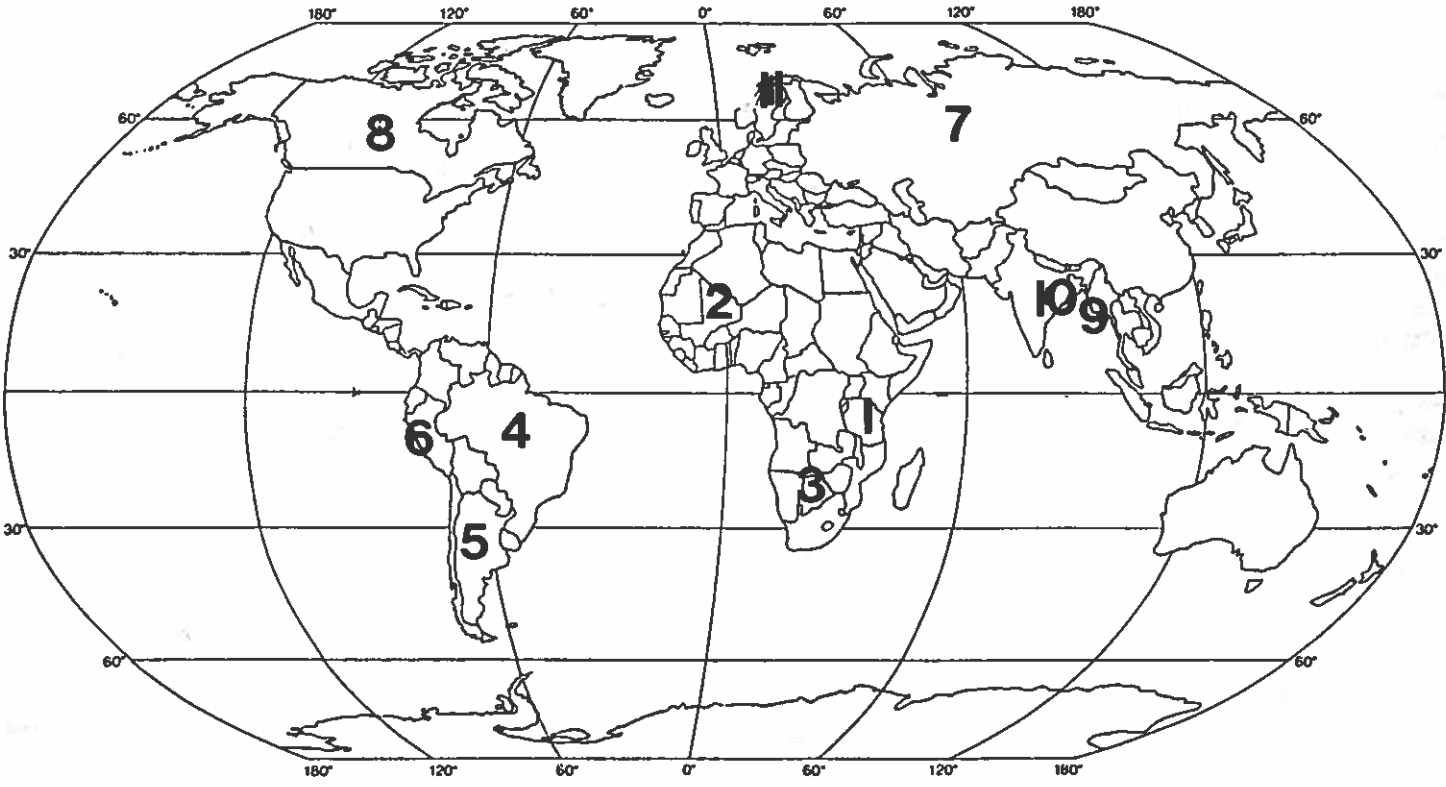


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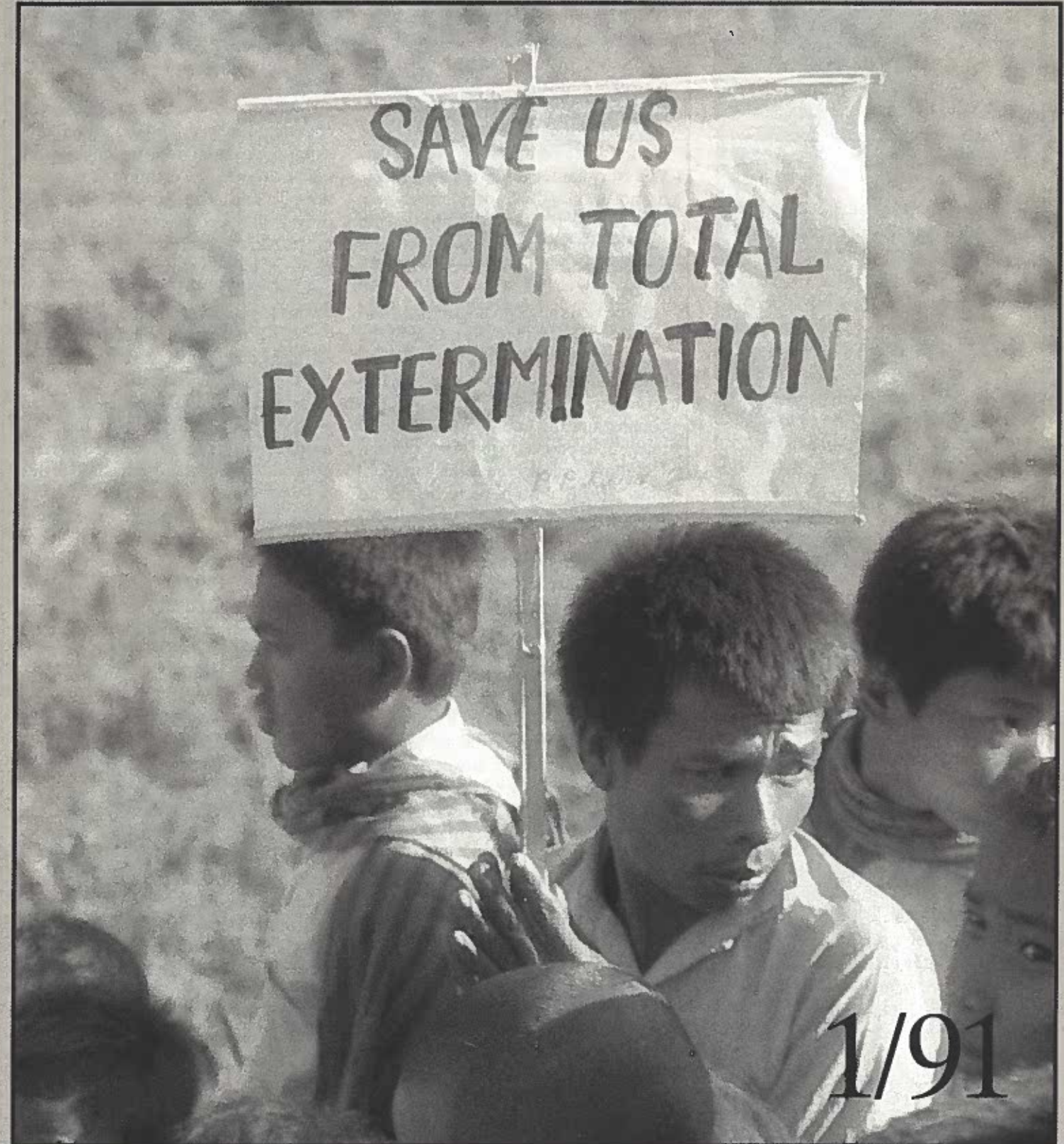
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NEWSLETTER

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International Work Group for Indigenous Affairs



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Editorial

From this issue of the IWGIA Newsletter a new format will be introduced. This will allow us more flexibility in content as well as lay-out, and to introduce a new 'Late News' section.

Another major change is that the Newsletter and the Spanish Boletín now are identical.

We hope that these changes will give us a qualitatively better Newsletter. With very limited resources this process has not been, and will not be, an easy one. In the future, however, we hope that the changes will enable us to publish more regularly and more up to date in both languages.

Some years ago IWGIA initiated a so called South-South project. One of the ideas contained in this project was to spread information between indigenous groups in all parts of the world. The coming into the international scene of indigenous peoples from Africa, Soviet Union and Asia has made this a tremendous task. But we hope to be able to make at least a minor contribution to this process.

This issue reflects the increased focus on indigenous people in Africa and Asia. The small group of Hadzabe in Tanzania is one of the few hunters and gatherers left in the world as are the San in Botswana. They inhabit areas which are in the focus of international concern. Not because these cultures are endangered, but in order to protect wild animals. The national governments do not recognise the customary land rights of these people, and the concept of sustainable development seems not to be recognised in their cases.

Few indigenous people have received more international publicity than the Yanomami Indians in Brazil and yet their situation still remains precarious. To analyse the land conflict as seen from the Yanomami, we publish a background paper by Alcida Ramos.

We all know that very few countries recognise the rights of indigenous peoples. In most countries this is something still to be obtained. In Argentine indigenous groups now demand that their

rights are taken into the constitutional reform process. The assimilationist approach lies deep in the consciousness of non-indigenous people in Latin America as demonstrated by Evaristo Nugkuag in his response to Mario Vargas Llosa.

In the Soviet North a vast numbers of communities now demand autonomy. The type of autonomy to be sought is still under debate - the creation of reservations is one. The Soviet Union also proves that ecological destruction is more than a rainforest phenomenon, as reported by Yeremei Aipin and people can be forced to adopt other than verbal means to protect their environment.

The ecological consequences of technical megaprojects are threatening, but governments continue to construct massive dams like the James Bay II in Quebec, Canada. In the 1970s the Cree and the Inuit of Quebec opposed, in vain, the construction of the first phase of this ambitious project. Now, more than 15 years later the Canadian government brushes aside the interests and rights of indigenous people. The court in the province of British Columbia in the Gitksan-Wet land claim case did precisely the same: The Gitksan have no claim to ownership of their land and their aboriginal rights are extinguished.

For the first time an independent international commission has been allowed to enter the Chittagong Hill Tracts in Bangladesh to investigate human rights violations against the tribal peoples. The report, which was published by IWGIA in May this year, documents serious violations of human rights. A summary of the findings and recommendations of the commission is published in this Newsletter. Since the launching of this report information from the Chittagong Hill Tracts show that the new democratic government has continued the suppressive policy of the former military regime.

Finally we have the good news that the Saami poet Nils-Aslak Valkeapää was the winner of the Nordic Council's Award for Literature, 1991. □

Hunters in a Field of Corn

by Svein Evjen Olsen



TANZANIA, East Africa

High above the undulating foothills of the Kainam Plateau vultures are lazily circling in the haze of the perennial dry season. This year the haze seems especially dense. One can just barely make out the eastern shore of Lake Eyasi, a mere thirty miles away, but a days journey by whatever means of transport. Between us and the lake, Yaida Valley lies serene and seemingly pristine. At first glance Yaida seems to be the perfect Garden of Eden. The surrounding hills covered by the ever present acacia taper gently down into the valley. The valley floor is dominated by a great plain distorted slightly by the shimmering heat and the reflection of dying grass. To the east the plain is bordered by the green swath of a large swamp. As we gaze down at the valley a feeling of witnessing the last remaining primordial refuge overtakes us. If a dinosaur should suddenly appear on that great plain it would not be surprising. A feeling of inexplicable sadness clouds our vision for a moment, perhaps an emotional tug from our own forefathers who maybe walked this very plain, or something very like it, in their incessant struggle for survival.

Down in the valley wisps of smoke give away the presence of a group of people considered by some researchers to be one of the truly indigenous East African groups; the Hadzabe people. (Locally they are called the Tindiga, which translates into "the people on the marsh".) A tribe of hunters and gatherers, the Hadzabe have been the focus of an exorbitant amount of research and study in recent decades. Scarcely a year passes without the rumbling of some donated landrover or landcruiser criss-crossing the valley in search of background information for some thesis or report destined to be handed in at some

distant institution for filing in dusty archives. For the Hadzabe, the coming and going of researchers and programmes have become part of the daily routine, something to be tolerated and utilized to the maximum in terms of such spin-offs as free food or other useful items.

The Mono Programme

A major instigator of such programmes has been the Tanzanian government, which views the presence of a "near stone-age" group of people as something of a luxury that Tanzanian society can ill afford. The government adheres to the philosophy of one nation - one people. The basic tenets of this philosophy stress the need for a sense of general identification with a community that is completely integrated with regard to economy, institutions and culture. As a consequence the government has periodically initiated programmes designed to integrate the Hadzabe people to the socioeconomic fold of society.

Mongo wa Mono (locally abbreviated to **Mono**) is the physical incarnation of one such programme. At this location a few miles from the local center of Yaida Chini (located just south of the Yaida Swamp), the authorities have set up a village programme (administratively under the auspices of Yaida Chini village), for the Hadzabe with the intention of converting them to an agricultural culture. When we arrived (July 1990) there were approximately 700 Hadzabe in the village. A further 60, apparently originating in the Shinyanga area further northwest, arrived the same day. According to the official census the Hadzabe population is estimated to be roughly 2,500. Researchers we spoke with

contended the realistic figure was around 1,000. But these figures hold a large degree of uncertainty as groups of Hadzabe are known to be "hiding out" in the forests in the Yaida/Eyasi area.

The location for Mono was chosen by an initial group of Hadzabe in 1987. A steady trickle of Hadzabe have migrated from the bush ever since. A striking aspect is the fact that this location and this village "project" was initiated by the Hadzabe themselves and did not come as a result of some government policy. The government is of course attempting to capitalize on the Mono village. The Mono settlement is therefore now central in the government efforts to assimilate the Hadzabe.

Though water accessibility is poor (the closest water source entails a four-hour roundtrip), the location possesses relatively fertile soil and is sheltered to a small degree from the Yaida Chini settlement by the surrounding hills. Efforts have been made to find water in the vicinity, but they have so far proved unsuccessful. This may prove decisive as regards the probability of success for the programme. As the Hadzabe put it in Swahili "*Hapa hamna maji, lakini msituni kuna maji mengi sana!*" (Here there is no water, but in the forest there is lots of water!).

The main incentive for the Hadzabe to move to Mono has been the provision of free food (donated through Oxfam). With the aid of CUSO (Canadian Universities Services Overseas) a broad community development programme has been put in effect. A minimum of health services is provided by a nearby mission hospital (Haydom Lutheran Hospital) which runs a primary health care (PHC) programme partly funded by the Missionary Aviation

Fellowship (MAF). This service consists of a monthly MAF flight to Yaida by a PHC unit from Haydom Hospital.

Primary education is provided at the local school in Yaida. This is an important component in the government efforts to ensure the assimilation of the Hadzabe. The education programme is two-pronged; formal primary education is extended to the Hadzabe children while adult education programmes are extended to the adult Hadzabe. Free food and school uniforms are provided as incentives to make school participation attractive. In addition the Hadzabe youths (upon completion of the primary education programme) are regularly extracted, so to speak, from their environment and taken to various national institutions (an obvious ploy to facilitate the "transformation" of attitudes). If the objective of these education programmes was or is the conversion of the Hadzabe to the greater Tanzanian society with a consequent embracement of a settled agropastoral culture, they may safely be deemed as failures.

Agriculture is clearly intended to be the mainstay of the programme economy. External help has been hired to plow and prepare the fields. The Hadzabe participate in the sowing. The harvest is a joint effort between the external help and the Hadzabe. Otherwise the Hadzabe seem very non-committed regarding the role of agriculture in their culture. It is striking that the field giving the largest crop yield belongs to a man from the Chagga tribe (from the Moshi/Pare area) who had joined the Hadzabe through marriage with a Hadzabe girl.

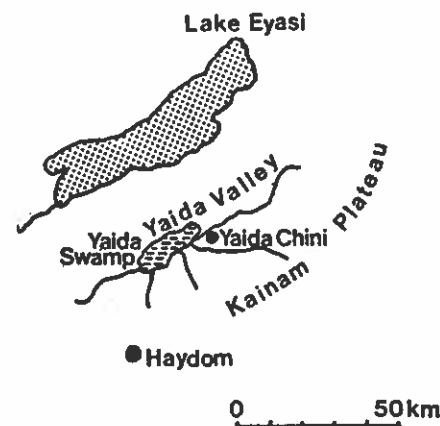
According to some local sources there is considerable political prestige involved in presenting an assimilation programme that "works," so to speak. The resulting pressure from the government implementors has to some degree created a counterproductive passive attitude among the Hadzabe.

The forest as a safety valve

Local sources contend the health and nutritional status for the Hadzabe was better before the village programmes were put in effect. In the forests the Hadzabe had access to a balanced diet consisting of intake of wild berries, honey and meat in addition to small amounts of agricultural produce acquired in trade with neighbouring tribes.

After the move to the villages the diet has been based on access to free food which certainly has not contained the same balancing of vitamins and nutrients. An enquiry to Haydom Hospital confirmed that there has been an increase in the number of malnutrition cases recorded among the Hadzabe.

As indicated by the comment on the water situation, many Hadzabe hold the forest as a safety valve. If the programme fails, or the incentives (free food, etc.) are considered insufficient, the Hadzabe reason that they can always return to their former way of life by simply slipping into



the forests. However there is reason to wonder how valid this safety valve is. The Hadzabe around Yaida have been involved more or less in settlement programmes since the mid-sixties. Indeed the British Government attempted to settle the Hadzabe as early as the late 1920's. With every passing year the younger generations will become increasingly alienated as regards their parents culture. The parent generation can easily adapt to the forest as they already are accustomed to it. But the younger generations have spent most of their lives in various programme villages. Even though the forest surrounds Mono, the Hadzabe have effectively hunted and cleared the area of fauna in a radius of some ten miles. However it is not quite correct to say that the Hadzabe have cleared the area themselves. The past couple of years have seen the advent of large hunting "packages" designed for tourists being sold by a tourist agency in Arusha.

These "packages" have resulted in fixed camps in the Yaida/Eyasi area. During the hunting seasons the tourists (purportedly including Kuwaiti and Saudi Arabian princes) hunt large quantities of game. In between the hunting seasons the staff at the fixed camps continue this hunting. Poaching (mainly neighbouring tribes) exacerbates the pressure on the fauna. The young therefore do not have the daily exposure to a forest habitat rich with game necessary for survival in that habitat. In this context we had a thought-provoking experience. We made a small effort to find a group of Hadzabe thought to be hiding out on a ridge separating Yaida Valley from Lake Eyasi. As a guide we had the son of a local Hadzabe man. He quickly proved to be relatively helpless in tracking or identifying spoor of animals. The author acknowledges that the "helplessness" may have been intended in order to thwart the efforts to locate the Hadzabe group. However this did not appear to be the case, as the guide relatively quickly lost his bearings as to where he was and we had to make do with our background knowledge of the area. As regards the Hadzabe group we did find evidence that someone had been in the area recently, but then again this may have been traces of poacher groups known to be in the area.

Poaching is a growing problem in the area, and this directly affects the Hadzabe. Groups of poachers from the surrounding tribes (notably the Iramba, Isanzu and Turu) regularly come down to the Yaida/Eyasi area to hunt meat illegally. This meat can be seen being sold at the *mnadas* or markets held periodically in the region.

These poacher "teams" often employ Hadzabe as trackers or porters. Typically these external tribes hold Hadzabe as an inferior people. The Hadzabe are therefore often the victims of harassment when in contact with these poacher groups. As these poacher groups can often number as many as forty armed men, the understaffed game rangers stationed in Yaida Chini are hopelessly outmatched and are virtually powerless to do anything. The war against poachers is a priority for the national authorities, and the rangers therefore have standing orders to "shoot to kill" in encounters with poachers. In view of their employment status vis á vis the poacher groups the Hadzabe are in effect caught in a crossfire leaving them without rights outside the village.

Pressure from surrounding tribes and land rights

As already mentioned, surrounding tribes view the Hadzabe as an inferior people. The damaging effect this attitude might have had has previously been offset by the fact that the Hadzabe tended to isolate themselves from contact with neighbouring tribes. With the advent of village programmes the Hadzabe are forced into contact with the surrounding cultures. The younger generations, through schooling, contact with peers in other tribes etc., grow up with a constant reminder that their own culture is considered inferior. The result is obvious and may be fatal to the future of the Hadzabe. The young men grow alienated from their own culture, thereby reducing the validity of the forest as an escape valve. The young women tend to exercise social mobility and marry "upwards" into other tribes. In the space of a few generations the Hadzabe may become virtually extinct as a cultural entity.

The tribes living in the surrounding areas are steadily encroaching upon the Hadzabe area. In the early 1900's the area around Yaida was regarded as empty wilderness. The endemic presence of sleeping sickness transmitted by the tsetse fly certainly helped to isolate the area. In this period the Hadzabe were the only people living in the area and even they were considered "wild animals". In the 1940's *Datoga*, *Iraqw* and other neighbouring tribes started migrating to the area. Since then the migration has increased. The *Iraqw* tribe is currently especially expansive. Land rights have therefore become a crucial issue. But as other tribes (for instance the *Maasai* and the *Barabaig Datoga*) in Tanzania have experienced, the land rights issue is also a controversial one. Customary land rights are difficult to prove as the land in question has often never been officially surveyed or ratified. In 1985 the government initiated a new land-use policy on the "program for the implementation of national plans for agriculture and animal husbandry" (in Swahili: *Programu ya kutekeleza Fera ya Taifa ya Kilimo na Mifugo*). According to the law villages are accorded the right to a certain amount of land. However to secure land tenure each village must make its own land-use plan. This plan is then presented to the government authorities for ratification. Upon ratification a land survey of village boundaries is made securing the basis for a title

deed to village land. Sub-title deeds are subsequently granted to individual villagers. (The relatively "static" nature of these title boundaries will of course have adverse effects on the nomadic cultures). The administration of this land-use plan is to be the responsibility of the individual village, and the government should not supercede that right. However in the face of large plantation interests, local power politics and ignorance regarding the law, land rights are not being upheld. Certain local organisations are now conducting major awareness campaigns focusing on **village** land rights rather than **individual** land rights. The tactic seems to be silent diplomacy rather than the full scale frontal approach adopted in the Barabaig vs. NAFCO case (in this case the *Barabaig* tribe after years of encroachment by a government wheat project (NAFCO) took the case to the High Court. The case was temporarily lost when the government adopted a law stating that customary land rights were annulled for the Barabaig as of 1987 (see IWGIA Newsletter No. 60-61).

As far as the author could ascertain the Hadzabe are not aware of their land rights. According to local sources the Hadzabe have traditionally never exercised land tenure in a manner that caused conflicts between themselves or the surrounding tribes. Until recent decades the land area in question has been large enough to allow for the relatively mobile and nomadic lifestyle the Hadzabe as hunters and gatherers required. However with the rapid encroachment of other tribes land tenure is fast becoming a serious issue. In this regard it is important that Mono be registered as a separate village. The Yaida village is comprised of members from other tribes (notably *Iraqw* and *Isanzu*), and there is therefore a certain element of vested interests as regards the respective tribes. Members of the *Iraqw* tribe are already settling in the immediate vicinity of the Mono village.

As there are many examples that indigenous organisations acting on "behalf of" may only cause antagonization, etc., in national bureaucratic structures, the issue must now be one of inducing an awareness of these land rights so that the Hadzabe can forward these rights themselves through the Tanzanian judicial system. The land-use plan entails an element of community participation. It is therefore vital that the Hadzabe participate in the process of setting up their own plan and thereby make

use of the possibilities inherent in such a plan. For instance the Hadzabe can designate certain areas as "forest reserves" for utilisation as sources of honey and wild berries.

The battle to maintain their cultural integrity seems an uphill one for the Hadzabe. Faced with the ever-increasing pressure from encroaching tribes, adverse effects of government "domestication" programmes, attitudes inducing inferiority complexes, etc., the battle seems near hopeless. If something does not radically change in the immediate future, the vultures circling so lazily over a seemingly serene and beautiful Yaida Valley may be an ominous omen of what the future holds in store for the Hadzabe people.

