling projects in Peru are examples of self-decision making based on collective land ownership.

Support for indigenous peoples should be built upon a recognition of indigenous peoples' collective rights to land and resources. In order

to promote the development of locally appropriate agreements between indigenous peoples and states, all countries ought to make a special contribution in order to promote research and information-gathering activities in this field.

Concerning the selection of development projects, including the resettlement of existing or internal refugees, states and donor agencies should give priority to projects which, directly or indirectly, support already existing agreements or promote a reconciliation process and the search for constructive agreements between indigenous peoples and states.

Self-organisation

Many indigenous peoples are in a very weak position with reference to education, organisational experience and the opportunity to look after their own interests. Therefore, their empowerment is a precondition for them to be able to embark upon a dialogue with the state or carry out their own development projects. This applies particularly to those peoples whose lives have been historically based upon hunting, trapping, fishing and gathering. Examples of such peoples are the Dorobo in Kenya and the Hadzabe in Tanzania, as well as many peoples in Siberia and the Amazon. Such an empowerment was also explicitly recommended in the Brundtland Report.

However, in many cases these peoples have no experience of handling the national system and, in national contexts, their societies are often represented by persons with experience of the national system but who lack the political or cultural standing with their people. This can give rise to problems. It is important that in the future this situation, which is common to many indigenous peoples, whereby persons assume political control thanks to their knowledge of the national situation and use this to create a system with dual leadership, be counteracted. This process can undermine the promotion of self-organisation.

Indigenous peoples often live far from each other and communication is difficult and costly. This hinders their possibilities to trade together and take care of their own affairs. However, modern telecommunications have brought new possibilities.

A strategy for supporting the world's indigenous peoples ought to give certain priority to promoting self-organisation. Such an input can include support for indigenous peoples' own organisations, guidance for community councils or councils of elders, education and training of 'barefoot administrators', courses in book-keeping, courses in writing

applications, producing local newspapers, purchasing radios and other telecommunications equipment, etc. It is IWGIA's opinion that aid given by donor countries and multilateral organisations must take the form of training of local people.

As part of a goal-directed development contribution, community leaders, development assistants, etc. must be given the opportunity to build up their knowledge of the surrounding world through participation in, for example, national, regional or international NGO meetings and courses, etc. It is IWGIA's opinion that such a programme can be worked out satisfactorily.

Sustainability and equitability

Indigenous peoples utilise the areas in which they live for both their self-sufficiency and commercial needs. Their societies' and cultures' survival are dependent on ensuring their continued utilisation and control over resources. However, indigenous peoples often live in areas of high biological diversity which have an ecological importance far beyond their immediate territories. This is precisely the situation for indigenous peoples in hill and forest regions where the great continental rivers have their sources. In dry areas they survive through nomadism or semi-nomadism without exhausting the land and thereby prevent further desertification and soil degradation. Indigenous peoples base their economies on the utilisation of a broad spectrum of different species and utilisation strategies. From a western perspective these often demand extensive areas of land. However, for centuries, indigenous peoples have lived and used the land, seas and rivers without destroying the ecological balance. Large ecologically vulnerable areas, such as Africa's dry-lands, South America's rainforest and Russia's tundra and taiga, were only first threatened by the industrial world's consumption of resources and expansion.

Sustainable development is only attainable through consideration of both the cultural as well as the natural environment. A necessary prerequisite for this is that indigenous peoples secure one or other form of control over the use of their own territory. But this is not sufficient. There can be no sustainable development without cultural justice. We cannot simply go in and take away the right to fell trees from the tropical forest peoples, if we ourselves have a share in the responsibility for the felling of the tropical forest. That would be complete hypocrisy. In order to ensure economic justice, the Euro-American cultures have a moral duty to make a contribution, and in many cases

justice can only be achieved by economically favouring the affected peoples.

With reference to furthering a sustainable and just development, all countries have a moral obligation to support sustainable shifting cultivation, nomadism, hunting, gathering, trapping and fishing and free trade of its products, both nationally and internationally.

Free trade is a fundamental goal for western societies. Nevertheless, in many cases, these societies impose restrictions on indigenous peoples to sell their products. It is unjust to demand of other cultures what we do not demand of ourselves. Nor does this further a sustainable development if it is based on preconditions which are beyond indigenous peoples' control. Participation in political decision-making processes is one of the many prerequisites for achieving justice. Protection from discriminatory trading practices is another.