References

1. *The impact of modernization policies*; B.T.Kaare, Paper presentation at the Sixth International Conference on Hunting and Gathering Societies; Alaska May 27-June 1, 1990.
2. *Who are they, enemies or partners?*; D.K.Ndagala, Paper presentation at the Sixth International Conference on Hunting and Gathering Societies; Alaska May 27-June 1, 1990. □



West Africa: Tuareg Treaty (*)

IWGIA Newsletter No. 62 (1990) reported that *Tuaregs* in Mali had taken to arms against the central government. On 6 January 1991, the Tuaregs, led by the rebel leader Iyad Ag Ghali, and the Malian government, represented by General Ousmane Coulibaly, surprisingly signed a peace treaty. In the efforts to come to a truce, this was the third round of negotiations between the two parties. All negotiations were held at Tamanrasset in Algeria where the Algerian government guaranteed for the safety of the parties involved.

The peace treaty gives large concessions to the nomadic Tuaregs, who are mostly to be found in the northern two (6. and 7.) of Mali's 7 regions, bordering the Sahara desert. Of the most important points in the treaty are the following:

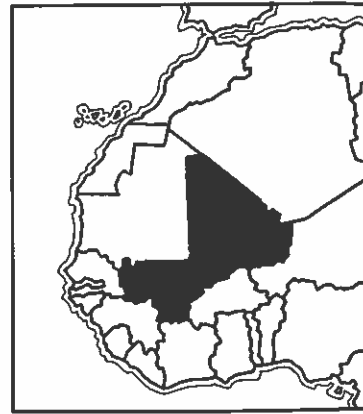
- the rebels are allowed to keep their arms within certain areas;
- exchange of all prisoners of war;
- the vast 7. region will be split into two, so that the Circle of Kidal will become a region in its own right;
- these three northern regions are given internal autonomy within the state of Mali;
- the northern regions, especially the region of Kidal will be freed of its army bases. (Since the Tuareg rebellion of 1963-64, the Malian army has had many soldiers stationed in this area). The soldiers will now patrol the borders, but not be used against civilians within Mali.
- Tuareg soldiers will be admitted in the army with the same rank as they had in their own rebel forces (up till now very few Tuaregs have been admitted into the armed Malian forces).
- 47.3 % of Mali's investment program over the next five years is to be used in these three regions;
- a committee for the cessation of hostilities and to follow up the treaty will be established to organize the beginning of the changes;
- a new system of representatives, elected by the population, will then be installed.

At the end of March, all prisoners of war were said to have been liberated. The Committee for the installation of Peace has started functioning. Three groups of rebels are travelling around in each of the three regions in vehicles furnished by the Malian army. In bigger places, they are setting up local committees that are to function until elections have taken place. At the same time, they are informing the public by holding mass meetings where they pass. At a public meeting at which we participated, the rebels informed about the content of the peace treaty. They underlined that those who believed the war was over, were wrong. The real war, the war against poverty and for development was starting now. This war demanded the participation of each and every one, they said. Participants voiced complaints against abuse by the present local authorities. A noticeably optimistic mood sweeps over Mali at the moment.

Three factors probably explain the Malian government's acceptance of the Treaty. First, Mali did not receive support from bordering countries in the conflict, as it did under the Tuareg uprising in 1963-64. This time, Algeria and Libya did nothing to control Tuareg movements within their territories.

Second, the Tuareg rebels were trained desert fighters. Many of them had served as mercenaries in the Libyan forces, and were used to warfare under harsh conditions. Most of the Malian soldiers came from southern regions. They were neither well trained nor used to the vast dry lands of the North. The number of dead during the 6 month war shows this clearly; whereas about 700 Malian soldiers were killed by the rebels, only 25 Tuareg soldiers are reported killed. On the other side, Malian soldiers took it out on civilians; about 400 civilians were killed in reprisal attacks. (The numbers are unconfirmed, but believed not to be far from the truth.)

Third, since December 1990, the Malian government has been seriously troubled by



MALI, West Africa

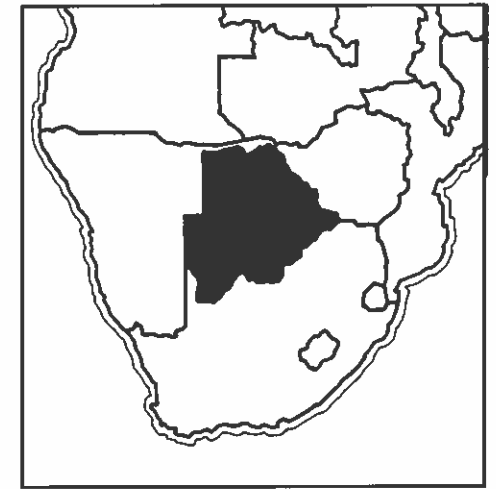
demonstrations and riots in the south, where the pro-democracy movement has been growing in impact over the last few months. The government expected more trouble in the south, and probably decided against a war on two fronts. In January and in March, new big pro-democracy, pro multi-party demonstrations have taken place, some of them bloodily repressed by the Malian army and police forces. As this is being written (28 March), the President, General Moussa Traore and his wife have been arrested in the capital, and a provisional government - named the National Council of Reconciliation (CNR) - has been installed.

The Treaty between the Tuaregs and the Malian government has been criticized in different pro-democracy newspapers in the south. For one thing, the treaty was not made public. For another, the pro-democracy movement has argued that agreements between single movements and the government was not the way to go to reach a better Mali for all. Also, they are sceptical to a treaty between one ethnic group and the government, in regions where other ethnic groups are represented. It remains to be seen how these issues will be met by the Tuareg movement, as well as how the new Malian government will follow up the treaty. According to Radio Bamako, the CNR has pledged to respect all sub-regional, regional and international agreements signed by the former government, including the Tamanrasset agreement with the Tuaregs. □

(*) The identity of the authors is known to IWGIA.

Game Park vs. the San: Conservation and Sustainable Development in Kalahari

by Robert K. Hitchcock



BOTSWANA, South Africa

As the pace of development in the Kalahari Desert region of Botswana in southern Africa has increased, questions have been raised about the future of the indigenous populations residing there. Concerns have been voiced about the status of people living in the Central Kalahari Game Reserve (CKGR).

The Republic of Botswana is one of the few countries left in the world that has a fairly sizeable number of people who derive a significant portion of their subsistence from hunting and gathering. Most of the anthropological research on foraging populations has concentrated on *San* (*Basarwa*, *Bushmen*), but it is important to note that these people are not the only ones who live in remote areas and who exploit wild foods. In the Central Kalahari region, for example, there are *Bakgalagadi* groups who spend part of their time foraging.

The Botswana government has identified those people in rural areas who live outside established villages as a major target group for development assistance. Calling them Remote Area Dwellers (RADs), the government has been providing technical and other kinds of assistance to these populations for the past decade and a half. A wide range of projects were carried out, including water development, education and agriculture.

There are several reasons for the expansion of interest in the situations remote area populations were dealing with in Botswana. First of all, the initiation of a large-scale development and land reform program, the Tribal Grazing Land Policy (TGLP), resulted in the discovery that there were large numbers of people in rural areas, many of whom did not own livestock and tended to be poverty-stricken. Secondly, the drought of the early 1980s (1981-1986) caused a certain amount of nutritional and social stress for a fairly sizeable

number of people in rural Botswana. The drought relief programs mounted by the government proved to be effective at preventing starvation. At the same time, a portion of the remote area population became more dependent on food relief and labour intensive public works projects.

In the past three decades a number of different recommendations were made concerning the future of the Kalahari. There were those planners who felt that some areas should be turned into commercial cattle ranches. Others felt that the Kalahari wildlife populations and their habitats needed to be conserved, so they pushed for large areas to be set aside as parks and reserves. Botswana has the largest percent of its total area set aside as parkland of all the countries in southern Africa (see Table 1). There were also planners who felt that a multiple-use strategy was useful in rural areas, so they advocated

the establishment of small villages with associated arable and grazing areas.

One of the land categories that planners recommended be established in Botswana was Wildlife Management Areas (WMAs). In these places, people would be allowed to continue their foraging but would also be able to carry out other kinds of activities, such as crop and livestock raising and small-scale rural industries.

One of the areas where rural development activities were promoted was !Xade in Central Kalahari Game Reserve. By the early 1980s, it had become clear that the people of !Xade were having a significant effect on their habitats. Major changes occurred in the subsistence and settlement systems of !Xade and other Central Kala

Table 1. Data on parks and reserves in Southern African countries

Name of the country	Number of parks	Parkland area (km ²)	Percent of parkland area
Angola	-	-	-
Botswana	7	47,273	7.874
Lesotho	1	65	0.214
Malawi	3	3,109	2.624
Mozambique	2	5,750	0.743
Namibia	-	-	-
South Africa	27	51,635	4.229
Swaziland	-	-	-
Tanzania	8	36,872	3.901
Zambia	17	58,988	7.838
Zimbabwe	17	28,454	7.285

hari populations, so much so that in 1985 the Botswana Government called for a commission of inquiry to assess the various options which might be pursued in the area. The CKGR Commission reviewed evidence, interviewed district officials, and held meetings with residents of the CKGR between September and November, 1985.

The CKGR Commission recommended that the portions of the reserve be de-gazetted and turned into a Wildlife Management Area where people would be allowed to continue to reside and utilize local resources. It was also recommended that "communal cells" be created in those areas where there were significant population concentrations. People would then be able to continue living and working in the CKGR.

These recommendations were rejected by the Ministry of Commerce and Industry, which oversees parks and reserves in Botswana. Instead, it was stipulated that the residents of the reserve would be encour-

aged to move to areas outside the boundaries of the CKGR where they would be provided with facilities. In a speech to Parliament on 1 December 1986, the Minister of Commerce and Industry stated that the government had a mandate to make decisions in the national interest. He also stated that the reserve would lose its integrity if people were allowed to remain living there (Botswana Daily News, December 2, 1986, p.1).

Discussions were held with reserve residents in an attempt to convince them of the efficacy of moving to new areas. Several reasons were given by government officials to CKGR residents as to why the resettlement was necessary. First of all, they noted that the move would help ensure conservation of the resource base in the reserve. Secondly, they argued that it would enhance the tourism potential of the region. A third reason given by government officials was that its moving to new areas would enable local populations to direct access to

development assistance.

The decision to remove people from the reserve caused consternation among residents of the reserve, some of whom wanted to stay in the places they had lived in for generations. There were also questions raised by Members of Parliament in Botswana, who felt that the proposed resettlement was not in the best interests of the local people. Two Botswana government ministers visited various settlements in CKGR in May-June 1988, in order to consult with them about the government's decision. A common refrain at the meetings was that while people appreciated the government's development assistance, they wanted social services to be provided in their places of origin (Botswana Daily News, June 7, 1988).

The issue of the future of the people of the CKGR received international attention on articles in the *Washington Post*, the *New York Times* and *Africa Report* in 1988. In September 1988, at the Fifth International Conference on Hunting and Gathering Societies in Darwin, Australia, a motion was passed by the delegates which stated that the peoples of the Kalahari should not be required to move out of the reserve. In April, 1989, Survival International published an Urgent Action Bulletin (UAB/BOT/1) concerning the people being threatened with expulsion from the Central Kalahari Game Reserve. In June, 1989 the President of Botswana met with members of conservation and development organizations in Washington D.C., in order to assure them of Botswana's good intentions concerning the environment and people of the Kalahari.

It is important to stress that although different kinds of policies have been pursued in the Central Kalahari, the government has yet to stop providing assistance to the people in the reserve. It also has yet to require anyone to move out of the region. Nevertheless, pressure to make the Central Kalahari Game Reserve a true game reserve, where people would not be allowed to reside or hunt and gather, continues unabated.

Change in the Central Kalahari

In 1986, the Botswana Government decided to introduce an Accelerated Remote Area Development Programme (ARADP). Donor assistance was sought, and the Norwegian Agency for Interna-

Table 2. Wildlife Management Areas (WMAs) in Botswana

Name	District	Size (km ²)
Nunga	Chobe	2,334
Mamama/Kanyu	Chobe	12,938
Tamafupa	Central	11,138
Ngamiland	North West	22,440
Western Sandfeld	Central	3,234
Groot Laagte	Ghanzi	3,853
East Ghanzi (Okwa)	Ghanzi	55,159
West Ghanzi	Ghanzi	11,616
Kgalagadi	Kgalagadi	34,481
Kweneng	Kweneng	6,075
Ngwaketse	Southern	2,672
		TOTAL 145,740

Note: Data for this table were obtained from the Department of Wildlife and National Parks, Ministry of Commerce and Industry, Government of Botswana, Gaborone, Botswana.

tional Development (NORAD) agreed to provide financial and technical assistance. Some of the development activities were to be undertaken in Wildlife Management Areas (WMAs), a list of which is presented in Table 2. Some of the WMAs are on the peripheries of the CKGR, which is the largest game reserve in Botswana and one of the largest protected areas on the African Continent. A suggestion made by some government planners is that the G/wi, G//ana, and Bakgalagadi residents of the CKGR should be moved into some of these WMAs (e.g. into Okwa and the one in the western sandveld region of Central District).

The CKGR was originally established on the recommendation of an anthropologist, George Silberbauer, in order to preserve the people, wildlife, and habitats of the central Kalahari region. The CKGR is a vast area of 52,347 km² comprised of undulating tree-bush savannas, fossil river valleys, and rolling grasslands dotted with shrubs. Just to the south of the CKGR is Khutse, a small (2,703 km²) reserve set up in 1971.

As a semi-arid region, the Central Kalahari poses particular problems for the human, faunal and floral population within it. Rainfall is relatively low, averaging around 300 millimetres per year, and it is highly variable both spatially and temporally. Wildlife populations tend to be fairly mo-

bile: wildebeest herds, for example, move over substantial areas in their quest for grazing. Human populations also tend to be somewhat mobile, and they cover large amounts of land. Table 3 presents data on group sizes, range sizes, and mobility of CKGR populations recorded by anthropologists and Remote Area Development Programme (RADP) personnel. It is evi-

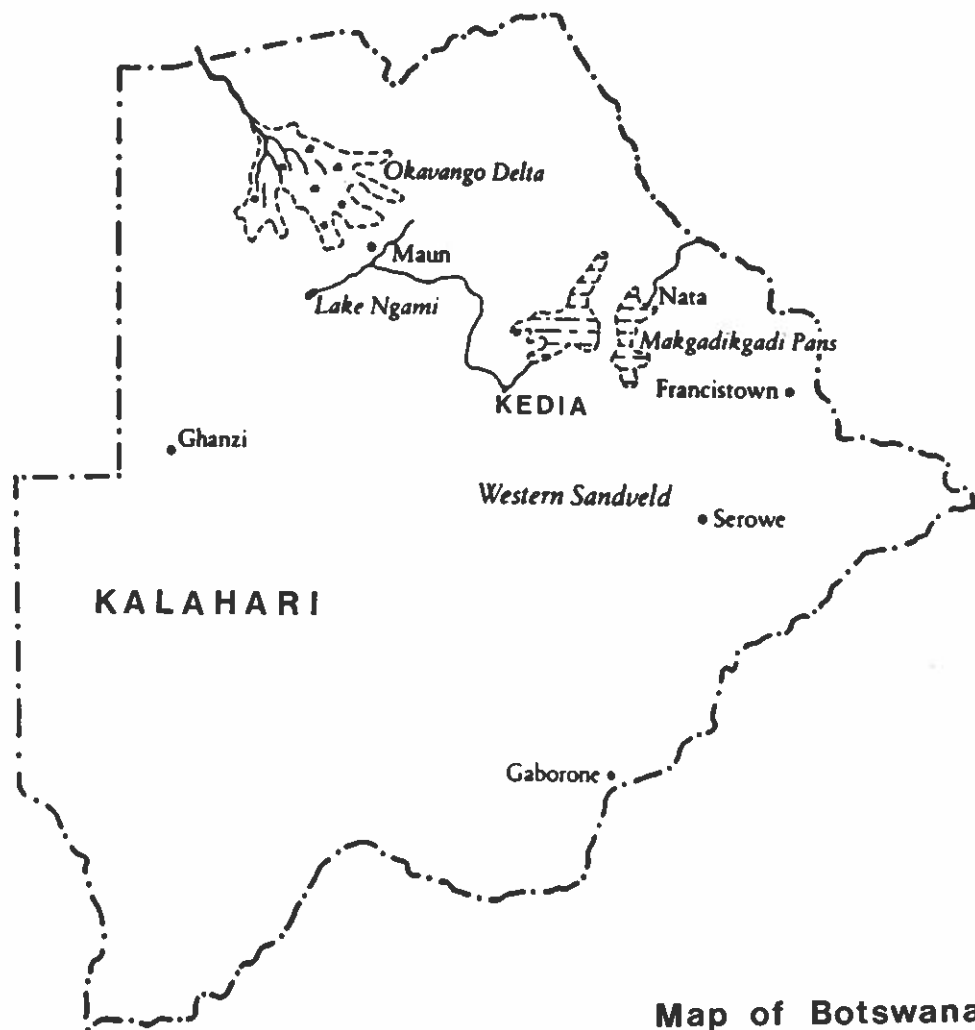
Table 3. Group Size, Range Size, and Mobility of Central Kalahari Game Reserve Populations

Group Name(s)	Number of groups	Group Size(s) and Average	Range(s) and average	Number Annual Residential Moves
G/wi	6	21-85 57.17	457-1,036 779.67 km ²	6-15
G/wi	> 2	up to 70, one was 120	300-400 mi ²	
G/wi, g//ana	9	7-57 22.89	4,000 km ²	11
G/wi, g//ana, Bakgalagadi	11	41-167 98.73	505-4,323 222.64 km ²	4-10
G/wi, g//ana	13	3-98 33.08	5,000 km ²	-

dent that there is variation both in average group size and range size. Human groups survive in part through exploitation of a wide variety of fauna and flora and through adjusting group sizes and mobility in order to ensure sufficient resource availability.

There have been a number of changes over time in Central Kalahari, some of them due to environmental factors (e.g. drought) and others coming about because of human activities. Some of these changes include the construction of veterinary cordon fences, borehole drilling, establishment of cattle post and ranches on the reserve's peripheries, and the carrying out of mineral prospecting by mining companies. The status of the region as a game reserve under the **Fauna Conservation Proclamation** of 1961 has meant that hunting was not allowed in the region, except for those people who were dependent upon foraging for living. To a certain extent, hunting strategies have changed somewhat in the CKGR, particularly with the introduction of horses and steel traps. Analysis of the limited information on hunting with the aid of modern weapons suggest that most of the people who engage in gun hunting are from outside of the reserve. The Department of Wildlife and National Parks has attempted to control poaching in the reserve but has had limited success because of manpower constraints.

Demographic and socio-economic

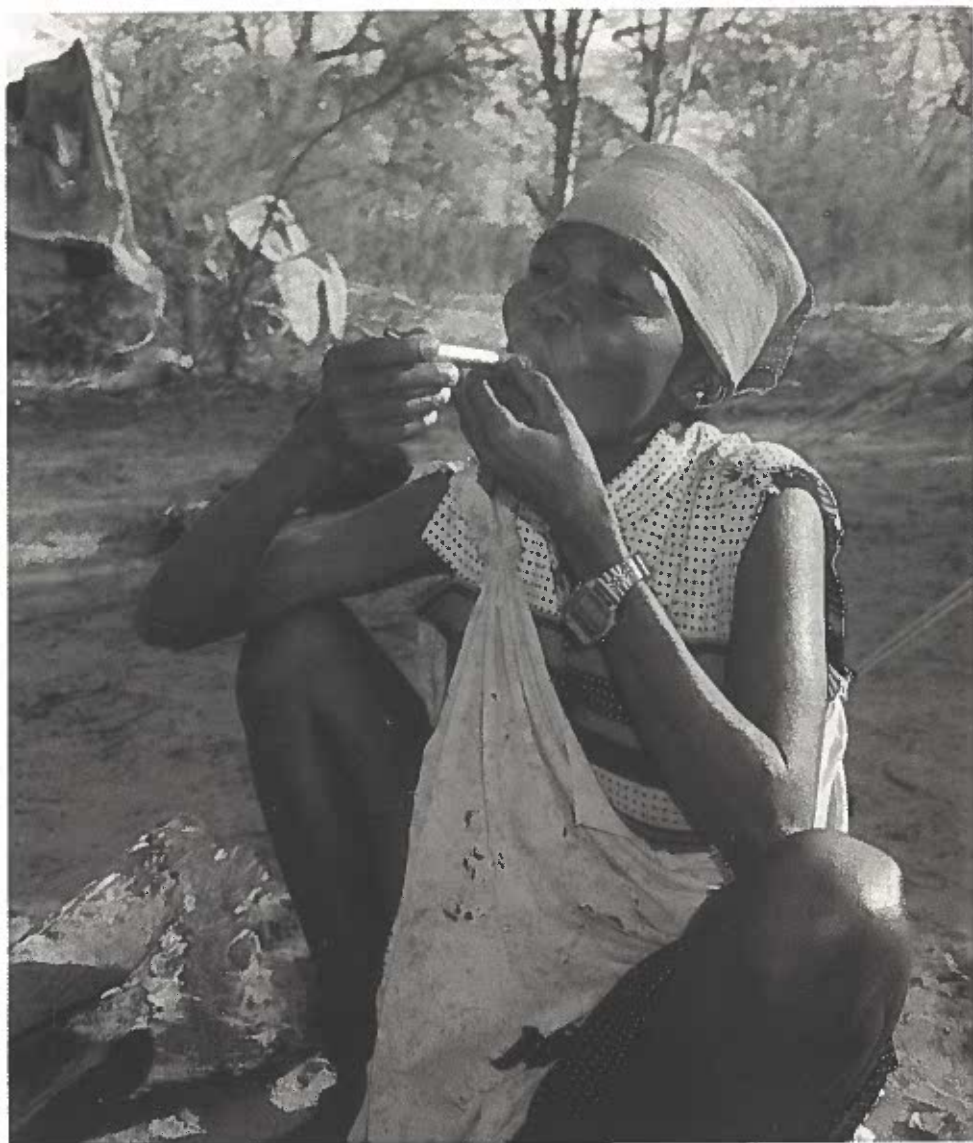


Map of Botswana

changes have taken place in the reserve, as well. Overall, there has been a reduction in the number of people living in the reserve. Whereas there were as many as 5,000 people in the reserve area in the early 1960s, the number in 1985 was estimated to be approximately 1,200. It is important to stress, however, that the numbers of people utilizing the reserve expands and contracts, depending in part upon rainfall and resource availability. Information collected through interviews, evaluation of reports, and examination of official and published data indicate that as many as 3,500 people claim to have land rights in the reserve.

In the 1960s the people occupying the reserve tended to change their group sizes and residential location seasonally. Foraging populations aggregated near pans and in fossil river valleys during the wet season and dispersed into small band- or family-sized groups during the dry season. Groups moved as many as 15-20 times a year. The areas over which people foraged averaged between 450 and 4,000 km². By the mid-1980s substantial changes had occurred in group structure and settlement patterns. People in the reserve had aggregated into a relatively small number of settlements which they occupied either year-round or for most of the year. This trend was seen particularly in the !Xade area, where the numbers of people grew from 200 in the 1960s to over 1,000 in 1988. One of the impacts of this demographic growth process was an expansion in the amount of area utilized for food. Another impact was the degradation of the local environment in the !Xade area as a result of the larger numbers of people and domestic animals in the area.

The process of sedentarization among CKGR populations was accompanied by a whole series of other socioeconomic and environmental changes. The greater densities of people resulted in an increase in pressure upon local resources. Wild plant foods were utilized heavily in the vicinity of the settlements, and in some cases, such as at !Xade, people had to either change the kinds of resources they were utilizing, or expand the size of the area that they covered during the course of their food procurement trips. I was told that hunting groups at !Xade covered area which averaged well over 5,000 km², a figure similar to that obtained by anthropologist Masakazu Osaki in 1982-83 (M. Osaki, personal communication). The over-exploitation of resources in the vicinity of the settlements



San Woman, Botswana. Photo: Espen Wæhle.

resulted in an increase in nutritional stress among some of the residents of the CKGR, especially children. Data provided to the CKGR Fact Finding Mission in October, 1985 by the staff Nurse at !Xade Health Post showed that growth failure among children under five years of age was much greater at !Xade than it was at other settlements (Ngair Reid, letter to CKGR Commission, 10 October, 1985). In order to counteract these problems, the Botswana Government initiated a drought relief feeding programme in the CKGR. It is also interesting to note that morbidity rates were higher among settled groups than they were among mobile ones in the CKGR.

In the 1970s, it was decided that the residents of Khutse Game Reserve should be relocated outside the reserve. Many of

them moved to places to the east of the reserve, and some of them settled at the Department of Wildlife and National Parks (DWNP) camp at the main entrance gate. In 1986, the government decided that a similar move should be made by the residents of the Central Kalahari. It is ironic that while greater emphasis is being placed on improving the socioeconomic status of rural populations, some RADs may lose their traditional lands and thus face potential economic difficulties. According to some reserve residents, this move could exacerbate the already existing problems of access to resource, and it might accentuate social conflicts.

By the 1980s, it was apparent that the socioeconomic status of some of the households in the CKGR and Khutse areas was declining. In some cases, this negative

trend was due to drought which affected the population adversely. However, it is not only environmental factors which have had negative impact on the central Kalahari populations, but also political and economic changes. Hunting regulations have been enforced more strictly, and some group members have gone to prison for extended periods. Social conflicts and alcoholism have increased in some of the settlements in and adjacent to the CKGR and Khutse. People have had to diversify their economic activities in order to maintain themselves. Some of them have become destitute and have moved to villages in the surrounding districts where they receive small stipends from Community Development departments of local District Councils. A few people have been able to make a living through sales of handicraft or meat.

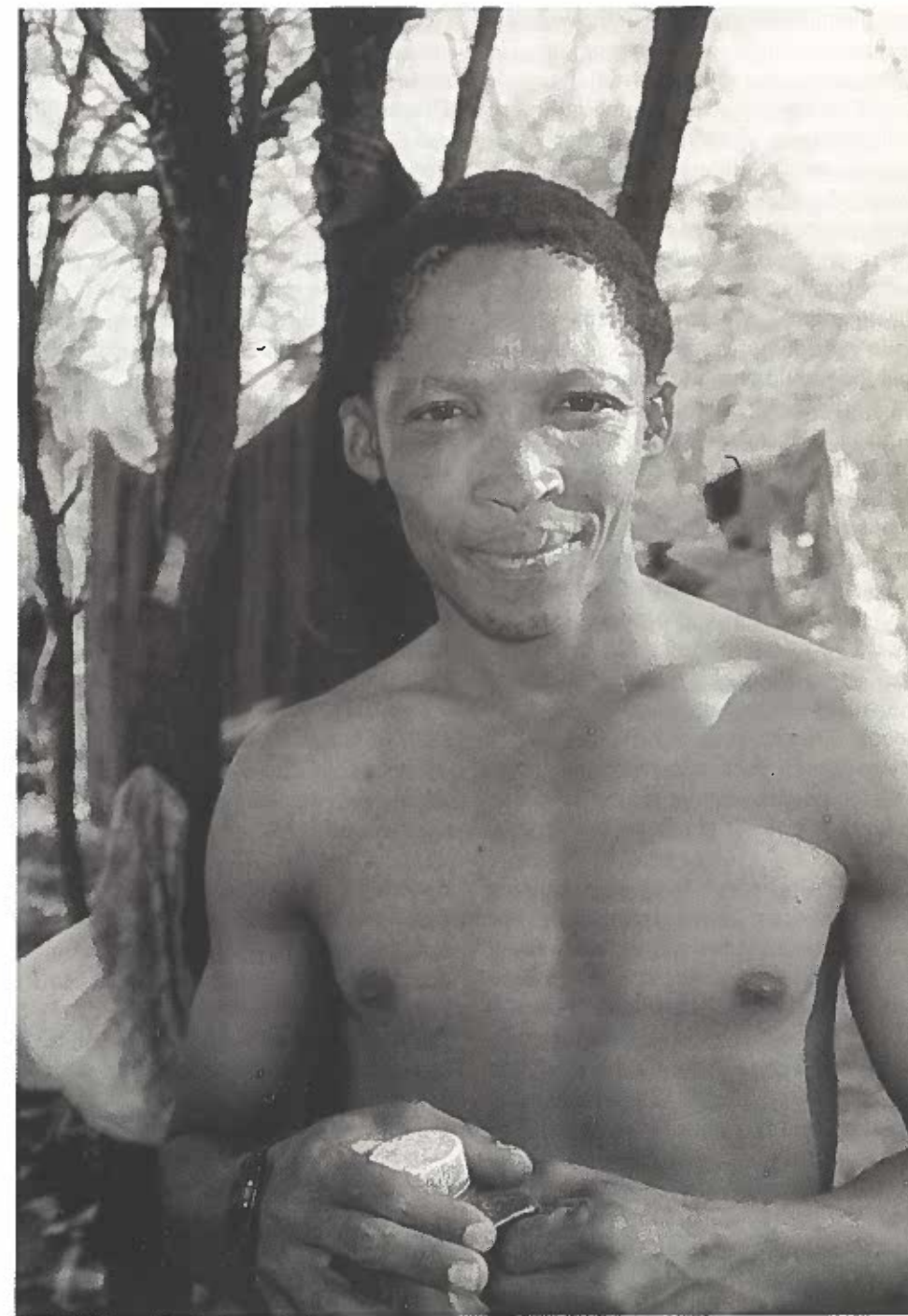
Some of the households in the reserve keep small stock (sheep and goats), donkeys, poultry, and dogs. It is important to note, however, that very few of these households can be described as being self-sufficient pastoralists. The majority of the people in the Central Kalahari pursue a mixed economy strategy, with foraging being supplemented by food production, wage labour, rural industries, and Botswana government drought relief assistance. Those individuals or groups who could not sustain themselves in the reserve this way have often ended up moving out of the area to seek employment at farms or ranches.

The Remote Area Development Programme (RADP) has provided development assistance to the people of !Xade and, to a lesser extent, other areas in the reserve, since the mid-1970s. A borehole, school, health post, staff housing, and other facilities have been established at !Xade under the auspices of the RADP and the Ghanzi District Council. Community service scheme (Tirelo Sechaba) participants have been posted to !Xade as have a number of extension workers (e.g. Remote Area Development Assistants, health workers). Non-formal education activities have been initiated, and the kgotla committee there is relatively active. During the drought period of the 1980s, food has been distributed at !Xade and other settlements in the reserve, and labour intensive development projects have been carried out (e.g. construction of a road between Ghanzi and !Xade). Both the Central and Kweneng District Councils have been involved in

providing water and other types of assistance to settlements in the eastern and southern parts of the CKGR.

One of the major arguments used in justifying the removal of local population was that such a strategy would facilitate tourism in the region. According to government figures, there were some 181 tourists vehicles in 1986 and 300 in 1987. Many of these tourists went to Kalahari expressly to "see Bushmen", as they put it to tour operators and others who spoke to them. Tour operators felt that it was to their advantage

to have local people in these areas since it would serve to attract clients. While some San and Bakgalagadi noted their reluctance to perform dances for tourists and especially removing their western clothing for photographs, the majority of the CKGR and Khutse area residents acknowledged that they liked the income generated by tourism. Some of the villages in the reserve such as !Xade and Menoatshe have received substantial amounts of money from sales of goods to tourists over the years, and the people therefore are



San Man, Botswana. Photo: Espen Wæhle.

somewhat reluctant to forego the opportunity to deal with visitors from outside the region.

It has been suggested that an underlying reason for the decision to remove people from the reserve was to respond to the interests of environmentalists who were pressuring the European Economic Community to withdraw financial support for Botswana unless greater efforts were made to conserve wildlife and other natural resources. A second suggestion is that some individuals in Botswana feel it important to "villagize" the RADs and thus bring them into the mainstream of life in the country. A third reason given by government officials was that the move out of the reserve would enable people to be assisted more easily, and thus it would help further development goals. Admittedly, there are also those who feel that DeBeers and other mining companies want complete access to the reserve for mineral exploitation purposes. Finally, a few people have suggested that livestock owners would like to see large portions of reserve de-gazetted so that they could turn into communal lands.

Clearly, the decision to remove people from their ancestral lands could serve to erode the social, economic and political status of RADs. Efforts will have to be made to ensure that adequate amounts of land are provided for those who are removed. Special attention will have to be paid to the allocation procedures of Land Boards. At present the Land Boards give only group allocation to RADs, whereas individual allocations are made to other people. District Councils will also have to see to it that economic assistance is provided to people who are relocated so that they are able to sustain themselves in their new areas.

One of Botswana's four main planning objectives is to promote social justice. The main reason for improving the economy of the country is to provide the basis for improved living standards. While resettlement policies have not always had negative social and economic consequences, it is difficult to implement them equitably. In the case of the Central Kalahari Game Reserve, it is possible that people will indeed be relocated to new areas. The question is whether or not those areas will contain sufficient resources to support the additional people. It is also open to speculation whether the relocated people will have security of tenure over their new

lands. It is clear that if Botswana is to achieve its goals of self-reliance and unity, careful thought will have to be given to the ways in which the CKGR resettlement issue is handled.

Recent developments

In the late 1980s pressure to make the Central Kalahari Game Reserve a true game reserve or national park, where people would not be allowed to reside or to hunt and gather, subsided but did not disappear completely. Some of the people in the Central Kalahari began to form their own grassroots organisations in an effort to promote self-help and development activities. Others became increasingly active politically. In October, 1989 a local San man from !Xade in the CKGR was elected as a District Councillor for Ghanzi, the district which oversees affairs in the CKGR. While this individual has not had much success at changing government policy, his very presence on the district council may make it possible for positive steps to be taken in the future.

The formation of grassroots development organisations among San and other rural people may come none too soon. Pressure for turning land designated as reserved into grazing land is building. Plans have been made for a Trans Kalahari Highway to the south of the reserve which will have both social and environmental impacts. There has also been talk of a Trans Kalahari Railway which would cut across the CKGR. And mining companies continue to have an interest in the region.

There have been on-going problems of nutritional stress affecting at least some of the more vulnerable members of the population of the Central Kalahari. Health and nutritional surveys conducted in the Central Kalahari in the late 1980s revealed malnutrition among some of the San children and pregnant and lactating women. In June, 1990, the government decided to stop the drought relief feeding program in rural Botswana, but continuing nutritional difficulties led to the re-establishment of the food provision in late 1990.

In November, 1990, Botswana government planners suggested that the CKGR be nominated as a biosphere reserve, a category of specially protected areas designated originally by the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) under its Man and

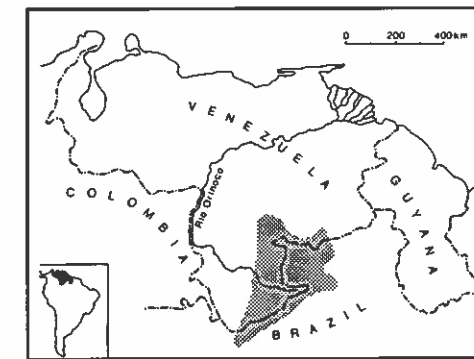
the Biosphere (MAB) Program. Under the biosphere reserve program, people would be allowed to continue residing in the region, and they would have the opportunity to utilise local natural resources as long as they did it in a sustainable manner.

The question remains as to whether or not San will be allowed the right to manage their own resources and plot their own development strategies in the Central Kalahari. While the government of Botswana has committed itself officially to allowing local people to utilise wild resources, there are still restrictions on the numbers and types of plants and animals to be exploited. A new natural resource management project sponsored by the United States Agency for International Development (USAID) and the Department of Wildlife and National Parks in Botswana is designed to assist rural people in increasing their incomes from local resources, but decisions have yet to be made as to the kinds of utilization programs to be initiated.

It is important to stress that although different kinds of policies have been pursued in the Central Kalahari, the Botswana government has not required anyone to move out of the region. It also has yet to stop providing food to the people in the reserve. The people in the Central Kalahari say that they are very glad for the help, but what they really want is opportunities to increase their income and jobs. As they put it, if the people of the Central Kalahari are to have the same rights as other citizens of the country, they ought to be allowed to benefit from development initiatives. □

Yanomami: A Homeland Undermined

by Alcida Rita Ramos



This is an updated translation of the Expert Report written in August, 1989, by request of the Procuradoria Geral da República (Attorney General's Office) as part of the evidence presented to a Federal Judge for the interdiction of Yanomami lands, and the evacuation of approximately 40 thousand gold miners who have been invading the area since August 1987.

Invasions

Until the 1970s the Yanomami Indians in Brazil had not experienced the impact of massive invasions of their lands. Previously some of the sub-groups who lived on the edges of Yanomami territory had sporadic, sometimes violent, contact with rubber tappers, Brazil nut and *piassava* palm gatherers, and pelt trappers. In the 1960s the first missionaries, both Protestant and Catholic, set up stations in various points in the State of Roraima, and in the early 70s the National Indian Foundation (FUNAI) opened an office in Boa Vista and later established seven active outpost within the Yanomami Indian area (FUNAI 1984).

The first substantial invasion came with the construction of the Perimetral Norte Highway, from 1973 to 1976. It cut through over 200 km of the southern part of the indigenous lands. Hundreds of workers in precarious health, hired by the construction company, Camargo Corrêa, and other firms to which it subleased, brought contagious diseases, prostitution and begging to Yanomami territory. The Indians of the Ajarani and Catrimani river valleys suffering repeated epidemics that devastated their populations. Four Ajarani villages lost 22% of their people from 1973 to 1975, and another four villages in the upper Catrimani region lost half of their population in a measles epidemic in 1978 (Ramos 1979).

In 1975 the Radambrasil Project carried

out a survey of mineral resources in Amazonia. The State of Roraima, or more precisely, the Yanomami area, turned out to be rich in cassiterite, gold, and radioactive materials. At the same time, the poor quality of the soils in most of the area was confirmed.

Then came the second large invasion. From 1975 to 1976 an increasing number of placer miners (*garimpeiros*), reaching a peak of about 500, took over the Serra de Surucucus, the heart of Yanomami land, in search of tin. Armed conflicts between Indians and *garimpeiros* ensued, provoked by the miners' stealing of garden products and abusing Indian women. By order of Rangel Reis, the Minister of the Interior at the time, the *garimpeiros* were expelled (Taylor 1979).

The gold rush began in 1980 in the upper Uraricoera region. The number of gold panners reached 2,000 at the Furo de Santa Rosa, within the limits of the Yanomami territory. Throughout the eighties, the number of placer miners decreased, then oscillated, but has not disappeared since the first mining site was established in the area. To the contrary, the *garimpeiros* have moved northwards toward the headwaters and the Indian villages along the Uraricaá-Ericó rivers (COPY 1989).

The situation became extremely critical beginning in August 1987, with thousands of *garimpeiros* pouring into the Indian area from all over Brazil. They first used Brazilian Air Force and mission station airstrips and then opened up their own strips. In June 1989 the number of illegal airstrips on Indian land was estimated to be over 80, some of them on the Venezuelanside of the border. During the first half of 1989 the invaders in search of gold reached about 50,000, spread over the entire central part of Yanomami lands in Brazil. They even crossed the international border, causing diplomatic problems with Venezuela. In a

matter of months, major rivers became unusable. Mercury pollution and silting drastically affected the entire course of the Mucajaí river; poisoned with mercury and oil, the Uraricoera, Catrimani, and Couto de Magalhaes rivers stopped yielding fish. Moreover, the constant take-off and landing of airplanes and helicopters to and from the numerous legal and illegal airstrips frightened game animals, leaving the Yanomami with no source of protein, and forcing them into the intolerable situation of having to depend on the invaders for food. In the first months of 1990 it was estimated that more than 1,500 Yanomami had died, mostly from malaria and other diseases, but also many have been shot - at least 24 Indians have been assassinated by *garimpeiros*.¹ (*Jornal do Brasil*, 18 September, 1990; *Folha de S. Paulo*, 19 September, 1990). The magnitude of this catastrophe is not yet known as, since August 1987, FUNAI and the military have prohibited the entry of anthropologists and other researchers into the Yanomami area (*Acao Pela Cidadania* 1990).

Beginning with the construction of the Perimetral Norte highway, now a defunct and useless project, the Yanomami tragedy has been intensified by gigantic and continuous waves of *garimpeiros* in the largest gold rush in Brazil's recent history.

How the Yanomami use their territory

In spite of the violence that has been inflicted on the Yanomami, they are still the largest indigenous group in the Americas to maintain their traditions little changed by interethnic contact. Even those villages that have suffered the direct impact of the *garimpeiro* invasion have not as yet had the time to absorb the effects of the constant bombardment of foreign stimuli upon their culture. Naturally, the degree of external influence on their ways of life varies with

the intensity and persistence of contact but by and large the Yanomami as an ethnic group are still monolingual and live by their own customs.

The traditional Yanomami territory straddles the frontier zone and encompasses the northernmost portion of the states of Roraima and Amazonas in Brazil and the southernmost part of the Territory of Amazonas and the State of Bolívar in Venezuela. It contains a variety of Amazonian ecosystems, from mountains to plains, from headwaters to relatively large rivers. The Guiana Range, the watershed between the Orinoco and Amazon basins, is mostly dense tropical rain forest interspersed with a few savannas of unclear origin. Soil fertility is extremely low in most of that vast area, but it is highly differentiated in its ecology. From the mountainous centre of Yanomami territory to its edges, descending toward the large rivers, a careful observer can perceive a diversified distribution of natural resources under the apparent uniformity of the landscape. For instance, each of the various levels of altitude has fauna and flora species that are not found elsewhere. In the headwaters regions there are no big fishes as in the lowlands; certain fruit trees occur only in

the mountains, where Brazil nut trees are typically found on the plains. Seen from the air, the forest hides its richness and diversity by appearing to be interminably the same all over.

Originally the Yanomami lived in the Parima mountains. Over the centuries they have dispersed widely, reaching the lowland river valleys both to the south, in Brazil, and to the north, in Venezuela. Today their territory extends over an area of more than 9 million hectares in Brazil and nearly 10 million in Venezuela, between 0 and 6 degrees North, and 61 and 67 degrees West. Of a total of approximately 22,500 people, the Yanomami population in Brazil is estimated to be just below 10,000. As a matter of fact, the demographic situation of the Yanomami in Brazil has yet to be adequately studied. Various surveys have been carried out but none has covered all the indigenous communities. In 1977 FUNAI made an aerial survey. However, because it was conducted during the rainy season, many sites were not visited. The result of that survey was a count of 8,400 Yanomami distributed in 203 dwellings. In 1987-88 an interministerial group consisting of representatives of various public organs carried out the most

extensive survey so far, reaching a total of 9,910 Yanomami in the states of Roraima and Amazonas. But even after ascertaining the size and distribution of the indigenous population, the Brazilian authorities decided to officially delimit the Yanomami territory in the form of a patchwork of 19 small and discontinuous areas, totalling less than 2,500,000 hectares, i.e., less than one quarter of the territory traditionally occupied by these Indians (decrees 97.512 to 97.530 of 17 February, 1989). This decision directly contradicts the 1984-1985 official proposal by FUNAI and the National Security Council, recognizing as Yanomami Indian Area a total of 9,419,108 hectares in a perimeter of approximately 3,071 km (FUNAI 1984).

Whenever possible, the Yanomami choose village sites on high ground, away from large rivers (Ramos 1990). The water supply comes from small streams or springs usually located some distance from the houses. There is a considerable variation in temperature between mountain and plains villages. In the region of the Parima-Pacaraima Range, altitude may reach 1,000 meters above sea level, which results in chilly nights and pleasantly warm days with temperatures reaching 30 degrees Celsius. By contrast, in the lowland villages, such as those in the Ericó, Catrimani, and Ajarani river valleys, thermal variation is less marked and daytime temperatures are much higher.

There are essentially two well-defined seasons from December to May. But even during the dry season it usually rains at least once a week in sparse and quick showers. In the rainy season the landscape is drastically transformed; small streams with crystal-clear beds turn into vast muddy torrents; little cosy groves in the forest where people camp in dry months; amazing tangles of vegetation which one has to cut through on gathering trips for frogs, miniature fish, crabs, vines and other forest products become flooded areas impossible to cross on foot. Lagoons seem to appear as if overnight, driving away animals and most people. In turn, the dry season is a time of plenty; game animals such as paca and capybara are easy prey when the streams are low and the animals have to come closer to the river banks, to the fields and even to the villages. It is the time for visits, for collective hunts, for family camping in the forest, and for the ceremonies in memory of the dead.

As a result of the seasonal variation, natural resources vary throughout the year, and the Yanomami are experts in exploiting these climatic and ecological differences: they know every detail about animal behaviour, about plants and the weather. As a whole, they prefer small streams to big rivers, as their size fits more comfortably the scale of the family activities that are part of their traditional way of life; the streams' edges, very often muddy, display footprints of game animals, crab holes, traces of enemies, and a whole host of signals they easily detect. Along these small streams, the Indians have inscribed a geography that is also history. These waterways are, as it were, the veins and capillaries that irrigate not only with water but with memory and cultural meaning the practical and symbolic body of the communities. Along their courses, news flows from village to village as people run after fish they have stunned with the *timbo* vine in the dry season. These streams convey many stories of old gardens, of hunting episodes, and of dwelling sites, all inextricably tied to a topographic history that is filled with details and connecting links binding together the communities along a common trajectory.

Just as important are the trails that connect various villages. More direct than the streams, they trace routes that are permeated with memories and tales that the Yanomami recall on their short or long trips through the forest in search of raw materials and food or when visiting other villages. They recount stories of memorable hunting trips, of encounters with spirits, or of enemies caught in hiding. Radiating from each village, these trails compose an elaborate network of paths that link the village to new and old fields, to hunting grounds, to gathering and fishing sites, to summer camps, and neighbouring as well as distant villages. The trails are like conveyor belts carrying the social impulses that keep alive the great chain of relationships between communities and render isolation and atomization of the local groups virtually impossible. They are, in other words, like nerves constantly transmitting the flow of social meaning that underlies villages, gardens, the forest and the relationship between humans and spirits, that is, the supernatural.

Trails and streams, the nerves and veins of the social space, make up the intricate web of a historicized geography that con-

tains a universe of outstanding events and relationships in flux. A permanent pattern underscores such a human web, and yet, at the same time, there is also a constant movement brought about by changes in village sites and fields, as well as in friendships and enmities among the people.

This vast network encompasses the whole Yanomami territory, over an area of about 19 millions hectares in both countries, linking all the approximately 300 communities (For greater detail on the Yanomami ecology see Albert 1987).

Each garden is made by and belongs to a family. It is essentially the space of production but also a stage for diverse forms of social interaction, from the concerted effort of many men in slash-and-burn, to amorous encounters, and even childbirth. The garden is most of all a domesticated space. Even when it is far away from the village, it is an extension of it. The field is not simply a plot of land where one plants the most regular, abundant and trustworthy type of food, such as manioc, bananas, and tubers of various kind. It is also the place for the exercise of well-defined work attitude and relations, the man's strength in tree felling, the women's patience in harvesting, the children's apprenticeship, or the son-in-law's bride service obligations. Each new garden is like a new file that is opened, a living data bank overflowing with information.

In the history of every village the gardens are touchstones that establish the most significant contours of its past and present.

The fields are usually opened in a circle with a diameter of about 500 to 800 meters, if possible on slopes, to allow for the zoning of the plants on different levels of the terrain and to take advantage of specific draining conditions. Bitter manioc, which usually takes up a large part of the garden, is planted on the upper layers of the cleared ground, as it needs less moisture than bananas, for instance, that are at the bottom where water accumulates, at the intermediate levels, there are several kinds of tubers, sugar cane, and tobacco.

The slash-and-burn procedures in the clearing of a new garden begin toward the end of the rainy season when the trees are felled. A few weeks into the dry season, the fallen vegetation has dried enough to be burned and, a little later, new crops are planted.