All countries must therefore emphasise the world community's duty to observe Principle 12 of the Rio Declaration, which stresses that: "Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided".

To ensure indigenous peoples' continued utilisation of natural resources at a sustainable level, awareness must move in the direction of indigenous peoples' own values, lives, priorities and systems of management. The cornerstone of a sustainable utilisation of natural resources must be the strengthening of indigenous peoples' self-management of nature and possibilities to enter into a serious co-management. Many indigenous peoples have changed their resource utilisation and natural resource management in step with technological and scientific developments. Indigenous peoples are not by definition protectors of nature. However, their interest in nature management is intimately linked with control, and a great effort should be made to ensure that indigenous peoples can benefit from and re-establish their tradition for self-management on a modern basis.

Many nature reserves and game reserves have been established on the understanding that the indigenous peoples hunt outside of these areas. The the Serengeti in Tanzania is an example of this. Indigenous peoples should be involved in the process of the creation of parks or reserves for the protection of nature, and their rights, priorities and desires respected.

Governments and multilateral organisations must take all necessary steps to ensure that indigenous peoples' products are given fair trading

conditions and are not subject to discriminatory rules, customs regulations, etc. Similarly, all governments, including the European Union, ought to examine and make proposals concerning those goods produced by indigenous peoples which can obtain preferential trading conditions.

In ecologically and biologically vulnerable areas, such as noted above, donors must target support which will safeguard local populations' rights to their land. This is important for the majority of indigenous peoples in Africa, Asia and South America.

A 'natural' environment without people does not exist. The process by which many indigenous peoples are thrown out of areas to make way for tourist reserves and animal reserves is unjust and an excuse for widespread prejudice against gatherers, hunters and nomads. Donor countries and multilateral organisations should give support to programmes, as well as to the constitution of nature reserves, which will ensure a sustainable development together with indigenous peoples and with respect for their livelihoods.

State boundaries cut across environments with no regard for the existence of indigenous peoples. Governments must therefore support both environmental and cultural collaboration across borders. This support should be given directly to indigenous peoples' organisations and institutions.

Cultural integrity

The indigenous peoples of the world have many different visions of the future and the development of their own societies. However, they also have in common the desire to be able to administer and control that development according to their own criteria and following their own needs and strategies.

Many indigenous peoples' cultures are very different from our own and some have, to a considerable extent, had to adapt themselves to foreign cultural demands through centuries of colonialism and domination. It is important that we respect this cultural difference, manifoldness and diversity. But the 'difference' cannot be measured in terms of its authenticity or its otherness from the perspective of our own culture.

To maintain, practice and perpetuate a culture means that one strives to protect its cultural integrity - not necessarily its special cultural characteristics (dance, technology, dress, etc.). Identity is protected even though cultural content changes. Cultural integrity is the cornerstone of each type of self-development. A positive example of this is the Inupiat people of

North Alaska who, through a large income from oil extraction, have been able to promote international collaboration, environmental protection and further development of a sustainable utilisation of the traditional resources. They have achieved this by, among other means, the setting up of the Inuit Circumpolar Conference, the Alaska Whaling Commission and the Alaska Eskimo Walrus Commission.

The problem is not one of the extent to which indigenous peoples will either return to an old style of life or become assimilated into the dominant society's culture. Indigenous peoples want to build a development based on their own cultures, not to reject development. It is vitally important that we respect this cultural integrity and continuity and, in doing so, recognise that a living culture's chance to survive and develop itself lies in its ability and possibility to control and incorporate new technologies and other elements - not to reject them.

This cultural integrity can be strengthened and continuity secured by applying the same dynamic vision to cultures as we apply to social development in general, and by taking peoples' self-perception into consideration so that they become equal cultural and political partners. Self-determination also comprises the right to be different without having to legitimise that otherness. Each people must decide for themselves of what their otherness consists.