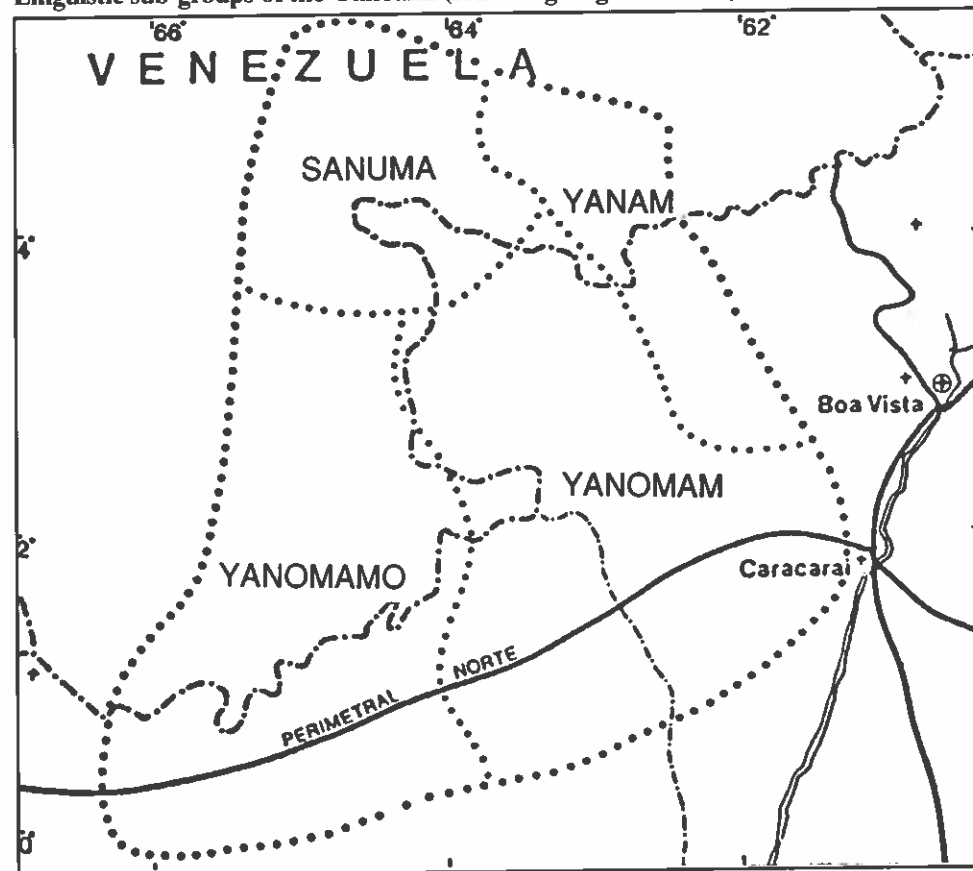
At any given time one family have two or three gardens at different stages: an old

one, another at full strength, and a third still to be planted or very green. If people stay in a village site for, say, ten years, it becomes ever more difficult to make a trip to new fields and return home in the same day. Sometimes it is necessary to build a small house or a shelter on the edge of the new garden for overnight or longer stays, given the distance between it and the village. When that point is reached, and very often before, the whole community or part of it moves to another site some hours or several days' walking from the previous location, where good forest conditions permit the opening of fields near the new village.

The life span of a garden is about two or three years, after which it loses much of its productivity because of the very low soil fertility. Weeds invade and it is time to make a new field, as weeding becomes increasingly laborious until it is better to begin anew. Behind the apparent neglect denounced by a weedridden garden there is a very good reason for abandoning old gardens to the assault of weeds. They are, in fact, the first stage in the process of forest regeneration. Weeds are followed by thorny bushes, then by medium-sized trees that are typical of secondary growth. Their shade protects the shoots of the large trees that had been felled in the clearing but not uprooted. In this way the forest survives both the slash-and-burn and the intensive use the crops make of the soil nutrients for two or three years. It has been said that in the Guiana Range the forest might take no less than one hundred years to reach its previous vigour if, as with the Yanomami, in the meantime, it is not reused for gardening. In a slash-and-burn system such as this, given the need for a fallow period long enough to allow for the recovery of the forest, it has been calculated that in four years of constant use, each Yanomami village utilizes about three hectares of a given gardening site and that each new field is opened within a radius about 120 km from the previous one.

Strictly speaking, an old garden is not really abandoned for a long period of time. It continues to yield produce, such as bananas and the fruit of the peach palm (*pupunha* in Portuguese), which the owners continue to harvest year after year. Peach palms take several years to reach maturity. By the time they begin to bear fruit, the garden in which they were planted is unrecognizable, completely taken over by secondary forest. The Yanomami return

Linguistic sub-groups of the Yanomami (following Migliazza 1972)



to their pupunha trees regularly in the dry season and during that time their houses are filled with bunches of the fat, bright orange-red fruit, highly praised for its flavour and nourishment. The produce left in old fields is also consumed by various birds and mammals which, in turn, attract human hunters. Old gardens can thus turn into specialized hunting grounds.

The forest, of which the gardens are small interruptions, is the basis for the territorial circumscription of a village or group of villages. The term *urihi* (or *ulia*) carries, among other things, the notion of "home", the place where one belongs. Besides sheltering spirits, the forest provides game animals and various products. A male domain par excellence, hunting can be done individually or in groups, as a domestic routine or for ritual purposes. Solitary hunts are carried out year round, whereas collective ones occur more often in the dry season, sometimes involving men from a single village, sometimes engaging both hosts and guests in a ceremony in memory of the dead. Of equal importance are the summer camps; one or more families in a village, or even an entire village, travel together and set up camp in temporary shelters in the forest. They hunt mainly *tapir*, *paca*, wild boar, *agouti*, *capibara*, *armadillo*, various species of monkeys, and a large variety of birds, from the great bush turkey to various types of partridge.

While routine individual hunts cover a radius of three to eight kilometres around the village, periodic collective hunts may extend to a radius of eight to sixteen kilometres in order to provide meat for its population at all times, from daily consumption to large and prolonged inter-communal events.

A man goes hunting two or three times a week, depending on how successful he is in his chases. If he kills a tapir, there is no need for him to go hunting again as long as the meat lasts. This may actually be a relatively short time as the animal, however large, is widely distributed among the whole community. If, on the other hand, his prey is small, such as an agouti, the meat is entirely consumed in his own household and he will have to go hunting again in a couple of days.

Depending on its size, the animal can be boiled and eaten immediately; in the case of a tapir, a boar, or several monkeys, after the initial meal of meat boiled in a highly appreciated broth, the remainder is cut up and smoked to last longer, the meat be-

comes uniformly black and hard. This is the only way to preserve meat and fish for a longer period. Several factors account for the greater or lesser abundance of meat; these include variations in the terrain and the consequent diversity of ecological niches in a given hunting territory and the size and permanence of a community at a given site. A large concentration of people in the same place for a long time invariably results in a scarcity of game; it is one of the main reasons for moving villages. Given the distribution patterns of fauna and flora in the Amazon rainforest, with a large number of species but thinly and widely dispersed, the danger of depletion of a given species is very high. For this reason, just as the soil needs to lie fallow in order to recover from the crops' absorption of nutrients, so it is necessary to keep "refuge areas" for animals and other resources in order to give the species a chance to restore their demographic equilibrium after a long period of human exploitation of a given area, hence the wisdom of leaving behind old village sites as unused pockets of land when the communities move to new place.

At first sight the important role of gathering in Yanomami diet is not at all obvious. Gathering does not yield the spectacular outcome of a good hunt solemnly carried home by the men, or of an oversized load of manioc brought into the village in the women's bursting baskets. It has, however, a prominent role in the Yanomami diet. Delicacies such as *nabi*, larvae that grow in rotten palm trunks, honey combs, certain caterpillars, frogs, fruits of various kinds, nuts and other edibles are immediately eaten in the forest or taken home wrapped up in modest little leaf bundles. These products are sufficiently regular to contribute substantially to the supply of vitamins, protein, mineral salts, and a welcome gustatory variety. In season, palm fruits are brought home in large quantities and immediately made into juice. Gathering can be combined with short fishing trips by groups of women, groups of men, or by couples. On their way along forest paths they gather whatever they need, for example, vines for basket making or simply leaves and flowers for adornment.

Practically all the raw materials needed in the basic workings of a village, from house construction to household utensils, come from the forest: poles and leaves for house building, fibres and vines for hammocks, ropes, basketry and fishing weap-

ons, for transportation and for baby slings, resins for torches, wax for sealants, and an infinity of other products. All of this are acquired by the individual or collective work of both men and women.

Taking in to consideration all of these activities, it is possible to calculate, as the geographer William Smole (1976) did, that a group of 84 people requires a minimum area of 640 square kilometres to provide all the vital resources needed for the production and reproduction of the Yanomami. This means a demographic density of 0.13 people per square kilometre, which is precisely the average density calculated for these Indians. Thus it is quite clear why the Yanomami in Brazil need around 9 million hectares to maintain their economic, social, political, and ritual practices.

The way in which the Yanomami exploit their natural resources is the result of a long tradition passed on through countless generations and has attained a point of equilibrium in spite of extremely poor soils so that they have succeeded in sustaining a growing population without depleting the forest.

From the depths of their wisdom, the Yanomami have developed a social, political, and economic system that favours territorial dispersal, for they know that a greater demographic concentration leads to resource exhaustion. Their territory is large and there are very good reasons for it to be so.

The enlightened manner in which the Yanomami treat the rainforest is partly revealed in two types of spatial movements. One, that we might call micro-migrations, is dictated by the need to make new fields every two or three years and results in the drifting of villages within a radius of about three kilometres every five to ten years. The other, a long term shift within a radius of 10 to 30 kilometres, may be a consequence of the accumulated drain on the resources of a given area but can also be due to deaths, epidemics, or conflicts between communities, leading to new geographic and social rearrangements.

One of the most outstanding features of Yanomami social organization is the pattern of village segmentation by means of which new local groups are created every two or three generations. Political rivalries that emerge within the communities turn out to be very efficient mechanisms for the splitting of dissident groups that leave and settle in new village sites. Blood and mar-



An aerial view of an illegal prospector's landing strip in the upper Mucajair River, Roraima.
Photo: Charles Vincent/CEDI-CCPY).

riage ties as well as exchange interest keep alive the relationship between the groups involved. Allied at first, communities that once were one, drift apart as time goes by, creating a distance between them not only in terms of space but also in terms of political and social interests. Thanks to this drifting process, they avoid the undue concentration of too many people exploiting the same resources and, at one and the same time, preserve their portion of the vast network of connecting social links that embodies the whole Yanomami territory. The result is that the average size of the communities ranges from 30 to 150 people, occasionally reaching 300, as is the case of some communities in the state of Amazonas.

It is unquestionable that the Yanomami in Brazil need a territory of over 9 millions hectares, not only to maintain an economic, social, and political standard of living that has proved its efficiency in the preservation of the rain forest for centuries but also to guarantee the necessary space for future generations to provide continuity to their culture. All of these considerations show very clearly that the Yanomami not only are capable of extracting a sustainable livelihood from their environment, but that it is they who can adequately protect the ecological stability of their territory. Experience acquired through the course of many generations has enabled them to deal imaginatively and rationally with the delicate balance of their habitat.

The Yanomami have lived in the Guiana Range since at least the 18th century, when the first reference to them was made by white explorers (Albert 1985). But, if we take in to account linguistic techniques for measuring the time depth for the separation of related languages (glottochronology), we find revealing figures: it would have taken at least 700 years for the four known Yanomami languages (Yanomam, Yanomamí, Sanumá and Yanam) to drift apart and reach the degree of differentiation we find today. The linguist E. Migliazza (1982) reckons that the first language to separate from the original stock was Sanumá, around the 13th century A.D. For the geographer W. Smole the fact that the speakers of these four languages live relatively near each other indicates that their original territory must have been much larger than it is today, so as to allow for a geographic dispersal wide enough to

result in language differentiation before a new territorial contraction. The linguistic record is one of the few pieces of evidence left from the remote history of the Yanomami. Climatic conditions in Amazonia are such that archaeological findings are very scarce; hot and humid weather quickly destroys most organic materials, such as houses, clothing, etc. Furthermore, one of the characteristically Yanomami features is the cremation of the dead and subsequent ritual consumption of the bone ashes. Thus, they leave no traces of their bodies and very little of their culture, such as stone axes or clay pots. We are left with glottochronology, with the oral history of the Yanomami themselves, and with the reports of various explorers from past centuries (Migliazza 1972; Albert 1985).

Threats to the integrity of the Yanomami and their territory

The cutting up of Yanomami territory into 19 small and separate areas by a series of governmental decrees (Albert 1989) contradicts all evidence that the survival of this indigenous people depends on a continuous and sufficiently large territory in order to maintain the ecological equilibrium and the continuity of their specific ways of life. The argument that corridors between the 19 areas would serve as buffer zones is devoid of any sense, when we witness the actual invasion of tens of thousands of garimpeiros in full predatory activity both in the so-called corridors and within the declared Indian areas themselves. If any buffer zone were to be created it should be around the outer limits of the area as proposed by FUNAI in 1984 and reiterated in 1985, that is, over 9 million hectares of continuous territory. Moreover, such corridors do no more than cut through the organic chain of trails and streams that are the means of communication between the numerous Yanomami villages. In going from one community cluster to another, the Yanomami would be totally exposed by these corridors, having to cross regions that were taken away from them and occupied by alien and perhaps hostile populations.

Unfortunately, Brazil has more than enough of examples of this kind of interference to emphatically demonstrate how apparently innocuous corridors such as those proposed for the Yanomami lands results in severe damage to the forest by the exaggerated and inappropriate settlement

of large populations from other parts of the country uninformed about the fragile balance of life in the Amazon. The first fifty kilometres of the Perimetral Norte highway, opened up in 1973-76, are testimony to the devastation that accompanies the destruction of the forest for roads or other kinds of corridors. Where once there was jungle throbbing with life, there is now an immense degraded expanse of impoverished land, displaying skeletons of charred trees that testify to a lush past. Out of this new desolate landscape regional populations try to extract a precarious living and doubtful future.

The rampant gold mining through Yanomami lands has had predictably disastrous consequences: from armed conflicts, the spread of often fatal diseases, the disappearance of game, - due to the constant noise and traffic of people aircraft and machinery, and of fish - due to the silting and mercury pollution of the rivers - to the total disruption in the means of communication between Yanomami communities. These means have been cut through, distorted, and even wiped out by the immense holes and gorges and the diversion of river beds made by the garimpeiros always en route to new mining sites. The Yanomami of the Paapiu area, which is the backbone of garimpeiro operations in the Couto de Magalhaes region, were in the early 80s one of the most traditional and typical mountain groups. They used to come down en masse to participate in ceremonies hosted by villages of the Catrimani river valley, many kilometres to the south, but by the end of the decade they had been reduced to a condition reminiscent of prisoners of war in their own land, under siege by the garimpeiros, transformed into cultural hostages to the invaders (Ramos 1989, Alberty 1990). The impact of the gold rush has been such that it has disrupted access to some of the traditional routes so laboriously cut and kept open by the Yanomami in order to allow their social life to flow from village to village, thus unifying them.

Even the communities that have not (as yet) directly suffered the effects of the actual presence of the miners and their noisy machines end up feeling the reverberations of the shock waves of that enormous social, ecological, and economic turmoil that goes by the name of gold rush. Epidemics that start at a given place spread out like wild fire through dozens of villages,

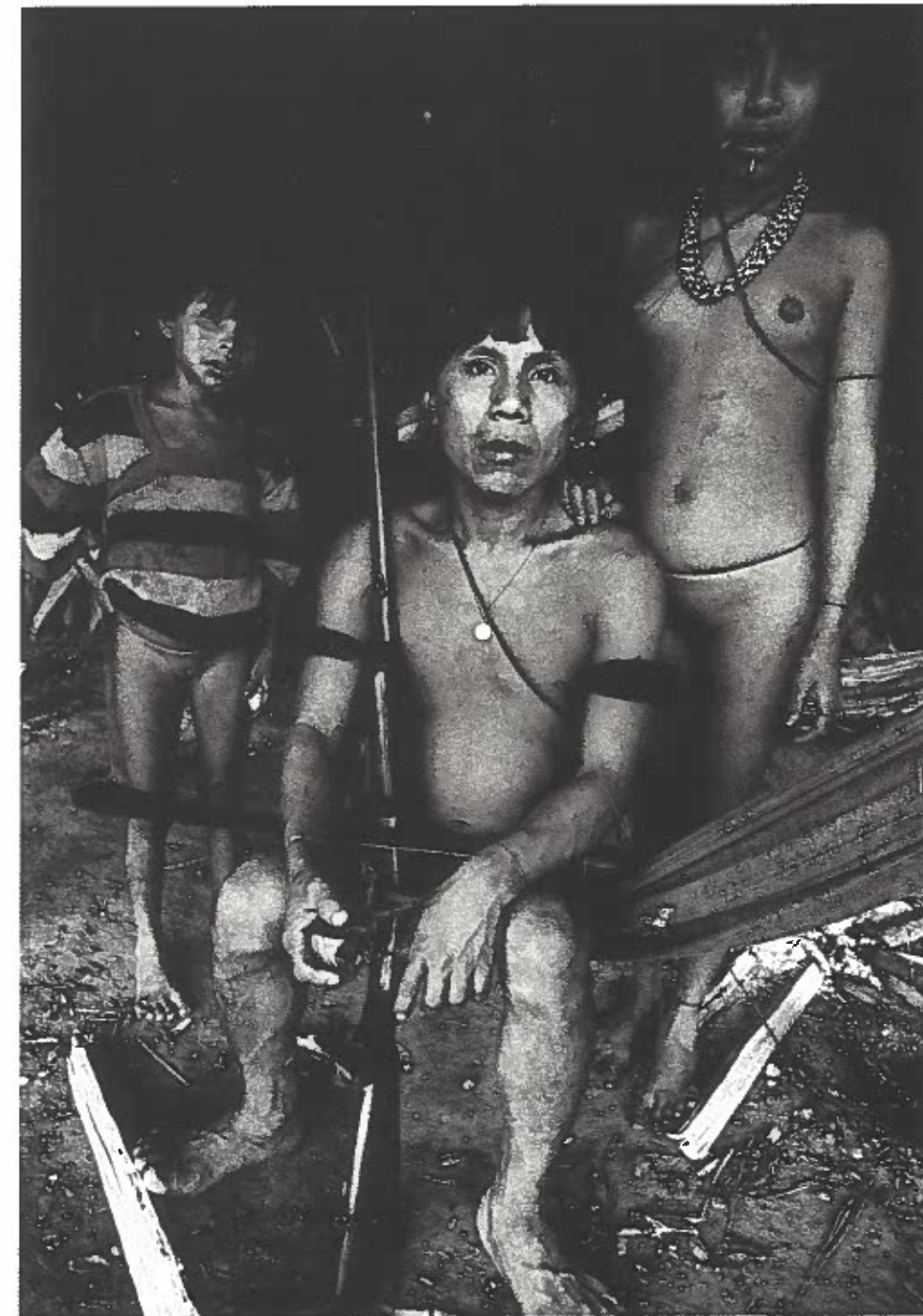
leaving a trail of pain and devastation. Tuberculosis, malaria, and the less dramatic but equally inescapable onchocerciasis, are diseases that mutilate or kill, some slowly, others like lightning, corroding the demographic balance of entire communities, endangering their production of material and cultural goods, not to mention their physical and social reproduction (*Acao Pela Cidadania 1990*). The garimpeiros themselves, not immune to such a pathogenic avalanche, and because of their great mobility are the main conductors of virulence. In fact, other parts of the country are being invaded with diseases that were either very rare, such as malaria (in the south), or unknown, such as onchocerciasis (in the state of Goiás). In turn, water pollution with mercury will affect all the populations living downriver from the mining sites, regardless of whether or not they experience the direct impact of the garimpeiros' physical presence. Contamination of the headwaters usually kills the fish along the whole course of a river.

These shock waves amplify the Yanomami tragedy at each new airstrip that tears open one more wound in the forest, at each new gorge that is deforested and gutted, at each new garimpeiro camp that exudes crime and pestilence. No community is immune to this process, not even across the international border in Venezuela. Like cancerous cells, the destructive effects of the gold rush spread throughout the arteries, veins, and capillaries of the great organic body that is Yanomami society.

Nevertheless, gold panning in and of itself does not have to be a large scale, predatory and deadly activity for the Indians. Up to 1987, some Yanomami groups panned their own gold on a domestic scale, without inflicting any abrupt or disastrous changes in their lives. In the Ericó region, the Yanomami first saw the garimpeiro wave pass through their territory in the early 70s. The miners, relatively few in number, headed north. They entered Venezuela, then were expelled, and returned to Brazil. Some continued to extract gold in the area, learned the Indian language (one of them ended up marrying a Yanomami woman and setting up residence in Surubai, a community on the border), and taught gold panning to the Yanomami with the most rudimentary technology. In 1985 I spent two months in Ericó and saw the most of the Yanomami men spoke Portuguese, albeit imperfectly,

had their own mining sites, and exploited them much as they do their gardens. They would extract some gold whenever they needed money to go to town and buy what they wanted, such as clothes, salt, a record player, or ammunition. The fact that those goods are now part of their universe does not make them less Yanomami, for their beliefs, customs, language, worldview and other components of their tradition, although transformed, are still very much alive. For these Yanomami, gold mining had, at this time, become one more profit-

able domestic activity (Ramos et al. 1985). If the Yanomami are to go on enjoying their traditional way of life, as well as the new wealth that rightly belongs to them, it is necessary to guarantee their territory and their exclusive right to use their natural resources. By allowing the mining invasion to continue, like a metastasis which spreads and destroys the lives and culture of the Yanomami, Brazil and the world will be faced with the bleak spectacle of the suffering of a wise and venerable people. We will carry on our conscience the weight of the



Yanomami family, Brazil. Photo: Claudia Andújar.

destruction of an enlightened culture and an environment that is as rich as it is vulnerable.

Reference cited

Acao Pela Cidadania

1990 *Yanomami: A Todos os Povos da Terra*. Sao Paulo: CCPY/CEDI/CIMI/INDI.

Albert, Bruce

1985 *Temps du Sang, Temps des Cendres*. Doctoral dissertation, University of Paris X (Nanterre).

1987 *Economia, território e saúde entre os Yanomami*. Unpublished report for CCPY (annex to the Expert Report, note 1).

1989 *Terra indígena, política ambiental e geopolítica do desenvolvimento da Amazônia no Brasil: o caso Yanomami*. Urihi No. 8.

1990 *Desenvolvimento militar e garimpo no norte amazônico: os índios Yanomami face ao Projeto Calha Norte*. Antropologia e Indigenismo. Rio de Janeiro: Museu Nacional (a sair).

CCPY

1989 *Mineracao: O Esbulho das Terras Yanomami (Histórico das Invasões 1975-1989)*. Urihi No.11.

FUNAI

1984 *Terra Indígena Yanomami*.

Proposta para a criação do Parque Yanomami. Brasília.

Migliazza, Ernesto

1972 *Yanomama Grammar and Intelligibility*. Ph.D. dissertation, Indiana University.

1982 "Linguistic" In *Biological Diversification in the Tropics*. Proceeding of the 5th International Symposium for Tropical Biology, G.T.Prance, ed., pp. 497-519, New York: Columbia University Press.

Ramos, Alcida Rita

1979 "Yanomami Indians in Northern Brazil threatened by highway" in *The Yanoama in Brazil 1979*. Document 37, pp. 1-41. ARC/IWGIA, SI. Copenhagen.

1989 *Relatório da viagem de inspeção às áreas Yanomami e Macuxi em Roraima pela Comitativa da Ação pela Cidadania, 9 a 12 de junho de 1989*. Urihi No.9.

1990 *Memórias Sanumá Espaço e Tempo numa Sociedade Yanomami*. Sao Paulo: Marco Zero (in press).

Ramos, A.R., M.A.Lazarinn e

G.G.Gomez

1985 *Yanomami em Tempo de Ouro. Relatório de Pesquisa*. Trabalhos de Ciências Sociais, Série Antropologia, No. 51, Department of Anthropology, University of Brasília.

Smole, William

1976 *The Yanoama Indians. A Cultural Geography*. Austin: The University of Texas Press.

Taylor, Kenneth I.