There ought to be a global policy to support indigenous peoples' cultural integrity and, through this, ensure the world's cultural diversity. A special contribution should be oriented towards specifically threatened peoples. There are many peoples in this situation: in Siberia, the Bushpeople in Southern Africa, many small peoples in East Africa, the majority of Amazonian peoples and many peoples in Asia and Oceania. This can take the form of, among other things, support for projects which promote individual cultures (for example through education and language support) and in certain cases by support for revitalising cultural activities.

The right to development

Indigenous peoples' cultural integrity and cultural self-understanding are reflected in their own development strategies. They often, though not always, follow state models for development. All indigenous peoples must have a fundamental right to development as this is formulated in the UN's declaration on the right to development. International standards, such as ILO Convention 169, which should ensure indigenous peoples' rights, are minimum standards. Indigenous peoples'

own desires are more comprehensive and are moving in the direction of a development which concerns them and takes place with their free and informed consent. This approach is in accordance with the objectives expressed by the UN's Working Group for Indigenous Populations.

In its 'Operation Directive for Indigenous Peoples' the World Bank has formulated this in such a way that the development process should pay full respect for indigenous peoples' dignity, human rights and cultural specificities. Similar wording is found in ILO Convention 169, which also states that indigenous peoples shall be able to exercise control over their own economic, social and cultural development. In practice, this means that, for example, the Bushpeople's right to development depends on the recognition of hunting and gathering as a legal means of exploitation of the area, on the same footing with agriculture and cattle herding. In practice, it also means that the Inuit and Indians have the unrestricted right to market sealskins and other trapping products which stem from biologically sustainable activities. Indigenous peoples have been integrated into the world market for a long time. International trade in products harvested on indigenous peoples' territories has, however, rarely afforded them a lasting improvement in their living conditions. This is due to their marginalised position and their lack of control over the trade.

Indigenous peoples belong to the poorest groups in society and, time after time, they are excluded from initiatives aimed at promoting one or other form of development within the framework of the state or with the support of state institutions. One of the distinctive features of indigenous peoples is that they are marginalised within the state system and, for this very reason, they need special recognition. Because of this situation it is necessary to direct foreign aid to particular groups of indigenous peoples, without reference to the - irrelevant - national situation. From a global perspective, the North-South model is less relevant for indigenous peoples and has the effect of restricting initiatives which can promote indigenous peoples' mutual co-operation. It has also excluded co-operation between western countries and indigenous peoples in, for example, Russia, which would otherwise naturally have taken place. The result of this has been that rich countries have left a large number of indigenous peoples in countries like Russia, Africa and Latin America high and dry.

Indigenous peoples' knowledge is utilised by many companies in the development of new products, for example, the pharmaceutical and cosmetic industries acquire considerable knowledge from indigenous peoples. However, indigenous peoples' intellectual property rights are seldom secured and consequently indigenous peoples do not have the

possibility either to establish long term economic profits from their knowledge or establish control over the use of their knowledge.

It is IWGIA's understanding that all governments, the European Union and the multilateral organisations themselves should, as a minimum, observe standards which correspond with the World Bank's directives for all projects concerning indigenous peoples. It is similarly IWGIA's opinion that all countries, the European Union and multilateral organisations should limit their involvement with countries which carry out development projects at variance with the intentions which are laid down in the proposal for an international declaration concerning indigenous peoples, which demands compensation and indigenous peoples' free and informed consent.

Support for indigenous peoples should be directed to target groups. Criteria used up until now (GNP, GNI), which are tied to individual countries or regions, are not relevant for indigenous peoples. Indigenous peoples' expectations for development are often anchored in local conditions, potential and ecosystems. The requirement that aid can only be given to countries with a gross national income below a certain amount should, on the whole, be removed as far as indigenous peoples are concerned. In its place, a list of other criteria can be set up such as lack of control over land and resources, level of education, economic and political control, the existence of collective rights, etc.

International marketing alone cannot fulfil indigenous peoples' desire to take part in economic development. On the contrary, the preconditions lie in these peoples' control - control over land and the instruments of production and marketing.

Future aid to indigenous peoples should prioritise efforts which enable them to control their own economies in the long term. This can comprise support for the manufacture of local products, local and regional marketing of products which leads on to international marketing with foreign companies.

In the short term, the way should be cleared for possible international support for a broad spectrum of investments in small productive activities for the manufacture and marketing of local products, especially in Russia where even small projects can have a great effect.