1979 "Development against the Yanoama. The case of mining and agriculture" In *The Yanoama in Brazil 1979*. Document 37, pp. 43-98. Copenhagen: ARC/IWGIA/SI. □

1. The gravity of the situation is such that the Attorney General (*Procurador Geral da República*), Aristides Junqueira Alvarenga, has requested the application of law No. 2.889 of 1956, known as the "Genocide Law", on those who have been responsible for all Yanomami deaths. It is the first time in the history of Brazil that this law has been activated (*Jornal do Brasil*), 18 September, 1990; *Folha de S. Paulo*, 19 September, 1990; *Correio Braziliense*, 19 September 1990.

Constitutional Reform and Indigenous Politics

by Jorge Fava



ARGENTINA,
South America

1. Introduction

At the present time in which the core of political society in Argentina is having an intense debate about the reform of the national constitution on issues such as: modification of the presidential system, restoration of a Prime Minister; reduction of the governmental term from six to four years and the possibility of a reelection of the Prime Minister; replacement of the electoral college through second balloting, etc.; we ought to look briefly at the indigenous question in the country and the socio-political status of the indigenous peoples in what we might call the "spirit", or even the letter of the Magna Charta and the national legislation in Argentina.

In Brazil the Constituent Assembly recently modified the National Constitution of that country and none of the nominated indigenous leaders obtained accession. (See Article 231 in the new Constitution of Brazil.)

Drawn up in 1853, the Argentinian Constitution is based on the Argentine reality and thinking, current in the past century. This model of the "liberal" conception involves in its text real contradictions, not to say open discrimination towards many sections of the society which it had pretended to organize.

In a real conquest and a territorial expansion (in 1853) at the expense of the indigenous nations, the central authority of the national community saw and interpreted the situation of the natives as an obstacle to their progressive aspirations, or merely as enemies of the fatherland.

Today, 137 years later and after the completion of "The Conquest of the Desert" and "Chaco's Campaign" at the end of the last century, and after the subjugation of the rights, the liberties and the dignity of the native peoples, the groundwork has been laid for the possibility of a constitu-

tional reform.

The Head Office of Parliamentary Information states that: "The analysis of the gathered antecedents permit us to establish an evolutionary line in the Legislative and Executive powers in dealing with the indigenous issue. This line schematically indicates, and in a conventional way, the existence of various periods distinguishable by the orientation taken on consideration of the theme.

1. Offensive/defensive stage.
2. Submission/colonization stage. In this, differences can be observed depending on the predominance of the modes utilized in incorporating the indigenous into the society: the "reduction" or the propagation of their own values to civilization.
3. Stage of searching for a politics of integration.
4. Stage of a reevaluation of "indigenous culture" (1).

In order to get this last stage directed efficiently towards a reevaluation, the Executive and Legislative powers must advance qualitatively on the legislative contents which are not included in this postulate; a task which, as you will see, is going to be effectuated.

On the 14th and 15th of April 1984, and under the auspices of The Permanent Assembly of Human Rights (PAHR), The First Indian Meeting (*Las Primeras Jornadas de la Indianidad*)(2) was held in Buenos Aires in the presence of specialists and various leaders from many different ethnic groups inhabiting the country. There, after the exhausting sessions, the conclusions which had been reached by the workshops were edited and in which the political and religious standpoints, as well as denunciations and objections were made known.

We will now briefly analyze some of the indigenous agenda during the work-meet-

ings, which ought to be taken into consideration when drafting the new, or at least, revised, Magna Charta.

2. Extract from the 1st Commission: Territorial Rights

2.1. "Regarding the laying of the groundwork, we cannot argue about the fact that the land belong to us because we work on it. The Indigenous Organizations, like e.g. The Indigenous Council of South America and the World Council of the Indigenous Populations who are represented before The United Nations (ECOSOC) raise this issue as Indigenous Nations, and not only as populations or tribals as it is stated in Convention 107 of the ILO or in Law No. 14.932." (3).

We ought to clarify that Law 14.932 confirms ILO Convention Nos. 87, 105 and 107, this last one refers to the protection and integration of the indigenous populations (revised in June 1987-89).(4)

The recent Law 23.302 on Indigenous Politics and Support to the Native Communities (5), sustains the same terms without recognizing the above-mentioned claim, although it introduces new aspects which improve the previous legislation.

In Article No. 7 of the same legal ruling, the provision of the terms of appropriation of land is kept in progressive wordings such as: "suitable and sufficient land for exploitation in the field of farming, forestry, mining, industry or handicrafts, according to the suitable customs and mores of each community...", or the handing over of: "...final land-rights to those who have uncertain and temporary rights....." (emphasis, ed.).

The above-mentioned law was returned

Table I. The Republic of Argentina: Indigenous Population, 1977

INDIGENOUS POPULATIONS	LOCATION (PROVINCES)	TOTAL POPULATION (*)
Matacos	Chaco, Formosa, Salta	23,884
Chorotés	Salta, Formosa	1,113
Chulupí	Formosa, Salta	264
Tobas	Chaco, Formosa, Salta, Santa Fe (Buenos Aires and Rosario marginal neighbourhoods)	39,000
	Santa Fe and Chaco	9,805
Mocobíes	Formosa	2,800
Pilagás		
Chaguancos-Chiriguano	Salta and Jujuy	27,680
Chanés	Salta	2,325
Guaraníes	Misiones	1,108
Collas	Jujuy, Salta and Catamarca	98,000
Diaguaito-Calchaquí	Tucumán and Catamarca	61,100
Mapuches	Neuquén, Chubut, La Pampa, Buenos Aires and Santa Cruz	36,370
Quichuas and Aymarás	Jujuy, Salta (Buenos Aires marginal neighbourhoods)	38,500
Tehuelches mapuchicized (Aoni Ken)	La Pampa, Chubut	278
Tehuelches	Santa Cruz	183
Onas (Shelk'nam) mestizos	Tierra del Fuego	35
COUNTRY TOTAL		342,445

(*) Indigenous Population with "indigenous conscience" (this includes only those persons who have taken part in the census and who identify themselves as indigenous).

Source: National Service of Indigenous Affairs. Indigenous Association of the Republic of Argentina (IARA). Buenos Aires, 1976. Taken by I. Hernández, 1985.

from the Senate of the Nation to the Executive branch who introduced a series of reforms which were presented at the first extraordinary session in the Chamber of Senators on 12 February 1986, where they were left to sleep their magic sleep. Finally, in February 1989 and through Decree No.155/89, the National Executive Power regulated law No. 23.302. Furthermore, the corresponding decree establishes that the National Institute for the Indigenous Affairs (INAI) ought to constitute del-

egations in the northeast, coastal, central and southern regions of the country.(6)

3. Participation

3.1. "The Indigenous Nations are entitled to be represented whenever a problem arises which might affect them".(7).

This right is recognized in Article 5 of Law 23.302 which states: "The National Institute for Indigenous Issues is to be created as a decentralized body with indig-

enous participation which will sit directly under the Ministry of Health and Social Action...."

Elsewhere in this article it is mentioned that the representatives from the different Ministries will be appointed before the Institute specified thus:

"e) elected representatives by the native communities whose number, requisites and elective proceedings will be determined by the regulation."

4. Workshop III: Cultural Rights

4.1. "a) Repeal of Article 67, sub-paragraph 15 of the National Constitution because it demands the evangelization of the Indian which incites to ethnocide and contradicts the liberty of cultures" (8).

This is one of the most important points and it ought to be taken into consideration in a future Constituent Congress, because it openly puts forth the question of social discrimination and is in contradiction to Article 14, which recognizes freedom of worship.

"Article No. 67,25 - corresponds to the Congress: to provide the security of frontiers; to conserve the peace treaty with the Indians, and promote their conversion to catholicism". (Constitution of the Argentine Nation).

This aspiration is a pretension of the old Spanish Empire, when already in 1601, Philip III, through a monarchical mandate, recommended: "All of us ought to take care of the conversion of the Indians....". Starting from a mistaken paternalism, Mario Moreno turned these conceptions upside down in his "Juridical Dissertation on the personal service of the Indians", which he taught in the Royal Academy of Jurisprudence Practice in Buenos Aires in August 1802; his idea was reaped and presented to the Constituent Congress by the Deputy Benjamín J. Lavaysse, and subsequently it was transformed into article 67, sub-paragraph no. 15 of the Argentine Magna Charta(9).

In his work "Pure Theory on Law", Hans Kelsen writes: "... The Constitution may also determine the content of certain future laws prescribing or prohibiting this or that content...."

"... Thus, when a modern Constitution establishes a list of basic individual rights, like e.g. equality before the law or the liberty of conscience, the aforementioned Constitution prohibits the sanction of laws

that consecrate the inequalities between the personal rights and those who would dispute some of the liberties that have been guaranteed them..."(10).

As we have seen, our Constitution departs from this fundamental principle (article 28) when prescribing rights and determining future legislative contents (e.g. article 14) which afterwards do not recognize a fraction (part) of the population except in its own context. The explanation to the exposed contradiction in article 67, sub-paragraphs 15 and 14 of the Magna Charta can be found in the fact that the indigenous populations have been granted a social-political status that is inferior to that of the rest of the nation's inhabitants: a posture which, at the same time contradicts article no. 16 of the same Constitution, that, furthermore, is supported by international agreements and declarations sustaining equal rights for every human being before the law.(11).

On the other hand, article 14 of law No. 23.302 on specific educational plans: "...those plans that are being implemented on the matter ought to guarantee and reevaluate the historical-cultural identity of each native community, at the same time as it guarantees their equalitarian integration into the national society." (The bolding is ours).

Law No. 14.932 (Convention 107) also refers to this point: "Article No.2 a) To allow those beneficiary populations, on equal footing, the rights and opportunities that the national legislation grants the rest of the constituents of the population."

This shows the existence of another clear contradiction between the prevailing Constitution and the Legislation as well as an underlying racism. (12).

After having reached this point, it is important to make clear that equality before the law ought to be based on the respect for differences, and therefore ought to be maintained on the thesis of indigenous organizations of "equality in differences" which is nothing but an institutionalised recognition (constitutional) of the existence of those populations and their respective ethnic-cultural specificities (see No. 5: politic and organization), based on the legal principles of the inviability of maintaining the same legislation for two different realities. Finally, after having understood that the social-cultural dissimilarities are the result of the divergent quests and not the product of an evo-



Argentina: Provincias

- 1 Jujuy
- 2 Salta
- 3 Formosa
- 4 Chaco
- 5 Catamarca
- 6 Tucuman
- 7 Santiago del Estero
- 8 Misiones
- 9 Corrientes
- 10 Santa Fe
- 11 Cordoba
- 12 La Rooja
- 13 San Juan
- 14 San Luis
- 15 Mendoza
- 16 Entre Rios
- 17 Buenos Aires
- 18 La Pampa
- 19 Neuguen
- 20 Rio Negro
- 21 Chubut
- 22 Santa Cruz
- 23 Tierra del Fuego

lutional backwardness of some (the indigenous) compared with others (western).

Concerning the religious topic, the text of law no. 23.302 is not clear, as it only appoints one representative to the Secretary of Worship before the Assessor Council without establishing anything else. In the meanwhile, Law No. 14.932 stipulates in its article 4.a, that one ought to: "to take into proper consideration the religious and cultural values..." towards ethnic groups; and in sub-paragraph b, is added that the changes ought to be effectuated: "...with the consent of the interested groups." The topic is still being handled with a certain vagueness or a total muteness, while the reality contradicts the article 4,b.

4.2. "XI - The article 76 of the National Constitution, which expresses that the President of the Republic should exercise Roman Catholic Worship, ought to be repudiated"(13).

This is another itching point which reformists have to face: to have the virtue of denying the proclaimed equality of individuals and the freedom of worship, capriciously limiting the political possibilities of important sectors of the global society, by putting a requisite that has nothing to do

with the political organization of the Republic.

It would be inexact to speak of the freedom of worship or the equality among human beings, when the natives suffer a marginal situation in this aspect, determined by a strong ethnocentric subterfuge as revealed in the Magna Charta. For the indigenous Argentine, the actual legislation represents a confused jungle of contradicting and divergent laws in which even the best guide would easily lose his way.

Numerous ethnic groups suffer, due to this article, the same discrimination as the indigenous peoples, who are, according to our observation, also, relegated in other issues. The huge number of Catholics who live in the country is not a sufficient argument to justify injustice or marginalisation.

5. - Workshop IV: Politics and organization

5.1. "In order to obtain equitable participation between the indigenous and the occidental cultures, the State of Argentina ought to recognize the indigenous populations as amended in the Constitution so that Argentina will be a multicultural and multinational confed-

eration. This way everyone ought to have the right to self-management and to develop their own culture according to international law" (14).

This claim for national power contradicts the logical aspirations for self-determination, a fundamental thesis for the organization and participation of the indigenous populations within the total and multicultural configuration of Argentina. (See No. 1: territorial rights). In this respect, Adolfo Colombes stipulates: "The change, which is already a constant recognition in every culture, in this case the indigenous... converts into a necessity on which the survival as ethnics depends. But such a change ought to arise from the same group, to be fully assumed by this group, and it should not be the fruit of an external imposition, directed in order to change the facade to maintain the basic asymmetry in the relationship of domination...." (15).

6.- Self-Determination and Declaration on Indigenous Rights

But beyond the "institutionalized" discrimination and racism, the internal colonialism of the national society towards the indigenous groups acquires a characteristic complexity in a reality which we do not want to see perpetuated. In the month of April 1982 and during the government of the military dictatorship, the recovery of our Islas Malvinas (Falkland Islands), from the hands of England, the invading power, was discussed intensively in the international forum as well as in our own country. The situation of the "kelpers" (a name which is given to the inhabitants of the islands) as second class citizens under the British Empire, was what really encouraged the critics and made them question the ethics of a State which is certainly colonialist. The English claimed and still claim the **self-determination** of the insular population (of Anglo-Saxon origin since the original Argentine inhabitants were expelled long ago -1833-) as the key to settle the sovereignty problem in dispute. The population's own will as the doctrine states, to decide their own destinies, is the central issue (topic) of Argentine foreign policy, which is included in all international conflicts as an inalienable principle (Nicaragua is one of the recent examples); but it was refused in the Malvinas issue because it dealt with an implanted population, without the possibilities for self-determination.

This is certainly true, but let us analyze the problem from an indigenous point of view: our so-called national community will then be an implanted population compared to the autonomous indigenous groups (16). Will we make native self-determination possible? According to Gregorio U. Guardian: " Self-determination implies decisive and equal participation. You have to manifest in the free and conscious direction that the indigenous populations assume in the formulation, execution, evaluation and modification of the politics or programs that concern them in order to be subjects or protagonists of their own history". (17).

Contrary to what some national states have supposed, not without dishonesty, indigenous self-determination does not lead to a separatist attitude or the superimposing of one State on another; but as Bonfil Batalla reasoned that on a national scale, they are looking for the space to be encountered in diversity, while, concerning the rest, every ethnic should follow his or her own way of development.

Now, let us look at the fundamental aspects of indigenous rights as they were defined at The Fourth Meeting of the World Council of Indigenous Populations (WCIP) which was celebrated in Panama from September 23-30, 1984 with the participation of approximately 300 native representatives from 23 different countries.

Declaration of Indigenous Rights:

Principle 1. All the indigenous populations have the right to their self-determination. In virtue of this right, they can freely determine their political status and freely follow their economic, social, religious and cultural development.

Principle 2. All the States in which there are living indigenous peoples ought to recognize the population, the territory and the institutions of the indigenous populations.

Principle 3. The culture of the indigenous populations constitutes part of the cultural heritage of mankind.

Principle 4. The traditions and customs of the indigenous populations ought to be respected by the States and recognized as a fundamental and legal source.

Principle 5. All the indigenous populations have the right to determine the person or the group of persons to be included in their

population.

Principle 6. Every indigenous population has the right to determine the form, structure and authority of its institutions.

Principle 7. The indigenous population's institutions and its decisions, as well as those of the States, ought to be in accordance with the principles of human rights which are internationally accepted, both individual and collective.

Principle 8. The indigenous populations and their members have the right to participate in the political life of the State.

Principle 9. The indigenous populations ought to have exclusive rights to their traditional territory and its natural resources; in cases where the exclusive rights to the indigenous population's traditional territory and natural resources have been taken from them without their free consent and information, these territories and natural resources ought to be returned.

Principle 10. The territorial rights of the indigenous populations include the rights to the surface and the subsurface, complete rights to inland waters, to the coasts and the rights to the economic and specific coastal zones within the limits of international law.

Principle 11. All the indigenous populations can, according to their needs, freely make use of their wealth and natural resources according to Principles 9 and 10.

Principle 12. No action or any kind of behaviour, direct or indirectly, can be effectuated, if it results in the destruction of the earth, air, water, ice in water, animal life, habitat or natural resources without the free and informed consent of the affected indigenous populations.

Principle 13. The original rights to the material culture which include archaeological sites, artifacts, designs, technology and artistic works from the indigenous populations belong to themselves.

Principle 14. The indigenous populations are entitled to receive education in their own language or to establish their own educational institutions. The indigenous population's languages ought to be respected by the States in all the negotiations between the indigenous populations and the State on the basis of equality and non-discrimination.

Principle 15. The indigenous populations have the right to be consulted beforehand, and to authorize the realization of every technological and scientific investigation to be carried out on their territories, as well as to be informed and to have complete

access to the results of the investigation.

Principle 16. The indigenous populations are entitled, according to their traditions, to travel freely and to realize their traditional activities and to maintain relationships across the international borders.

Principle 17. Treaties between indigenous nations or populations and representatives from the States, which freely have been brought into agreement, ought to be maintained and implemented according to national and international law" (18).

7. Conclusions

Our society ought to accept that Argentinean native groups obtain in the political-cultural space equitable participation, with the purpose of moulding a common identification models starting from the knowledge and the respect for the differences that we possess as populations; in this way we can avoid the negative cultural colonialism that today still regulates our inter-ethnic relations (19).

The present possibility of a constitutional

reform offers a new opportunity for a revision of past injustices, thus enabling the present and future generations of indigenous peoples to grow in liberty, and to participate in the construction of a more just society.

Notes:

1) Dirección de Información Parlamentaria: Tratamiento de la Cuestión Indígena. Congress of the Nation. Buenos Aires, april, 1986. Page 13.

2) APDH: Primeras Jornadas de la Indianidad. Buenos Aires, 1984.

3) Idem, pp. 29.

4) Boletín Oficial, 29/XII/59. This law was not regulated, and an application organism was not created either.

5) Boletín Oficial, 12/11/85.

6) Diario Clarín. Buenos Aires, 18/02/89 and Revista HUICO No 35. S.S. de Jujuy, June, 1989. Pp. 29.

7) APDH: ob. cit., pp. 29.

8) Idem, pp. 31.

9) BIEDMA, José J.: Crónicas Militares. Antecedentes Históricos Sobre la Campaña Contra los Indios. Buenos Aires, 1975. Pp. 145.

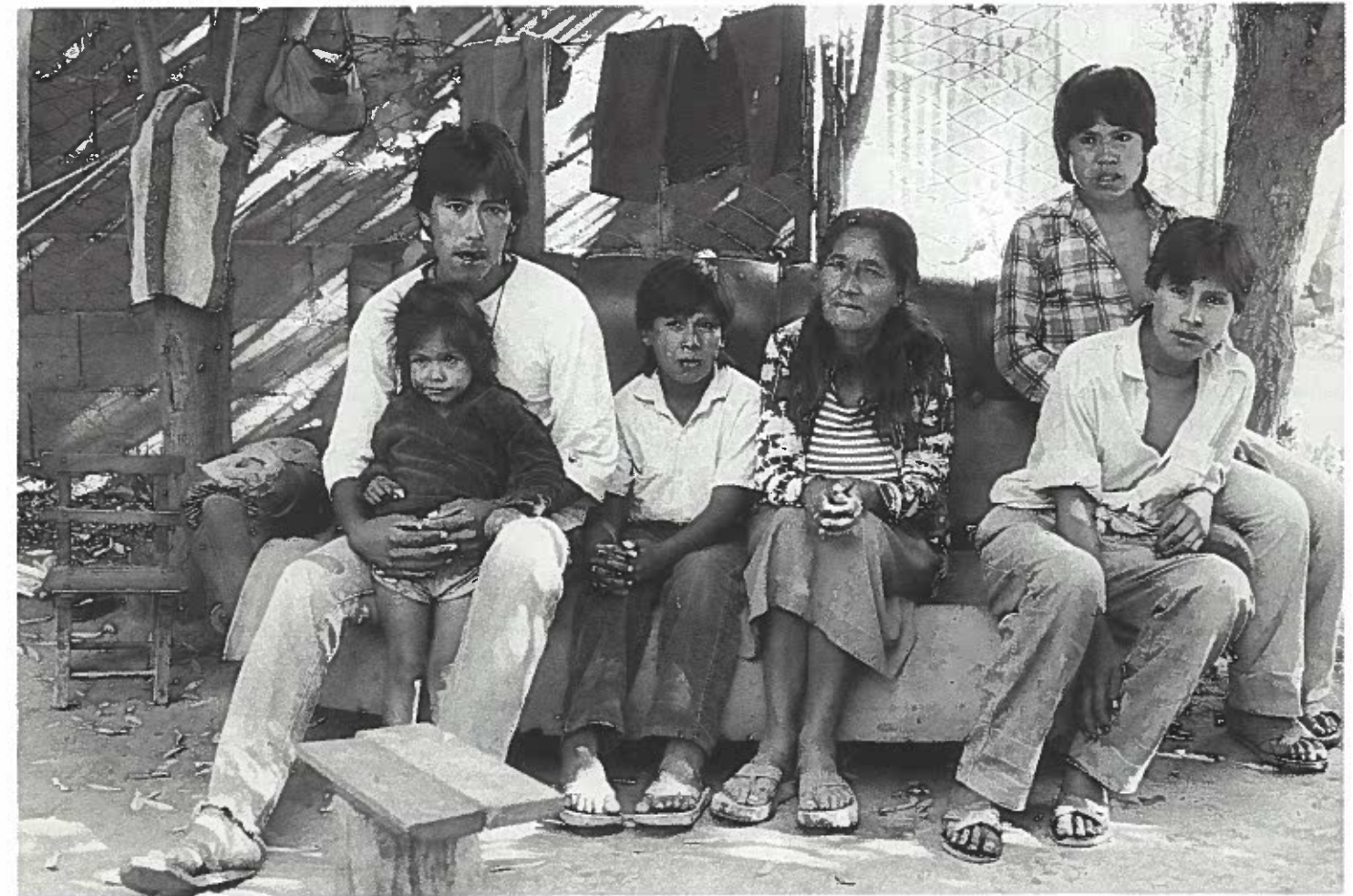
10) Kelsen, Hans: Teoría Pura del Derecho. Introducción a la Ciencia del Derecho. Buenos Aires, 1960. Pp. 148.

11) Universal Declaration of Human Rights:

Article 1. All human beings are born free and are equals in dignity and rights, and endowed as they are with reason and conscience, they ought to treat each other in a brotherly way.

Art. 2-1. Everyone possesses all the rights and liberties proclaimed in his Declaration, without any distinction of race, colour, sex, language, religion, political opinion or of any other nature, national or social origin, economic position, birth or any other condition." (General Assembly of United Nations, December 10, 1948).

12) "... on the one hand - says Isabel Hernández - the national societies recognize juridical equality of rights for everyone of their members, it is necessary to specify



Mocovi indians, Province of Santa Fe, Argentine. Photo: IWGIA archives.

that this equality ought to embrace the integrants of the different ethnics, and, on the other hand, the society, as a matter of fact, proposes an unequal and condemnatory treaty towards the representatives of the races that are socially disqualified.

This contradiction means an affirmation that conveniently reiterates: if in the Americas, the inborn discrimination as historical justification for the genocide of the Discovery, subsisting as a necessity to legitimize the economic exploitation that actually is exerted upon the native farmers. For every dominating nation, the dominated people are and continue to be looked upon as "barbarians and heretics" because the nation needs to justify their own barbarity in the submission act, disqualifying for always the subjugated. "(Los Indios y la Antropología en la Argentina. In: Los Indios y la Antropología en América Latina. Buenos Aires, 1984. Pp. 39).

13) APDH: ob. cit., pp. 32.

14) Idem, pp. 33.

15) COLOMBRES, Adolfo: *Hacia La Autogestión Indígena*. Quito, 1977. Pp.25.