In particular, there should be support given for the setting up of small local development funds (revolving funds) and for small investments in means of production, means of transport etc. Indigenous peoples ought to be informed of this particular support and encouraged to make use of it.

All governments and the European Union should investigate what they can do to safeguard indigenous peoples' intellectual property rights.

Human rights

Every day throughout the year, people in all corners of the world are subjected to rape, torture and other forms of inhuman treatment. These are abuses of *individual* human rights. The victims are individuals who belong to the 'wrong' religion, ethnic group, have the 'wrong' political affiliation or are simply subject to one or other illegal form of treatment. Indigenous peoples are also covered by these rights as adopted by the UN but, over and above these, they have *collective* rights, which tie them to the group and which are different from individual human rights.

Violations of indigenous peoples' rights range from regulated genocide to gross lack of respect for culture. The most flagrant violations of indigenous peoples' collective rights today are found in countries such as Indonesia, Burma, Bangladesh, Sudan and Guatemala. The governments in these countries show a complete contempt for indigenous peoples' rights and are quite indifferent to international opinion.

Some countries now take the degree of observance of human rights into consideration in relation to their aid. However, this has not been noticed to an appreciable extent as far as indigenous peoples are concerned, which in future is a completely unacceptable situation. One example is the many infringements against the tribal peoples of the Chittagong Hill Tracts in Bangladesh. In spite of human rights serving to protect weak groups within society, these infringements are legitimised with reference to the large majority populations' interests. Similarly, alleged threats of balkanisation are used to argue against compliance with indigenous peoples' interests.

A consequence of this must be strong protests by the international community when detailed conventions are not respected.

It is IWGIA's opinion that the demand for respect for individual as well as collective human rights should above all be used positively. Countries, which in this respect comply with indigenous peoples' rights, should be given priority for receipt of foreign aid.

All kinds of foreign aid should be called off or wound up in those countries which have unjust policies towards indigenous peoples. This refers to, for example, Indonesia, Burma and Bangladesh. In the latter case, immediate steps should be taken towards drawing up a plan of action for a gradual winding up of all aid, bearing in mind that there is no concrete improvement in the situation in the Chittagong Hill Tracts.

International understanding

All governments should work to promote an understanding of indigenous peoples' special situation in the world, which was created not only by political and economic colonisation but also by cultural imperialism, and which, shamefully late, the culturally powerful only noticed by accident. Mutual respect and understanding of differences in ways of life and visions of the world are a precondition for peaceful co-existence between peoples with different cultural backgrounds.

Indigenous peoples have in common the desire for self-determination but otherwise have very different sets of relations with the culture which is dominant in their vicinity. It is important to promote understanding of how indigenous peoples' societies can be different not only from our own but also from each other.

It is important that administrations, authorities and the international community are informed about indigenous peoples' real situation and rights. There is a need for increased information about the modern world's wealth of different cultural conditions and options. The goal in providing more information must be to promote an understanding of the importance of protecting cultural integrity and diversity as well as to promote the understanding that it is a people's own right to decide the ways in which a culture is protected or developed. Similarly, indigenous peoples have themselves a great need for increased knowledge of each other's situations.

For its part, all donor agencies should give specific support to indigenous peoples' own networks, including here participation in meetings and the implementation of information campaigns.

The UN decade and the permanent forum

The UN has decided to establish a decade to promote the aspirations of indigenous peoples. The most significant proposal for the decade made by indigenous peoples has come from Greenland which suggests that the United Nations establish a Permanent Forum on indigenous questions.

The form and substance of a Permanent Forum has neither been decided nor debated. Provided that indigenous peoples agree to its creation, a Permanent Forum should be established to protect and guarantee their rights.

A Permanent Forum should be established as high up in the hierarchy of the UN as possible, and should not restrict itself to dealing with

matters strictly labelled human rights issues, but should also deal with matters essential to indigenous peoples.

The establishment of a Permanent Forum should under no circumstances imply a weakening of the position of indigenous peoples within the UN system and should not prejudice the future of the Working Group on Indigenous Populations, under the Commission on Human Rights.

In the process leading to the establishment of a Permanent Forum, indigenous peoples living scattered throughout the world should have the opportunity to take part in the negotiations on equitable terms with governments.