16) About the conceptualization of "the foreigners" which some sectors of the national society applies on the Mapuches and other ethnics, Dolores Juliano emphasizes: "...Let us start with analyzing the mechanism according to which it is considered that a great part of our indigenous population is "foreign". For example, the rationalization, according to which the Mapuches are Chilean immigrants and therefore their problems do not concern us directly. In addition to being an incongruent interpretation compared to the migratory characteristics of the country, it constitutes an evident historical manipulation. The Mapuche territory precedes the existence of Argentina and Chile, and it covered both sides of the Andes with different parties, but inter-related. Furthermore, there is still a dispute going on between the specialists, whether the original ethnics originated from the Pampean plains or not. When the expansion between the two states resulted through the conquest of indigenous territory, this split up, leaving the part with the major population density incorporated into Chile. The fact that the indigenous displacement did not have this borderline in mind does not authorize assigning them a Chilean nationality as a whole, that in some cases correspond with their self-description but in a lot of cases it does not." (El Discreto Encanto de la Adscripción

Etnica Voluntaria. In: *Procesos de Contacto Interétnico. Colonialismo Interno*. Boletín IWGIA. Vol. 8. Nos. 1/2 Copenhagen, May, 1985. Pp. 125-27.

18) Boletín IWGIA. Vol. 5, Nos. 1/2 Copenhagen, May, 1985. Pp. 234 y 235.

19) On this policy Miguel A. Bartolomé and Scott S. Robinson expresses the following opinion: "...Only the position and the revalorization of the self-image is what permits them to oppose, on equal terms, the image of the scientific ideology that operates as a philosophical justification regarding the actual indigenist praxis... This means that the indigenous populations can act as a political conscience starting with their own ethnic conscience...". And further on they add: "The comprehension of the fact that the indigenist sociopolitical model constitutes a cultural alternative, as legitimate as others, increases its value if we consider it, not only as a value in itself but also as a value for. This way we can see that the indigenist model, in terms of their own internal-external dialectic, constitutes a cultural structure, whereas their survival becomes necessary. Because the survival of the model is essential to the ethnic identity and this again is necessary to the political conscience, it shows that the struggle of the ethnic minorities for their liberation fits the reaffirmation of their identity, in opposition to those models imposed by the West." (Indigenismo, Dialéctica y Consciencia Etnica. In: *Los Indios y la Antropología en América Latina*. Buenos Aires, 1984. Pp. 183 y 186).

Bibliography:

APDH: *Primeras Jornadas de la Indianidad*. Buenos Aires, 1984.

Barth, Fredrik: *Los Grupos Etnicos y sus Fronteras*. Mexico, 1976.

Bastide, Roger: *El Próximo y el Extraño. El Encuentro de las Civilizaciones*. Buenos Aires, 1973.

Antropología Aplicada. Buenos Aires, 1977.

Bonfil Batalla, Guillermo: *El Pensamiento Político Indio en América Latina*. Mexico, 1981.

Colombres, Adolfo: *La Colonización Cultural de la América Indígena*. Quito, 1976.

La Hora del "Bárbaro". (Bases para una Antropología Social de Apoyo). Buenos Aires, 1988.

Dirección de Información Parlamentaria: *Tratamiento de la Cuestión Indígena*.

Congreso de la Nación. Buenos Aires, abril, 1986.

Documentos de la segunda Reunión de Barbados: *Indianidad y Descolonización en América Latina*. Mexico, 1979.

Fava, Jorge H.: *Historia de un Genocidio y de la Destrucción de la Tierra*. El Diario de Neuquén, Sunday, August 9, 1987. *Antropología Jurídica*. El Diario del Neuquén. Neuquén, Sunday, September 20, 1987.

El destino de las Tierras Indígenas del Sur. Revista de Antropología No. 6. Año III. Buenos Aires, October-November 1988.

Foster, George M.: *Antropología Aplicada*. Mexico, 1974.

Harris, Marvin: *Raza y Trabajo en América. El Desarrollo Histórico en Función de la Explotación de la mano de obra*. Buenos Aires, s.f.

Hernández, Isabel: *Derechos Humanos y Aborígenes. El Pueblo Mapuche*. Buenos Aires, 1985.

IWGIA: *Declaration of Barbados*. Doc. No. 1. Copenhagen, 1971.

Junqueira, Carmen y Carvalho, Edgar de A.: *Los Indios y la Antropología en América Latina*. Buenos Aires, 1984.

Kehlsen, Hans: *Teoría Pura del Derecho. Introducción a la Ciencia del Derecho*. Buenos Aires, 1960.

Konig, René: *Sociología*. Buenos Aires, 1963.

Linton, Ralph: *Cultura y Personalidad*. Mexico, 1983.

Magrassi, Guillermo: *Los Aborígenes de la Argentina. Ensayo Socio-Histórico-Cultural*. Buenos Aires, 1987.

Magrassi, Guillermo et al.: *Cultura y Civilización desde Sudamérica*. Buenos Aires, 1987.

Malinowski, Bronislaw: *Crimen y Costumbre en la Sociedad Salvaje*. Barcelona, 1985.

Madel, S.F.: *Fundamentos de Antropología Social*. Mexico, 1978.

Public Information Bureau of the United Nations: *Declaración Universal de Derechos Humanos*. New York, December 10, 1948.

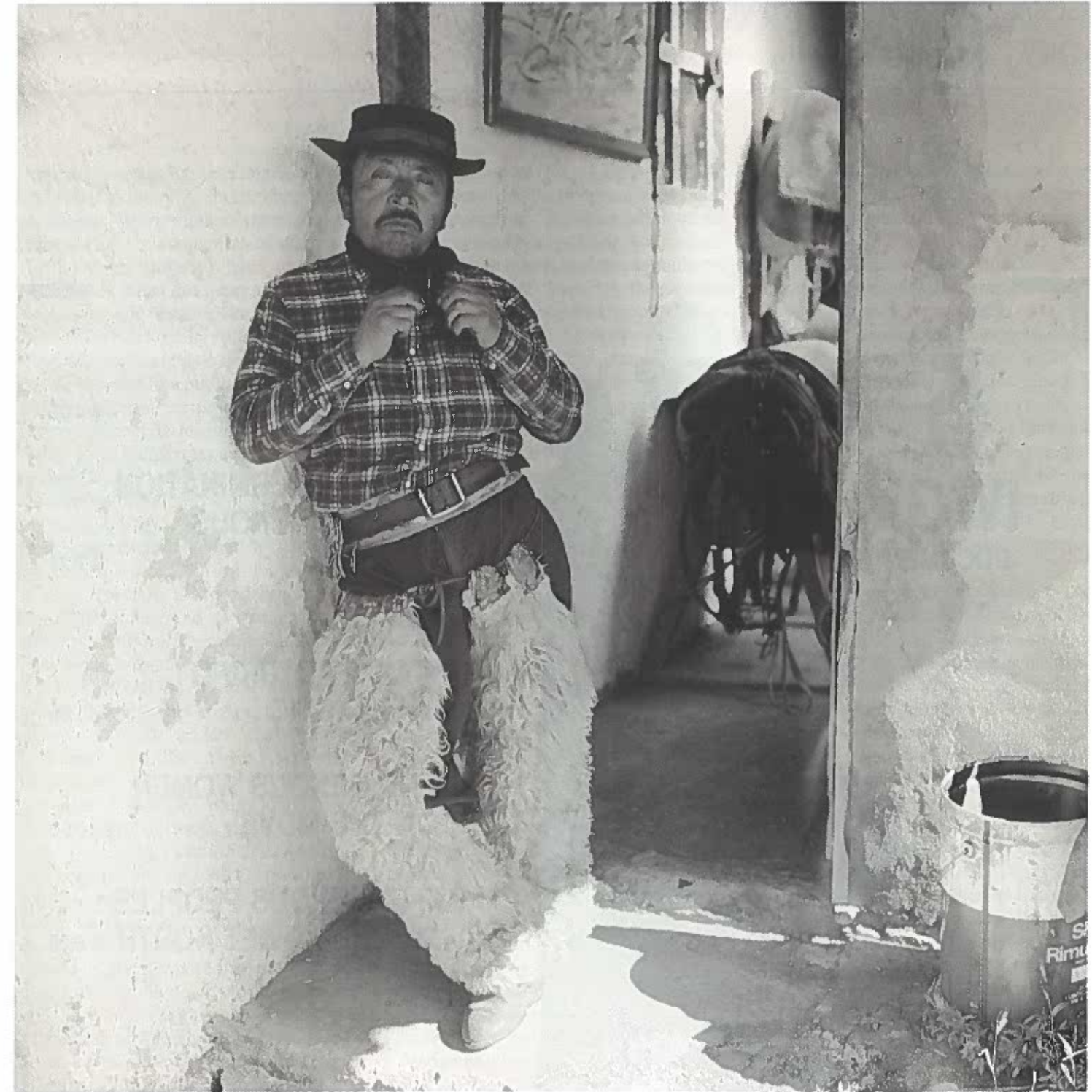
Ribeiro, Darcy: *Fronteras Indígenas de la Civilización*. Mexico, 1971.

Las Américas y la Civilización. Buenos Aires, 1985.

Ringuelet, Roberto: *Procesos de Contacto Interétnico*. Buenos Aires, 1987.

Varese, Stefano: *Los Indios Ante la Nueva Invasión*. Mexico.

This report was presented at the symposium on "Las Políticas Culturales y la Antropología Argentina Actual" (Cultural Policies and Current Argentine Anthropology), organized by The National Board of Anthropology and Folklore (DINAF) from the Nation's Secretariat of Culture. Buenos Aires, 1988. Amplified and updated for the current publication. □



Mapuche indian, Neuquén, Argentine. Photo: Alejandro Parellada.

Autonomy or Assimilation?

Reply to Mario Vargas Llosa

by Evaristo Nugkuag Ikanan
President, COICA

5 IWGIA DOCUMENTS



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Approaching the 500 year anniversary of the colonization of America, diverse and alternative interpretations upon the significance and consequences of this event (or historical tragedy) have appeared. Once more, there are many who want to intervene in the destiny of indigenous peoples, doing it externally and from "above" us. An example of this is the article by Mr. Mario Vargas Llosa published in Harper's Magazine from December 1990, where he proposes the modernization (and assimilation) of the indigenous peoples in order, supposedly, to vanquish hunger and so they can live in liberty.

This proposal (or threat) is not a novel one, notwithstanding that, it astonishes with its arguments, but it is important to analyze it because it concerns an international personality and an ex-presidential candidate of Peru. Therefore the Coordinator of the Indigenous Organization in the Amazon (COICA), representing more than 300 indigenous groups, presents its opinion about the article, "Questions on Conquest", of the above mentioned intellectual.

Vargas Llosa begins asking himself why the conquest of the Inca Empire, which was so developed, by a handful of adventurers was possible, and decided to resort to descriptive history, like his professor Raúl Porras Barrenechea, and not to a social and economical interpretation. He finds the answer in the supposed inability of the *Quechua* indians, to make independent decisions, as a consequence of living in a totalitarian and theocratic society. As opposed to those few conquistadors, were part of a culture where the individual is the source of values, the culture of liberty, and

the most powerful civilization in the world (p. 51). Nevertheless, this promise of "individual sovereignty" is not yet fulfilled and, for the author, Peru and Latin America are simply "the artificial and forced union of different customs" (page 51), through the fault of the Americans and not of the conquerors. Moreover, he proves that the "economical gap" edges out the indigenous peoples into misery and, considers that our integration into the national society ought to occur through our modernization (and assimilation) asking us to pay the price of renouncing our indigenous cultures. In the same way, he clarifies that this is realistic, although tragic, and makes him sad. Finally, he gives us the example of the supposed process of extermination of the *Machinengas* in Peru and concludes with the appeal to "write in real life" the masterpiece (p. 53) of this modernization, the great crusade which we surmise Vargas Llosa started in Peru with the political fiasco of the Liberty Movement of 1990 and in which he probably will continue to insist upon.

This is, in synthesis, the proposal and its foundation, and now it is time to analyze it in dept. In our indigenous world, it would be enough to repute the tyrannical attitude of an intellectual who does not have any right to propose the cultural destruction of one and a half million Amazonian inhabitants, who are as free as he is to decide our own destiny. However, it is also necessary to analyze the contradictions, ignorance and lack of knowledge that have led to this mistaken proposal.

Vargas Llosa is mistaken when he rejects the social character of our history and prefers the opinions of isolated individuals. He

does not like the history of social change, but he contradicts himself when he proposes its modernization in what is a profound and terrible social change. Also, he sees the *Quechua* peoples whom he considers, and supposedly all the remaining Indians of America, as incapable of taking their own decisions, and for whom "the free determination was impossible in those prehispanic swarming societies" (p. 51); because there was, and there is vitality in our cultures. That is the reason for resistance of the Pre-Inca indigenous peoples (among them the Amazonians) to the *Quechua* dominance, the *Quechua* resistance under colonial domination, the great rebellion of Tupac Amaru, which the same author mentions.

Another error is to consider that the conquerors represented "the culture of the individual as the source of values", and that "colonial society allowed, and which the Inca empire could not, the creation of the individual as the sovereign source of the values with which society is judged". (p. 50). The 14 million indigenous corpses that the colony produced, and the feudal wars in Spain, are sufficient to dismantle this theory.

The author does not explain why, five centuries later, this promise of individual sovereignty is not yet fulfilled and why this "economic gap" which affects the indigenous, exists. He says only that the cause is not the Conquerors; but precisely what has been maintained during all this time is the continuity of the colonization of these peoples, under different legal forms, but affecting our territorial, social and political self-determination.

Up until here the novelist has presented

us with arguments that are contradictory, with historical errors and important gaps in his explanations. With this vague basis, he intends to proceed with the conclusions and proposals. Here appear arguments of a political nature, like the controversial one that says that western culture is the culture of liberty and individual sovereignty and, therefore, the most powerful in the world (p.52). This is a position of the defense of colonial and western culture, in spite of its crisis and therefore approaches the proposals in a conservative way, justified as realistic. Vargas Llosa admits "that maybe there is not a realistic way to integrate our societies without asking that the Indians pay a high price: to renounce their culture, language and beliefs" (p.53); "if I was compelled to choose between the indian cultures and their complete assimilation, I would, with great sadness, choose modernization and the first priority is, of course, to fight misery and hunger"; "it is tragic to destroy what is an existing cultural possibil-

ity, even when it is archaic, but I fear that we must make a decision" (p. 53).

It sounds like the same voice from the different politicians and authorities who have been insisting on this assimilation, which has produced only marginalisation and exploitation during these 500 years, which in a contradictory way, the author recognizes when he points out the indigenous extermination in the Amazon in the name of progress (page 45), the extermination in Guatemala, and the apartheid. During five centuries, indigenous populations have survived, and together with us, the rainforest. Now, this western type of modernization will, in a short time, be a threat, being the cause of deforestation and exploitation which everyone has been reporting. The novelist calls us an archaic culture, and he is sad about proposing the acceleration of our cultural destruction: the ones that maybe ought to answer him are the most modern scientists and ecologists who have not yet finished learning our cultural

wisdom on how to coexist with the rainforest and how to use it without destroying it. Their latest discovery is "sustainable development", which our ancestors practised in their daily life.

How could it be possible that Vargas Llosa ignores the fact that in his country, Peru, the indigenous populations fight with tenacity to obtain the respect to their own "free individual decision" through the 25 federations integrated in the Inter-ethnic Association for Development in the Peruvian rainforest (AIDSESEP)? Doesn't he know that in the South American Amazon, the one and a half million indigenous inhabitants comprising 300 populations, are organized into more than 80 local and national federations in the Union of Indigenous Nations (UNI) in Brazil, the Confederation of the Indigenous Nationalities in the Ecuatorian Amazon (CONFENAIE), the Organization of the

(cont. p. 35) ♦



"We have been able to do it and we will always be, we only need freedom of conscience and freedom as a nation, which today are very far away from us because of oppression and colonization". Indigenous people from the Ayacucho region, Peru. Photo: Niels Nyholm.

LATE NEWS · LATE NEWS · LATE NEWS · LATE NEWS

Philippines: Volcanic Eruptions

Thousands of families belonging to the Aeta people were forced to flee their homes following the eruption of Mount Pinatubo in Central Luzon, Philippines. Those escaping the eruption were forced to seek shelter in evacuation centres in surrounding provinces.

The Aeta people living in the slopes of Mt. Pinatubo were the first group to be evacuated. The effect of the evacuation is most pronounced among the most vulnerable victims, the Aeta people. The environment in the evacuation centres were markedly different from the surroundings the Aeta were used to.

The Aeta evacuees are also subject of discriminatory reports from the radio and television broadcasts and newspapers depicting them as savage and uncivilised people.

Mount Pinatubo's eruption made a wasteland out of the towns located around it because of the thick ash fall, lava and mud that covered the lands. Some Aeta folk described how their homes had been destroyed by at least one meter of mud and sand. Their farms were similarly covered with sand and boulders. Many villages had been wiped out by the mud flow and ash fall.

It was not known how long the Aeta evacuees would remain away from their lands. Experts are saying that the ash-covered land would remain unproductive for at least 2 to 3 years. But estimates vary as some say that this would take as long as 15 years.

To fully understand the tragic situation of the Aeta some remarks about their history are necessary. The Aeta people residing on Mount Pinatubo were originally inhabitants of the coast and the lowlands. The slopes of Mount Pinatubo were, as a matter of fact, already their last refuge. They were driven to the mountains because of abuse and exploitation of their culture and of landgrabbing. Historical accounts relate that, during the early 20th century, Aeta children were sometimes kidnapped and sold for slavery.

The vast tracts of land now occupied by the Subic Naval Base and the Clark Air Force Base of the United States were once

part of the Aeta ancestral domain. The Aetas have never been payed for this land.

In recent months, despite the great tragedy brought about by the volcanic eruption, the Cordillera interior of Northern Luzon was the scene of massive military deployment.

Thus, while the Aetas were being displaced from their homes, the Tinggians of Abra, the Kankanaeys of Mountain Province and the Kalingas of Kalinga-Apayao were also being forced to evacuate due to the continuous bombing and strafing operations of the military in their villages. It is indeed very sad that while the world is concentrated on delivering relief goods for the people affected by the natural disaster, the Aquino government is spending millions of pesos a day to continue its destructive rampage in the Cordillera. Once again, not only the Aeta, but also the people of the Cordilleras are facing the very real threat of extinction from the hands of a government widely viewed as a humane one.

(Source: TABAK; CPA) □

Bangladesh: The Recent Developments in the Chittagong Hill Tracts

In December last year democracy was reinstated in Bangladesh. In order to put pressure on the new government to change the former regime's military suppression of the tribal peoples in Chittagong Hill tracts the following statement was submitted to the UN.

In decision 1989/109 the Sub-Commission expressed its thanks to the government of Bangladesh for the progress made in respect of the treatment of its tribal population.

Unfortunately, information given to the "International Chittagong Hill Tracts Commission" during its recent visit to Bangladesh and India clearly shows that this conclusion was premature.

The findings of the International Commission have already been summarised in document E/CN.4/Sub.2/AC.4/1991/5.

During its stay multi-party democracy was restored in Bangladesh. This gave hope for a substantial improvement in the human rights situation in Chittagong Hill Tracts. However, the Chittagong Hill

Tracts are still under tight military control and gross violations of human rights are prevalent throughout the area.

Furthermore, since the fall of the Ershad regime all District Councils in Bangladesh have been suspended, except for the three District Councils of the Chittagong Hill Tracts. These were established in 1989 under procedures implemented by force and intimidation which were heavily criticised by the International Commission.

Since 1979 over 400,000 Bengali settlers have been transmigrated from the plains to the Hill Tracts taking over land belonging to the hill people. Property rights of the hill people, recognised by Bangladesh law have been contravened as settlers have illegally occupied land belonging to the indigenous people.

The militarisation of the Hill Tracts is not only confined to the tribal people. The largely involuntary relocation of hill people into cluster villages has been paralleled by a similar process, confining Bengali settlers into military controlled guchchagrams. Large numbers of settlers expressed to the Commission their desires to return to the plains.

At the launch of the Chittagong Hill Tracts Commission Report in the House of Lords, London on May 23, 1991 Wilfried Telkämper, vice-president of the European Parliament stated that an enormous percentage of Bangladesh's national income is spent on military oppression in the hill tracts. In spite of being one of the poorest countries in the world Bangladesh appears to make the intense militarisation of the hill tracts a priority, adding further to its already overwhelming problems.

The Commission recommends that the great step to multiparty democracy which took place in December 1990 be extended to cover the whole country. As yet, the Chittagong Hill Tracts alone has not benefitted from the freedoms emerging throughout the rest of Bangladesh. All further settlements by outsiders into the hill tracts should be stopped. Vast numbers of Bengali settlers in the hill tracts want to leave, but have no means to do so. Voluntary relocation should be discussed in the context of foreign aid support. Cluster villages should be dismantled and an independent investigation of title to land and

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illegal occupants take place.

Demilitarisation of the Chittagong Hill tracts must be a priority and autonomous political institutions established following a referendum for the hill peoples. The District Council laws should be repealed or amended.

The signatories of this statement are gravely concerned about the many violations of human rights which have taken place in the Chittagong Hill Tracts as documented by the International Commission. Most of these violations occurred before the new Bangladesh government took over.

However, there have been reports on recent atrocities against the hill tribes. Furthermore, the effect of the recent cyclone on the Chittagong Hill Tracts has been much neglected, and there has been reports that no emergency aid has been sent to the people of the region.

We are confident that the new regime in Bangladesh is able and willing to change radically its policy towards the Chittagong Hill Tribes people and to improve the human rights situation in the region.

We strongly urge that the United Nations appoint a special Rapporteur or provide a person under its advisory services to work with the Bangladesh government, the ILO and competent NGOs to assist and monitor the changes in policy recommended by the International Commission.

Written statement to the Sub-Commission of Prevention of Discrimination and protection of Minorities to be considered under item 15 "Indigenous Peoples" at the annual meeting, August 1991. This statement has been submitted by the following NGOs with consultative status to the UN (Ecosoc):
The Nordic Saami Council
Inuit Circumpolar Conference
Anti-Slavery International
International Work Group for Indigenous Affairs (IWGIA). □

Ecuador: Indians occupied the Parliament building. (*)

On the 28 of march 1991, 100 members of the Confederation of Indigenous Nations of Ecuador (CONAIE) occupied the Par-

liament building in Quito and demanded constitutional recognition of Ecuador as a "multi-ethnic and multi-cultural" nation, and an amnesty for 1.000 peasants charged with offense under the penal code.

The President of the Parliament, Edelberto Bonilla, has agreed to include their demands in the agenda of the forthcoming parliamentary sessions.

CONAIE's President, Luis Macas, warned that if the indigenous demands are not met, they would build their own Parliament and Government.

"The indigenous people", said Luis Macas, "have come to the Parliament because it belongs to us. We are here because it is supposed that this house is for the people and not only for those who defend the oligarchy in this country". The leader of CONAIE remarked that since 1979, when Ecuador returned to the democratic system, the indigenous people did not get any benefits from the Parliament and "...some day, at this place which today is property of the oligarchy, the people wearing a "poncho" are going to sit here and will legislate for those who are starving. This place has to be the place of the workers, the peasants, the indians, the negroes and the poor of this country, those who never have had the opportunity to come here and do something to change the situation of injustice we are living in." (**)

The reaction of the cattle-ranchers association called for "clear government action" and warned about the international pressures aimed at "setting the country alight, in the context of the 500 years of America's discovery". The Armed Forces sent a letter to President Rodrigo Borja calling for curbs on "the activities of extremist movements and international groups, who take advantage of the natives ingenuousness to attempt to set up an indian state."

(*) *IPS, 30/5/91*

(**) *"Hoy", Quito, 29/5/91* □

Brazil: Cholera Epidemic Spreads Swiftly in Amazon River Area

Cholera epidemic which entered Brazil from Peru earlier this year is spreading

swiftly in the country's Amazon area. Most cholera cases had occurred in riverside communities, and the rivers involved flowed into Brazil from Peru.

The epidemic erupted on January 22 in the Peruvian coastal town of Chimbote, 422 kilometres north of Lima. More than 200.000 cholera cases have been reported in Peru and the death toll is more than 2.000.

About 20.000 cholera cases have been diagnosed in Ecuador, and several hundred in Colombia. Bolivia and Chile have also been affected by the outbreak, but to a lesser extent.

Latest reports from the Peruvian health authorities suggest that the epidemic has reached its peak and is beginning to decline, probably due to the onset of cooler winter weather.

Sources IPS, jul. 17. □

Brazil: Yanomami lands

On 19th of April last, the "Day of the Indian" in Brazil, President Collor de Mello signed a decree prohibiting the exploitation of mineral wealth in the territory of the Yanomami indians and at the same time establishing a commission to study the definitive demarcation of the Yanomami reserves.

This decree effectively reverses the permission given by the previous government of Jose Sarney (1985-90) which legalised the search for gold by the so-called "garimpeiros", and the extraction of metals in areas close to the lands of the indigenous. The previous government also decided that the Yanomami could live on a reserve composed of 19 separate zones within the State of Roraima, bordering on Venezuela. The new decree seeks to recognise the Yanomami lands as one complete area and to prohibit the extraction of minerals and other products.

Finally, on the 25th of July last, the Diario Oficial published resolution no. 02/91 of FUNAI, the delimitation of Yanomami territories in a single continuous area of 9,419,108 hectares in the States of Roraima and Amazonia. Now it only remains for President Collor de Mello and the Minister of Justice to respect the proposal

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of FUNAI, they have a time limit of 30 days.

At the same time a strong pressure can still be felt against the reserve for the Yanomami. The Military Academy (La Escuela Superior de Guerra) is circulating privately a document pointing out the imminent danger of the "internationalisation" of Amazonia. The military commander of Amazonia, General Agenor Santa Cruz states that the Army will turn the Amazon into a Vietnam if external groups try to internationalise it. On the other hand, the governors of the States of Amazonia have met during the first days of July to find an agreed position on the utilisation of the natural resources of the rainforest. The governor of Amazonas proposes the return of fiscal incentives for farming and stockbreeding in the region.

Expulsion of the "garimpeiros"

As a result of the final decision on demarcation, the Federal Police and FUNAI recommenced the removal of thousands of "garimpeiros" from Yanomami lands in Roraima. On the first day of the operation a total of 13 aeroplanes were fined and 10 landing strips were closed in the Boa Vista area. □

I.L.O.: Notification of the coming into force of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 38 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), adopted by the International Labour Conference at its 76th Session on 27 June 1989, provides that the Convention shall come into force twelve months after the date on which the ratification of two members of the International Labour Organisations have been registered.

The ratification by Norway and Mexico were registered by the Director-General of the International Labour Office on 19 June 1990 and 5 September 1990 respectively. The Convention will accordingly come into force on 5 September 1991.

The present notification is made in accordance with the provisions of Article 38

of the Convention.

In conformity with Article 20 of the Constitution of the International Labour Organisation, this convention will be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. □

Arctic Leaders Summit

From June 17-20 indigenous leaders from Alaska (USA), Canada, Greenland, Norway, Sweden, Finland and USSR met in Hørsholm, Denmark for the first Arctic Leaders Summit. We reprint the Declaration and one of the statements which were adopted at the end of the meeting.

Declaration of the Arctic Indigenous Leaders Summit.

We, the Representatives of the indigenous peoples organizations of the Arctic, being the Inuit Circumpolar Conference, the Nordic Saami Council, and the USSR Association of Northern Small Peoples;

Meeting in Hørsholm, Denmark for the first Arctic Indigenous Leaders Summit to seek greater mutual understanding and to further our cooperation;

Having **respect** for the traditional and continuing stewardship of our lands, waters, plants and animals, and for the traditional knowledge of our peoples;

Deeply **concerned** for the health, well-being and ultimate survival of our peoples, including recognition of our nutritional needs and the rights of renewable resource harvesters, and for the protection of our Arctic environment, both now and in the future;

Ever **aware** of the changes which have affected our peoples, our lands and our rights to decide for ourselves what our future shall be;

Recognizing that there is only one Arctic, and that we share one future together;

Affirming the requirement for sustainable and equitable development in our homeland;

Requiring state governments to recognize and accommodate the rights of aboriginal peoples to self-government, lands, renewable and non-renewable resources, and to recognize their cultural, social and

economic rights;

Commending the Arctic governments for their close cooperation with our organizations in the process leading up to the Declaration of Rovaniemi, and calling on those Arctic governments to fully implement the spirit as well as the words of the Declaration and of the Arctic Environmental Protection Strategy;

Arctic indigenous peoples **desire** not only to survive, but to thrive as indigenous peoples into this 21st Century. Arctic governments must take affirmative initiatives immediately to work with their indigenous peoples to bridge the rapid global change which impacts our peoples. Adequate resources must be made available by the governments to meet the real social, health, economic and educational needs of the indigenous peoples. New partnerships between the governments and the indigenous peoples must occur to meet the often overwhelming challenges of this rapid global change. Maximum self-determination of the indigenous people is desired.

We **adopt** as consensus statements of the Summit, the following:

1) Statement on Subsistence, the Traditional and Direct Dependence on Renewable Resources

2) Statement on Renewable Resource Harvesting

We **agree** to continue the collaboration begun here among the Arctic Indigenous Leaders by holding our Second Summit in 1993 to be organized by the Nordic Saami Council.

We further **agree** that in order to advance our mutual concerns, we will initiate a process leading up to the Second Arctic Indigenous Leaders Summit, to include the following issues:

-renewable resource harvesting and subsistence rights;

-traditional ecological knowledge; and

-the mandate and role of existing and future organizations relevant to the Arctic

Statement on Renewable Resource Harvesting

The Arctic indigenous peoples share a common bond in our direct dependence upon the living resources of our homelands in meeting nutritional, cultural and eco-

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conomic needs. We are the stewards of the natural environment. As self-regulators and managers, we have always maintained responsible practices of sustainable development. We live in a continuing harmony with our environment. We are the first and foremost environmentalists and conservationists. We ask that all peoples and governments recognize and affirm our livelihood and identity as harvesters of wildlife.

Principles

1. The harvesting of renewable resources by indigenous peoples for our nutritional, cultural and economic needs is a fundamental and inalienable right, recognized by international law, including the International Convention on Social, Cultural and Economic Rights and the International Convention on Civil and Political Rights.
2. Renewable resource harvesting as practised by indigenous peoples, has been recognized by the World Commission on Environment and Development (known as the Brundtland Commission) and is a vital component of any strategy for sustainable and equitable development in the Arctic.
3. Indigenous peoples are the stewards of the Arctic. Harvesting of renewable resources in accordance with the needs, values, practices and traditional knowledge, is an integral component of the maintenance of ecological integrity of the Arctic environment.

The Issue

Indigenous peoples everywhere are increasingly threatened by the 'anti-harvesting' lobby movement. The anti-harvesting groups misrepresent to the public and governments their true objective which is the complete prohibition in killing wild animals. This goal is falsely described as being one component of a broader objective of environmental protection. In doing so, the anti-harvesting movement causes great harm to indigenous peoples and, indeed, places in jeopardy their very right to exist as distinct peoples.

Action Required

1. We call upon governments and non-governmental organizations to fully recognize and accommodate the rights, values, needs

and practices of Arctic indigenous peoples with respect to the harvesting of renewable resources in any measures developed for the protection and conservation of Arctic species and habitats.

2. We further insist upon direct participation by Arctic indigenous peoples in the planning, development and implementation of any such measures for environmental protection or conservation of Arctic species and habitats.

3. We call for the development of a strategy and for the coordination of our efforts as Arctic indigenous peoples to meet the challenges posed by those who seek to interfere with our harvesting rights. □

Costa Rica: Effects of earthquake

Cachabria, 19 August. The April 22 earthquake here has uncovered a vein of mineral riches and awakened the envy of local and transnational companies for access to the site on the reservation of Costa Rica's Chirole Indians.

Indigenous groups and exploration companies are locked in litigation over the sudden appearance of deposits of gold, copper, and coal, virtually ready to be carted away by the first comer.

At a meeting of the Awapas Indian council, to which IPS had access, Native leaders argued that the mineral exploration must be halted as it poses a threat to the social and ecological balance of the community.

Business activity in the indigenous zone is prohibited by the law which created the reservation. But Costa Rica's mining code, passed later, repealed the article in the indigenous affairs law which gave the rights to mineral deposits to the state and to Native communities.

The April earthquake which shook the region and uncovered the minerals quickly produced unauthorised activities by eager businessmen.

Local and foreign mining company representatives are asking the ministry of natural resources, mines, and energy to promote legislation that would permit them to explore in the area.

But while the debate continues, some 80 mine operators already are hiring Native

workers, said Gilbert Gonzalez, general coordinator of Sejekto, the indigenous confederation of Costa Rica.

Gonzalez said the principal part interested in exploitation of the minerals is a Canadian businessman who has set up his proxy agents to assure control of the mining of the ores. "This has the potential to cause very serious environmental and social damage," said Alvin Morales, spokesman for the Awapas.

"Mining companies offer high salaries, roads, bridges, schools, hospitals. But we know that with all that also comes environmental damage, exploitation, alcoholism, and prostitution," said Morales.

Jobs with the exploration companies are tempting for local residents since they make four times their normal earning. They can make about 350 colones (U.S. \$2.50 dollars) a day by selling their agricultural products. But in mining they start at 1,400 colones a day.

The low prices offered for their harvests are partly a result of the lack of transportation in the indigenous zone. "The companies take advantage of the emergency situation that we are living through with the fall in farm prices and the loss of the cacao crop because of disease," Morales added.

A representative of the Guatuso Indians, who live along the border with Nicaragua, said that the arrival of the mining companies has brought together groups who have been feuding since pre-Colombian times. "This is a process of extermination, and we are going to fight alongside our brothers of the Talamanca Mountains (Cachabria) to resist this attack against our culture," he said.

The Native leaders recalled that the arrival to the zone of the Costa Rica Petroleum Company (RECOPE) refinery brought alcoholism and prostitution. RECOPE now is seeking rights to the coal uncovered by the earthquake.

Source: IPS. □

♦ (cont. from p. 30)

Indigenous Nations of Colombia (ONIC), the Indigenous Confederation of the Bolivian Orient (CIDOB) and AIDSESEP, and furthermore, that we in the last 6 years have been unified under COICA?

Why is he elaborating in his novel "El Hablador" (The Chatterbox) about the Machiguenga, a superficial and exotic vision of a people on its way to extinction when the reality is that it concerns 10,000 indigenous, organized in different communities and federations, who are resisting the manipulation and modernization which the intellectual or the religious "redeemers" and intermediaries are trying to impose on them?

How come that an intellectual defends "free determination" but makes a judgement on our history, and even condemns our destiny, without even consulting us or investigating what we, the indigenous want, and what is our free determination?

Once again, we ought to help break this historical ignorance and aggression, and briefly state that the indigenous populations integrated in COICA are not condemned nor resigned to extermination. Some populations are heavily threatened by modern society, but they resist; and we have obtained important advances on the consolidation of our rights to territorial control, to intercultural bilingual education, attention to primary health based on indigenous medicine, to the ecological and self-sustaining management of the Amazonian rainforest. All these are resulting in changes in the national legislations, and also in the International Juridical system like for example our recognition as peoples in Convention 169 of the International Labour Organization, and the right to self-determination, which will be incorporated in the next Universal Declaration of the Rights of the Indigenous Populations of the World which the United Nations are working on.

Obviously, none of these have been easy, nor are they fully consolidated conquests. There is much to be done, but already there exists an important worldwide movement willing to recognize that a true modernization can only occur by observing the territorial, social and cultural decolonization that the indigenous populations suffer, among them the Amazonian people. Our long battle for self-recognition by the states as multi-national states, is now counting on the important support on the global scene.

The Autonomy Statute of the Atlantic Coast in Nicaragua, the political articulation of the Inuit populations throughout Canada and Alaska, and the indigenous reservations' right to the subsoil in the U.S., the communal justice practised by the Kuna and Guaymi populations in Panama, the battle for the political rights of the populations and cultures who are integrated into the states of Europe and the USSR. All these signify that the indigenous populations and our battle for self-determination is not something archaic, but is inscribed in the more advanced trends of the international community, in strong contradiction to the personal opinion of Vargas Llosa.

The Amazonian indigenous populations will continue to bring forward a new modernization through our culture of sustainable self-development of the Amazonian biosphere as an alternative for humanity. We will continue contributing with our communal organizations as a distinct form to the national state, and to capitalistic individualism, and our community as a historical alternative in which the individual can freely develop, together with communal interests. We will continue contributing, resisting and fighting for our self-determination as an expression of a civilization which is really based on individual sovereignty. What is needed now is that Mr. Vargas Llosa chooses with more information and intellectual clarity, whether he identifies himself with a modernity which requires our tragic extermination or with a liberating decolonization. □

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U.S.S.R.: Road of Discord

by Yeremei Aipin

For the first time people put up a tent of reindeer hides, but on the cold concrete slabs of a bridge. And for the first time, men and women, wearing national dress, took placards out onto a road and blocked it. And for the first time the river under the bridge heard an unknown word: "picket". And for the first time these sad words were cabled from Varyegan Nizhnevartovsk in the Khanty-Mansiisk Autonomous Area of the Tymen Region:

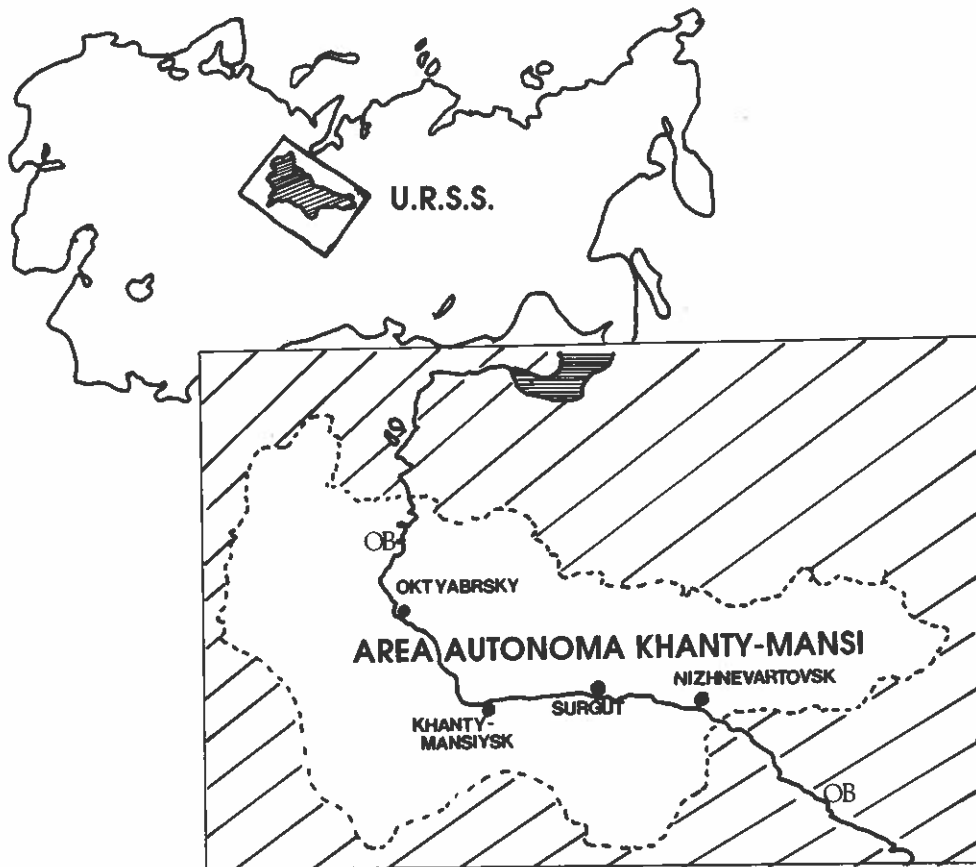
When I came to the picket site, a tent made of skins had already been set up. Grey smoke streamed through the makodan, or smoke opening. There was a campfire on the roadside. Two tea kettles and a pot of fish were hanging over the fire. Women wearing ornament-embroidered national dress were bustling around. It seemed that nothing special was happening. The usual life in the camp of a nomadic reindeer-breeder or a hunter. But the tent stood on the concrete slabs of a bridge over the Lukhkopl River. You couldn't even get past it by foot. And on the road, on both sides of the tent, stood people holding placards.

Trucks arrived from Raduzhny and came to a halt. Then trucks from the oil fields of Zapadny Varyegan. Drivers and workers headed for the tent.

What made my fellow-countrymen take

to the road?

They were reported missing in the tundra -they put up with it. Their pine forests were cut down -they put up with it. Their moss carpets were ploughed up by caterpillars



and trucks -they put up with it. Their reindeer were run over by motor vehicles -they put up with it.

Northerners are patient people. But there is a limit. What was the final straw?

On July 31, a motor vehicle ran over yet another victim on this concrete road. It was the bull of old reindeer breeder Teklyu. Evidently someone interfered with the driver: he didn't bother to pick up the carcass and left it lying on the road. Somewhat later, the intestines of another reindeer were found on the same spot. It had also been run over by a motor vehicle, but they managed to take it away. It has not yet been established whom it belonged to.

On the day of the bull's death, old Teklyu went to the Varyegan settlement. He knew who was the Most Important Person in the country: Gorbachev. He also knew who was the Fairest Person: Gorbachev. Who had the truth? Of course, Gorbachev had it. And old Teklyu said: "I shall send a letter to Gorbachev. Write down all my words for him. Don't lose a single one of my words."

This is how the message from an old reindeer-breeder came into being.

"So that's how it is, there is a need for oil, there is also a need for me to live. Let them give me transport, give me a cross-country vehicle, give me a Buran. But better still, let

them give me another reindeer.

"If they don't give me a reindeer, I don't know what I shall do. Maybe I shall go to the road with a rifle. Where the reindeer was run over, I shall shoot a motor vehicle, I shall shoot the driver. There was once such a law in the taiga.

"I don't know what is to be done if I shoot a different driver, not the one who ran over the reindeer. A different one must not be shot. The law of the taiga does not permit this.

"We must also live. Let Gorbachev give me reindeer. The year before last ten reindeer were no more. Last year nine reindeer were no more. This year four more reindeer were no more. Often we don't find the bones. Our little girl saw a reindeer's hooves tied with wire while he was alive, and the reindeer thrown into a motor vehicle. She was afraid they would kill her too, and she did not remember the license number of the vehicle.

"I did not write the letter myself -I am illiterate- but I said everything myself. Let Gorbachev answer me. What we shall be able to do. I wrote everything. Where there was the Amputa River, there is a lake now. This is how work goes on.

Aivaseda Teklya Khalovich
July 31, 1990."

Dialogues on the Bridge

Exactly two months passed. No reply. People tried to explain to the old reindeer-breeder Teklyu that the President had to take care of the whole country, that he could not write to every person. "If he can't think about the life of every human being, then why is he the Most Important? the old man retorted. And he kept repeating: "There was Stalin - there were reindeer. Gorbachev came - reindeer did not. Why have reindeer not come?" The insistent old man was told: under Stalin he did not dare even to open his mouth, but under Gorbachev he came to feel like a human being and set out for the first time in his life perhaps in search of Truth and Justice. After thinking a little, old Teklyu replied: "Perhaps, this is true...But there is no life for me without reindeer. However, I go to the road, I die there..." And then people, Khants and Nenets, those who had reindeer and who had none, who had lost their relatives on this road and who had not, told the old man:



Khanti-Mansi Autonomous Area. Photo: Vladimir Cheu.

"We shall go with you to the road."

This is how they came on the road, which a local journalist nicknamed the "road of death". But they came on its concrete surface not to die, as old man Teklyu believed, but to survive.

Now the old reindeer-breeder stood with a placard: "Don't shoot our reindeer." Photographs were pasted on a white sheet of paper. A reindeer, run over by a motor vehicle, lies on the concrete road. The track of a wheel is clearly visible. This is old Teklyu's leader. Now he himself stands in the middle of the road, his lips tightly pressed together, his head proudly raised.

The driver jumped out of the first vehicle and shouted:

"Why did you block the road? Make way..."

But immediately he was showered with questions:

"But why do you run over our reindeer?"

"Why do you drive over our moss?"

"Why do you kill people with motor vehicles?"

"Why have you spoiled the whole of our land?"

The driver, however, was not taken aback and reasonably yelled in reply:

"But why did you permit a road to be built? You should have thought of all that before..."

And again there was a salvo of questions from the picket line:

"But who ever asked us where to build?"

"Who knew that you would destroy the land?"

When the excitement somewhat eased and it became quieter, Yuri Aivaseda, President of the Varyegan Association, started explaining to the driver:

"At first we were told: move back a little - we shall build a city here. We moved back. Then we were told: a little more - we shall build a derrick here, there will be an oil field. We acquiesced. Then they told us: a little more, we shall build a road here. We again ceded our land. But now it has turned out that there is nowhere to go to, there is no land. What are we supposed to do?"

The driver, of course, could not say anything in reply to this. His tone calmed. He was led to the tent, to the placards and photographs, to the black list. Here it was possible to learn what had been run over by a truck and when. Who had been raped and left lying on the roadside. Whose camp had been robbed, whose graves had been rav-

aged...In the long run, the bewildered driver exclaimed:

"I am with you. I have worked here for a long time..."

Vladimir Aivaseda, a deputy to the rural Soviet, told me:

"He is right: whoever has lived here for long will not play dirty tricks..."

Trucks and workers kept driving in. The only person who was missing was the chief production commander - Anatoly Sevak, Director General of the Varyeganneftegaz Association. He was on a business mission in America. His place was taken by his deputy - Alexander Malkov. Question were asked from both sides at once: by reindeer breeders and hunters and by his own drivers and oil workers. Eduard Vekilov and Gennady Kashlev, leading officials of the USSR Ministry of the Oil and Gas Industry were not left without their share of attention either. After all, all the problems of this land are linked to the development of the oil fields.

Soon everything got mixed up. People gathered in small groups. Some around Yevdokiya Gayer, People's deputy of the USSR. Others talked to Vladimir Sanghi, President of the All-Union Association of the Peoples of the North. Still others, mostly young people, came together around the beautiful Tatyana Gogoleva, President of the Khanty-Mansiisk Area Association of Indigenous Peoples, "For Saving the Yugra."

Is there truth on Earth?

On the bridge near the tent I recalled how Yakov Nimperov, a hunter from the Pim River, had once assured me:

"There is no Truth for the Khants on this land..."

"But have you looked for it?" I asked half-jokingly and half-seriously.

"My neighbour has."

"And what was the result?"

"A helicopter destroyed his camp," Yakov Minperov was telling me about his neighbour. "He set out in search of the Truth. While he was looking for it, a helicopter came flying in, dropped a can with petrol on the roof of his barn and set it on fire. This is how my neighbour and his family lost their food stocks and winter clothings and footwear. This was evidently done to teach a lesson to others so that they should not go in search of the Truth..."

By the truth Yakov Nimpervo meant the

right of a human being to his home, to his land, and to his faith. Lastly the right to his life...And now, having blocked the road, my fellow countrymen were insisting on the same right. They published their demands formulated in 17 points, in the local newspaper **Novosti Raduzhnogo**. On the following day these demands were examined at a conference of the top executives of enterprises in Raduzhny and Novoagansk, a settlement of geologists. Nikolai Shkolny, chief engineer of the Varyeganneftegaz Production Association, said that specific steps would be taken on all the points dealing with oil workers' activities. Incidentally, oil workers have never refused to help the indigenous population. After the publication of my article in **Moscow News** Vasily Dinkov, the then Minister of the Oil and Gas Industry of the USSR, suggested that a programme be endorsed, "envisaging the elimination of the negative effects on nature, the creation of zones where every type of production activity would be banned and where the indigenous peoples of the North could live, and also the provision of a social infrastructure, including schools, secondary-technical educational establishments, housing, etc. for them". Also at that time, in 1989, the Khanty-Mansiisk Autonomous Area allotted special territories for the habitation and economic activity of the indigenous people of the North." But regrettably, they have not yet been approved either by the Tyumen Regional EC or the Council of Ministers of the Russian Federation. Somewhat later the Ministry of the Oil and Gas Industry adopted a Programme for the Socio-economic Development of the Regions Inhabited by the Peoples of the North for 1990-1995 to be financed by the enterprises of the Tyumen Main Oil and Gas Production Association, in which it was planned to invest 156 million roubles. The implementation of this programme commenced at the beginning of this year. But this aid has practically not affected the living standard of the concrete hunter Alexander Aivesada, the fisherman Vasily Kazamkin or the reindeer breeder Teklyu Khalovich. The funds disappeared somewhere.