Indigenous representatives should always be appointed by indigenous peoples themselves. This should be the case in the process leading to the establishment of a Permanent Forum as well as after its constitution.

There can be three possibilities for the composition of a Permanent Forum:

- (1) A forum of indigenous representatives,
- (2) A forum of governments and indigenous peoples with NGO status,
- (3) A mixed forum of governments and indigenous representatives.

Indigenous participation in the work of a Permanent Forum must be financially secured, taking into consideration that indigenous peoples in general are without their own economic means to take part in the process on equitable terms.

These options have not yet been debated among indigenous peoples, but it is IWGIA's opinion that no decision on this matter should be used for marginalising indigenous peoples in the ongoing decision-making process. Whatever form it takes it must establish an equal partnership between governments and indigenous peoples in order to further dialogue and promote constructive agreements.

INDIGENOUS PEOPLES' USE OF LIVING RENEWABLE RESOURCES

Background

The social, cultural and economic importance of living renewable resources to indigenous peoples

1. Indigenous peoples use a variety of living renewable resources: timber, plants, marine mammals (seals, whales etc.), land mammals, fish, birds, insects and other wildlife. They often need access to several resource species in order to make a living.
2. Indigenous peoples' use of living renewable resources continues to be fundamental to their cultural, social, economic, nutritional, and spiritual well-being.
3. The very survival of indigenous peoples and their way of life often depends upon the use of living renewable resources. The use of living renewable resources provides indigenous communities with a perception of themselves as distinct peoples, confirming continuity with their past and unity with the natural world based on the perspective of many generations. The use of living renewable resources plays a crucial role in expressing and strengthening cultural identity and spiritual bonds with nature, including plants and animals.
4. For thousands of years, indigenous peoples have used living renewable resources to meet their needs. Earlier, it was purely a matter of providing food and clothing. Today, the resources provide both traditional subsistence and an important cash income. This mixed economy is often referred to as subsistence economy.

Indigenous peoples and resource management

5. Knowledge about the environment as possessed by indigenous peoples and their values, ethics, technology, systems of ownership and management is substantial and detailed. Additionally, this knowledge is the practical and abstract expression of their under-

standing of the physical and spiritual world. This includes the relationship between human beings and nature.

6. Indigenous peoples' use of living renewable resources in accordance with their needs, practices, knowledge and ethics, is integral to the cultural integrity as well as to the ecological integrity of the environment. Such resource use constitutes an important part of the ecosystem dynamics. Therefore, changes in management systems without the control of indigenous peoples will in all probability have long-term environmental and cultural consequences. The colonisation and marginalisation of indigenous peoples have serious consequences for the opportunities to participate as equal partners in decision-making processes concerning environmental and development policies and other issues of importance to their lives.
7. It is widely recognised that indigenous peoples' management systems generally represent a sustainable use of living renewable resources and help maintain biodiversity.

Principles

Indigenous peoples' right to use living renewable resources

1. Indigenous peoples have the right to self-determination.
2. Indigenous peoples have rights to lands, territories including waters, sea-ice and air-space and collective and individual rights to their resources.
3. Indigenous peoples have right to self-development. This implies that indigenous peoples have a right to develop their particular cultures, economies and technologies. The adoption of modern technologies does not change their status or rights as indigenous peoples and does not diminish the economic, social and cultural importance of the activities and products harvested.
4. The recognition of indigenous peoples' rights to use the living renewable resources is of paramount importance to their economic self-reliance, cultural integrity and social well-being.
5. In no case may a people be deprived of its own means of subsistence. This is stated in the two UN Human Rights Covenants of 1966.

6. This means that the indigenous peoples of the world possess a fundamental and inalienable right to use Nature's living renewable resources. The use of living renewable resources is a legitimate activity.

Indigenous peoples and sustainable use of living renewable resources

7. Indigenous peoples' economic development and their sustainable utilisation of living renewable resources in their territories are *per se* not contradictory in terms.
7. Respect for indigenous peoples' collective and individual rights, diverse ways of life, and cultural integrity is the precondition for a rational and sustainable use of the environment.
5. The above mentioned points stressing the right to sustainable use of living renewable resources for human benefit, are in accord with recognised international conservation strategies, as mentioned in the Brundtland Commission Report of 1987, the 'Caring for the Earth' of 1991, the Rio Declaration of 1992 and a number of resolutions from the IUCN General Assembly in Buenos Aires 1994.

Issues

Colonisation

1. For centuries, indigenous peoples' special links with their lands and territories and the living renewable resources upon which they depend have been threatened by colonialism and the demands of outsiders who encroach on their territories.

Dispossession of traditional lands and territories

2. An increasing number of people, institutions and activities encroach on indigenous peoples' lands and territories (e.g. settlers, military installations and manoeuvres, nuclear testing, oil-, mining-, fishing- and timber industries, hydroelectric dam constructions, sport interests, tourist- and transportation facilities). Such activities not only threaten the environment and indigenous peoples' use of living renewable resources, but often lead to dispossession of their lands and territories.



Indigenous peoples are increasingly threatened by anti-hunting organisations. Photo: Alexander Pika

Parks administration

3. Governments and environmental organisations have created national parks and other vast areas for protective purposes. Such reserves often erode indigenous peoples' rights to manage and use such lands and their resources.

Industrial pollution

4. Pollution from local or transboundary sources (radio-active, heavy metals, organochlorines etc.) poses a present and continuing significant threat to the health of indigenous peoples and the environment on which they depend.

Anti-hunting lobby

5. Indigenous peoples are increasingly threatened by anti-hunting organisations, whose objective is a prohibition on the hunting of wild animals (e.g. whales, seals and furbearing animals).

Trade restrictions lobby

6. Attacks on indigenous peoples' right to use and market living

renewable resources have serious social, economic, cultural and nutritional consequences resulting in the erosion of personal as well as collective well-being and the right to self-determination. Consequently the very fabric of social and cultural life in indigenous communities is likely to be strained and threatened by such activities. By lobbying for trade restrictions and spreading misinformation to political institutions and to buyers of indigenous peoples' products, some organisations cause great harm to indigenous peoples' communities and socio-economic well-being.

Statements

Indigenous peoples' control over territories, lands, resources, culture and society

1. All peoples, governments and organisations must recognise and affirm the rights of indigenous peoples to self-determination, and rights to territories, lands and culture as well as the rights of indigenous peoples to use the living renewable resources and to market their products in order to meet their economic, social and cultural needs.
2. The use and management of living renewable resources by non-indigenous peoples must respect indigenous peoples' right to an equitable development. In no case may management procedures jeopardise the future of indigenous communities.
3. Legislation must recognise that the use of living renewable resources is essential for the cultural, social and economic survival of indigenous peoples.
4. No activity should take place on indigenous peoples' territories or lands without their free and informed consent.
5. As all other human societies, indigenous peoples should continue striving to pursue resource management based on criteria of sustainability.

Indigenous peoples' control and consent in decision-making

6. All major development and environmental initiatives should have the full and informed consent of indigenous peoples likely to be affected and be preceded by appropriate impact assessments. All

such studies and projects should be open to public scrutiny and debate. Indigenous peoples to be affected by such activities should be involved as equal partners in the planning, assessment and management.

7. Indigenous peoples must be involved as equal partners in all decision-making processes concerning assessment, research, management, development and allocation of resources be it at local, national or international levels which may affect the future of indigenous peoples directly or indirectly.

Respect of indigenous peoples' management systems

8. Governments and international environmental organisations are urged to politically, technically and financially support indigenous peoples' own management programmes for sustainable utilisation of living renewable resources. This support should enable indigenous peoples to conduct their own research in support of such management programmes.
9. Wherever indigenous peoples are drawn into a scheme of co-management of nature's living renewable resources, the governments must take into account indigenous peoples' knowledge and ethics. Management programmes must be culturally appropriate and adaptable to local concerns, needs, priorities and changes at the same time as it incorporates the best scientifically based information.
10. Where indigenous peoples in different states use shared living renewable resources cross-border co-management must not be hindered. Indigenous peoples should have the right to co-manage their shared resources and make management agreements with binding effect for the respective states.

Indigenous peoples' trade

11. Indigenous peoples have the right to increase their earnings from the sustainable use of living renewable resources. Trade therefrom must not be hindered. Furthermore, indigenous peoples should be given preferential trade arrangements for products which have their origin in living renewable resources.

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