No one except the oil workers have responded in real terms: neither foresters or builders nor gas workers or geologists.

Now, however, with the transition to market relations, our oil workers will become paupers if the state's monopoly is preserved and if oil prices are not raised. It

means that the peoples of the North, living on oil- and gas-bearing lands, will also become further impoverished. After all, can one pauper help another pauper? But it would be worth thinking about the state prices of oil. Today, a ton of oil is many times cheaper than a ton of mineral water. On the domestic market of course. Isn't it because of this that oil workers are polluting our lands? After all, oil is not worth anything. But whatever is not worth anything has never been valued among the people.

In the meantime more and more motor vehicles kept driving up. Their drivers headed for the tent and the pot. The tea kettles had long ago boiled and the fish soup was ready. Many drivers sat down next to the picketers, had tea, praised the soup, and ate fish. The loquacious Pyotr Aivaseda was recounting something by the campfire. The judicious and calm Alexander Aivaseda was sharing his thoughts with someone. On reading the posters and black lists, many drivers and workers grew sincerely indignant. They came up to old Teklyu and said:

"We support you."

"We are with you. Hold on."

In the end, a group of drivers asked for a sheet of paper and put their signatures under the demands of the Khants and Nenets. I took that sheet. It contained Russian, Ukrainian and Tatar names.

I found myself in a delicate position. On the one hand, there were my small people - Khants and Nenets, on the other, there were oil workers, builders and geologists. And all of them were my voters. But there was no confrontation. Everyone understood that first there was a need to help those who were in the greatest need of help. The most important thing was mutual understanding. The same atmosphere of benevolence and consideration prevailed on the following day at the Varyegan rural club at a conference of top executives. Each made proposals on how to improve the lot of the native Khants and Nenets.

The picketing time ran out. The men quickly dismantled the tent. The women rolled up the placards and packed up their plates and dishes. And all of them formed lines along the side of the road, face to face with each other. The motor vehicles roared and started moving. Some passed by "silently". Others, on coming up with the picketers, honked loudly. The men and women in national dress smiled brightly,

like children, as they followed the trucks with their eyes.

Afterwards the people of the Association followed in the tracks of old Teklyu - they went to the post office and sent their main thoughts and aspirations to the President of the country.

TELEGRAM
PRESIDENT OF THE USSR M.S.
GORBACHEV,
THE KREMLIN, MOSCOW

Copy:

CHAIRMAN OF THE RSFSR SUPREME SOVIET B.N. YELTSIN

DURING THE YEARS OF DEVELOPING THE OIL FIELDS 26 PERSONS FROM AMONG THE INDIGENOUS POPULATION, INHABITANTS OF OUR RURAL SOVIET, HAVE DIED A VIOLENT DEATH ON THE ROADS AND NEAR THE DEPOSITS. HUNDREDS OF REINDEER HAVE BEEN DESTROYED, THOUSANDS OF SQUARE KILOMETRES OF REINDEER PASTURES, HUNTING AND FISHING GROUNDS, TENS OF SPAWNING RIVERS HAVE BEEN RUINED.

IN PROTEST AGAINST THE RAPACIOUS DESTRUCTION OF THE INDIGENOUS PEOPLES AND THEIR HOMELAND THE VARYEGAN BRANCH OF THE ASSOCIATION OF KHANTS AND NENETS CARRIED OUT PRELIMINARY PICKETING AND BROUGHT TRAFFIC TO A HALT FOR 5 HOURS ON OCTOBER 1 ON THE ROAD FROM THE CITY OF RADUZHNY TO THE ZAPADNY VARYEGAN OIL FIELD, THE SITE OF BARBAROUS KILLINGS OF DOMESTIC REINDEER BY MOTOR VEHICLES.

WE DEMAND;
FIRST, TRANSFER THE LANDS OF OUR HISTORICAL MOTHERLAND INTO THE PROPERTY OF THE CLAN COMMUNES OF INDIGENOUS PEOPLES.

SECOND, BUILD RELATIONS BETWEEN INDUSTRIAL ENTERPRISES AND CLAN COMMUNES ON A CONTRACTUAL FOOTING.

THIRD, TRANSFER ALL POWER IN THE LOCALITIES TO THE CLAN

COUNCILS BEING ESTABLISHED.

WE SUGGEST URGENTLY ADOPTING A PRESIDENTIAL DECREE ON SMALL PEOPLES AND SETTING UP A SPONSOR AND COORDINATING GROUP OF THE ASSOCIATION OF THE PEOPLES OF THE NORTH.

IN THE EVENT OF CONTINUING THE PRACTICE OF RAPACIOUSLY AND BARBAROUSLY DESTROYING THE INDIGENOUS PEOPLES AND THEIR LANDS WE ARE RESOLVED TO BLOCK ALL WORK AT OIL AND GAS FIELDS AND TIMBER FELLING SITES.

THE INTERCLAN MEETING OF THE KHANTS AND NENETS BELONGING TO THE VARYEGAN BRANCH OF THE ASSOCIATION OF THE PEOPLES OF THE NORTH.

What will the President say in reply to this?

Yeremei Aipin is an indigenous writer, a people's deputy, member of the USSR Supreme Soviet

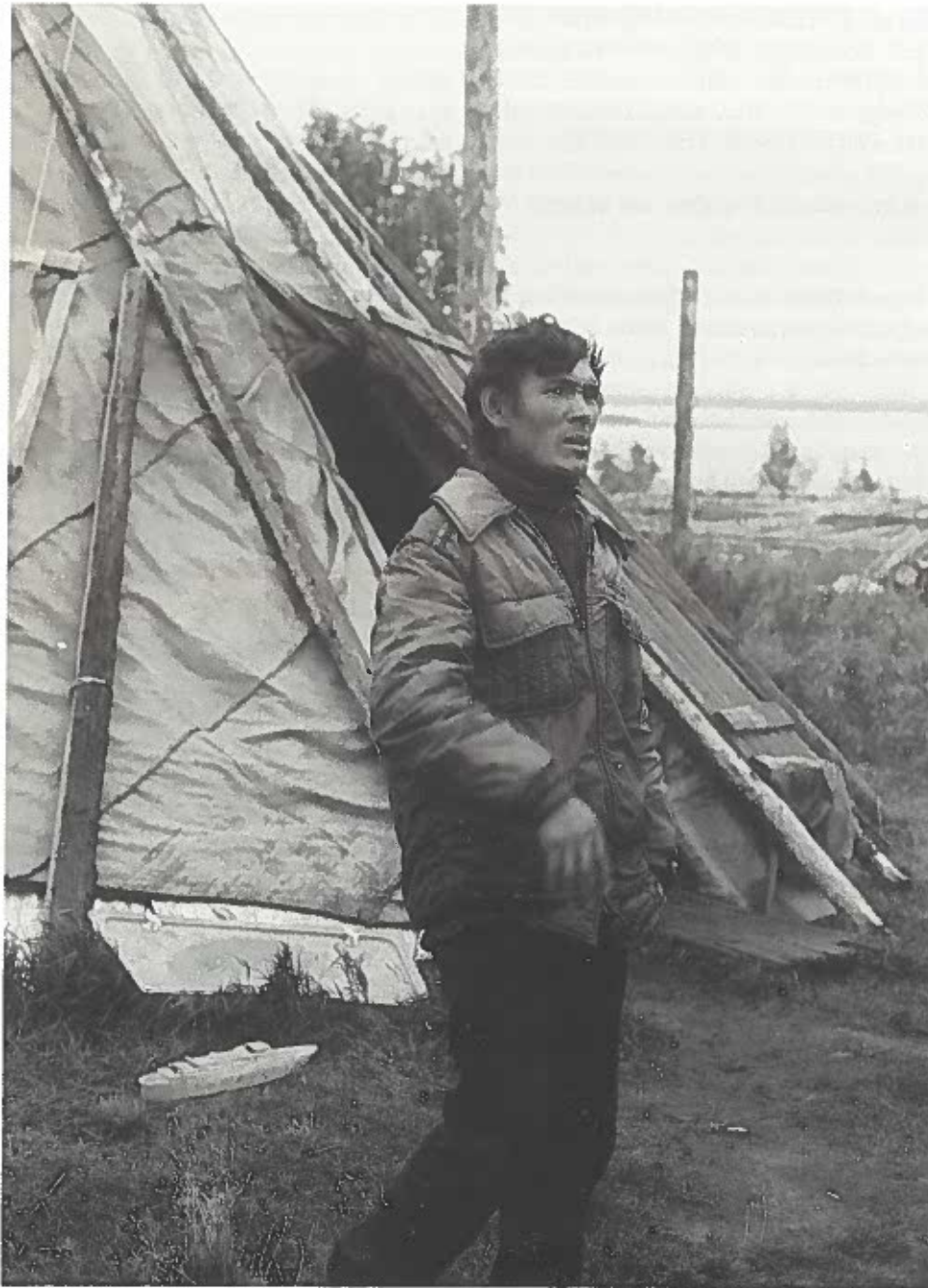
Sources: *Moscow News*, No. 41, 1990. □



Khanti-Mansi Autonomous Area. Photo: Vladimir Chew.

A Soviet Reservation? Yes!

by Oksana Petrunenko, (IAN)



Khant village leader outside a traditional *chum* (tent). Photo: Jens Dahl.

A reservation which will be made up of *Khanties* and *Mansi* settlements is being set up in the Khanty-Mansi Autonomous Area in Western Siberia. The very existence of these two northern ethnic minorities (the so-called Ugric tribes) was endangered by injudicious economic activity. It was unfortunate for the Khanties and Mansi that their land turned out to be a treasure trove of oil, natural gas and timber. Speedily erected oil derricks and trees felled by electric saws showed that priority was given to the industrialization of Siberia so that hunting and fishing grounds and traditional crafts began to disappear. As a result of the hasty development of natural resources, the Khanties and Mansi had no opportunity to follow their traditional lifestyle. The objective of the reservation is to save these and other ethnic minorities living there, and give them as much independence in their development as possible.

The setting up of the reservation is one of the few instances in Soviet politics when a decision has been made after tough scientific analysis and with account taken of public opinion.

The leadership of the Tyumen region suggested that the residents themselves decide on a pattern of development of their area. The results of a sociological survey showed that most people understood that the Ugric tribes were in dire straits and believed that only a reservation could improve the situation. At the same time several projects or rather models for solving the problem were offered to experts for examination: those of cultural assimilation, non-interference, and so on. Ethnographers, philosophers, lawyers and cultural experts also supported the idea of setting up an ethnic territory or a reservation. Incidentally, such an approach corresponds to international agreements on the rights of peoples leading a traditional way of life.

A third of the autonomous area's territory (100,000 km²) has been declared a reservation. The industrial development of natural resources, the felling of wood, and the building of new industrial enterprises and settlements on this territory will be stopped. Priority is to be given to the traditional crafts, hunting and fishing. As on any reservation, the number of outsiders, such as tourists, builders and oil workers, will be sharply limited. The prospecting parties working there will move elsewhere.

There are 30 prospected oil and gas de-

posits on the territory of the future reservation. It has been decided to postpone their development for at least 25 years. The region's leadership believe that their exploitation may be resumed when new, ecologically cleaner extraction technologies have been developed, and naturally, if the local residents agree to the development of their mineral resources.

The setting up of the reservation will make it possible to more fully ensure the rights of ethnic minorities. To this end the leadership of the area plan to change the management structures. The affairs of the reservation are to be settled at gatherings of the inhabitants of the ethnic settlements (usually 30 to 40 residents). But at the regional level a different decision-making mechanism is required. For the Khanties and Mansi account for about one-sixty-fifth of the population of the Tyumen region. That is why it has been proposed that the Regional Soviet be bicameral, which will make it possible to take into account the opinions of the indigenous people in dealing with their problems of territory.

In order to save the ethnic minority from extinction, it is not enough to simply enable them to live in compact territories. It is also necessary to restore the environment, recultivate the land, plant trees and clean rivers.

The recent resolution of the USSR Supreme Soviet recommends that the land which has traditionally been used by the indigenous people and which cannot be taken away for industrial development be transferred to the indigenous ethnic minorities of the North, Siberia and to Soviet Far East. Priority is given to the preservation of the natural environment and biological resources vital for the survival of ethnic minorities. This means not only a limitation on economic activity, but also the exclusion of whole areas from intensive land use.

The reduction in the territory's industrial development will undoubtedly affect the budget of the autonomous area while the restoration of the ecological balance will require considerable spending. Do the organizers of the reservation realize this?

The region's leadership have a plan of partial compensation, from several sources, to be spent on nature restoration. For instance, on-site treatment of timber and its full cycle, waste-free processing will make it possible to obtain greater profits from sales of finished products. The ex-

pected reduction of oil extraction will stimulate the development of resource-saving technologies and industrial facilities which also promises no small profit.

Another source of financing are direct agreements with various agencies on partial compensation of the use of the territory. For instance, the Glavtyumenneftegaz association has raised a 100-million rouble programme, and the Gazprom concern a programme for 50 million roubles. True, such agreements contain a considerable degree of absurdity: the agencies whose activity has brought about the region's current problems are allocating funds for eliminating its adverse consequences by way of charity. So far, it can't be helped since for the time being there are no firm commitments by the Soviet agencies with regard to the territories on which they pursue economic activity.

To make the reservation independent of the good will of industrial concerns, it is necessary to work out economic foundations for its existence. In the context of the cost-accounting system the reservation will not survive and will have to be auctioned off unless high tax rates are set for the use of the ancestral land of the Khanties and Mansi. Many people in the region believe that this land must be transferred to the indigenous populations as their property.

This is the transcription of an article published in "Perestroika", Nr. 10, 1990. □

More from the Soviet Union

On 16 of October 1990 the Council of the Association of the 26 Small Peoples of the Soviet North met in Yakutsk, Siberia. At this meeting a "Convention of the 26" was adopted.

This Convention is reprinted in the next edition of the IWGIA Newsletter. □

IWGIA DOCUMENT 70
by Andrew Gray

Between the spice of life and the melting pot: Biodiversity conservation and its impact on Indigenous peoples

\$ 7.50

INDIGENOUS PEOPLES OF THE SOVIET NORTH

IWGIA DOCUMENT 67

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Villages of the Dammed

The James Bay Agreement Leaves a Trail of Broken Promises

by Billy Diamond

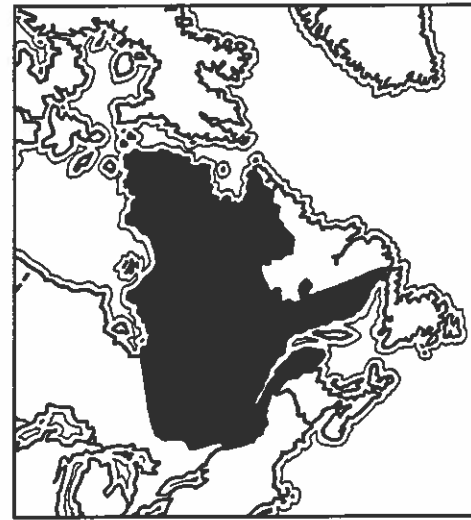
A land claims negotiator in his twenties, Billy Diamond is today Chief of the Wasaganish Band of James Bay Crees. To those who see the negotiation and settlement of a land claims agreement as the end of a

long struggle, Diamond says, think again. He would not have signed the James Bay and Northern Quebec Agreement in 1975 if he had known then how the solemn commitments of the Agreement would be "interpreted, twisted" and ignored. Now the massive James Bay II project threatens to further damage Cree society.

In these days of public battle between the federal and provincial governments of Canada and the First Nations of Canada, lessons can be learned from the most important native rights battle of the seventies: the events leading to the signing of the James Bay and Northern Quebec Agreement on November 11, 1975. Land claims, now a battle cry for native groups across Canada, were at that point a Canadian novelty. Today the experience of the James Bay Agreement is a far from perfect model of Canadian native land claims.

Hydro-electricity is very important to Quebec, and the Cree homeland provides approximately 40 percent of Quebec's capacity of 25,000 megawatts. However, unlike some Scandinavian countries, where hydro-electric flooding is confined by mountain walls, in the Cree territory hydro-electric projects flood vast areas and devastate the land.

The La Grande Project has a total reservoir area of about 14,000 km², of which about 10,500 km² is flooded land. If James Bay Phase II, the massive expansion of the Northern Quebec hydro-electric system currently being planned by Hydro-Quebec, is completed, this total will rise to 25,835 km² of reservoir, of which 15,519 km² will be flooded land. This is compar-



QUEBEC, Canada

able to submerging the whole of Northern Ireland.

In 1970, Quebec Premier Robert Bourassa proposed the first James Bay Project, which consisted of three parts: the Great River Project, the La Grande Project and the Nottaway-Broadback-Rupert Hydro-electric Project. He announced his plans without consulting the Cree and Inuit people of Northern Quebec, whose lands and ways of life would be changed forever by those developments. The James Bay Project threatened to destroy eleven major rivers and upset the ecology of an area the size of France. It would permanently diminish the traditional Cree way of life.

It was up to us, the first generation of Crees out of high school, to counteract that threat. We knew our people had always occupied the Cree territory. My people wanted to protect the land and our way of life. We were the only inhabitants of the land, and our way of life depended upon the rivers continuing to flow and upon the forests and the animals continuing to thrive.

We found that Canadian law had few legal precedents of aboriginal rights. We also found that Quebec, under the terms of the 1898 and 1912 Quebec Boundaries Extension Acts, had an outstanding obligation to settle native "claims" to the territory. Quebec had never fulfilled this condition to its accession of Eastern Rupert's Land from Canada. Thus, Quebec's claim to all of Northern Quebec was in jeopardy because it had refused to deal with us. Quebec's claim to all of Northern Quebec is still in jeopardy because the James Bay

Agreement has not been respected.

When we took the issue to court, our first occupancy and unique and continuous occupation of the land played a small part in the proceedings. Quebec attempted to prove that because my people used implements and goods bought in stores, we are no longer indigenous people. Before the courts, however, our story was articulately and honestly told by our people. Through interpreters, our people related the way that they lived in harmony with the land and the wildlife and the resources around them. After six months of testimony, we won our case. It was the longest interlocutory proceeding in Canada and is a hallmark of legal precedent and judicial courage. Judge Albert Malouf recognized that we, the inhabitants, had rights that superseded the rights of Hydro-Quebec and the Quebec government, and an injunction was granted to halt construction of the James Bay project.

One week after that decision, the Quebec Court of Appeal overturned that decision in favour of the rights of Quebec society. The project would proceed. It decided that while our rights might be compromised by the project, the public interest of southern society was more important. The damages to us could be compensated for with money. Our feeling was that no one can buy a way of life and culture with money. We were ready to proceed in court, but we saw the need to limit the damages, see remedial works and have certain fundamental rights recognized. We decided to attempt to negotiate a settlement. We really had no other choice.

The James Bay and Northern Quebec Agreement took a total of two years to negotiate. We thought that with the Agreement we had secured the means to adapt to damages caused by the La Grande Project and to the changes to Cree society that would surely result from increased contact with the larger society. The agreement index reads like a constitution of a new country and, in many ways, that is what it was meant to be. We set up the Cree School Board and took control of Cree education, which had been administered from Ottawa. We set up the Cree Board of Health and Social Services and brought the responsibility for health services back from Ottawa to the Cree communities. We secured special measures for the administration of justice and for setting up a Cree police force. And, we set up a program

which provides a guaranteed income, albeit a low income, for Cree hunters. The program encourages them to stay in the bush for at least 125 days a year.

The Agreement promised federal legislation for Cree self-government, and in 1984, nine years after the signing of the Agreement, Parliament finally passed the Cree-Naskapi (of Quebec) Act. This is a recognition of Cree sovereignty in the area of local government, is constitutionally enshrined, is vibrant, and supports the development of our communities. The Agreement also set up a special regime for environmental review of proposed future projects. This provided special measures to build Cree communities and to give us a significant role in the economic development of the territory. But these commitments were made by government only to get us to sign the Agreement; they have been consistently ignored and breached by Canada and Quebec.

Finally, the Agreement provided for monetary compensation. The Cree portion (another \$90 million was for Northern Quebec Inuit) is approximately \$130 million, to be paid out over twenty years. This is a Heritage Fund for future generations of Crees.

Considering all of the above, we approved the completion of the 1975 La Grande Project. We did not approve any other project. In fact, while we submitted environmental impacts for review, we withheld submission of our rights to such a process. Any future project would require Cree approval. That was the understanding of my people in 1975 and it still is today - no new projects without our consent.

Since 1975 we have negotiated three times with Hydro-Quebec to allow them to make changes to the design of the La Grande Project. In each agreement the principle was the same: "to compensate and remediate damages to our way of life and to our rights." We only accepted changes that we could live with and that would not destroy our way of life. We have had fifteen years of constant struggle to try to force Quebec and Canada to respect their commitments under the overall James Bay Agreement. If I had known in 1975 what I know about the way solemn commitments become twisted and interpreted, I would have refused to sign the Agreement. I would have gone to the Supreme Court and we would have found other ways to block the project-in the

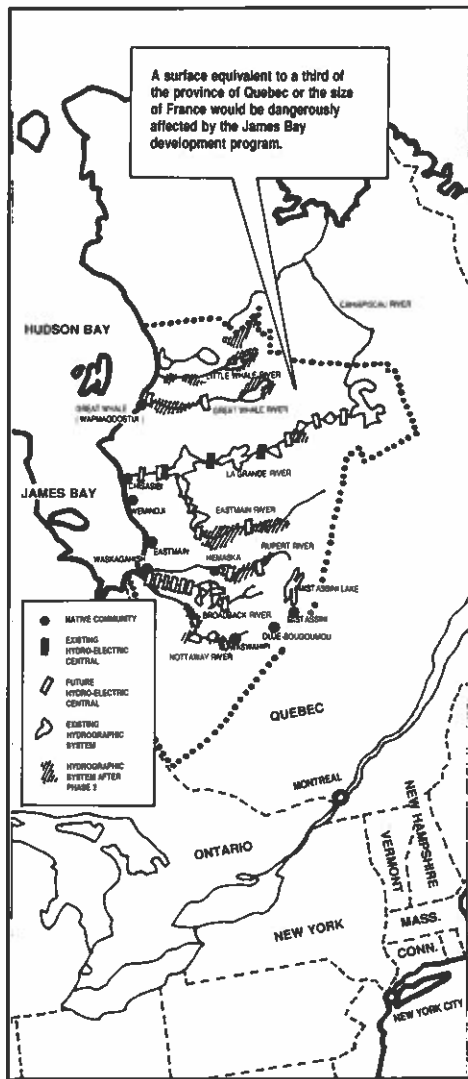
courts and on the ground.

Protection of the environment in Northern Quebec has been a farce. The regime set out in the Agreement does not work. It has not been well implemented because the provincial government has put almost no resources into it. Its representatives, because they are government employees, follow the party line. No independent expertise is brought to bear on environmental questions posed by development. There are no public hearings. There is no funding for third parties to study the questions. Moreover, Quebec wants to split the Great Whale Project into pieces for review, even though the pieces cannot be justified independently. Hydro-Quebec and the Government of Quebec want to act as the proponents of projects, as the evaluators, as judge and jury. Because of the lack of concern for the destruction of the environment, there are no Cree game wardens (almost no game wardens at all) in the territory as provided in the Agreement, and the traditional Cree way of life is in danger of extinction.

For Canada's part, the environmental protection process in the James Bay Agreement does not exist. Canada began to implement its environmental responsibilities in Section 22 in 1982-1984. In 1984, Quebec nationalists working in the Quebec City office of Environment Canada found a way to interpret Section 22 so that Canada could avoid any and all obligations. To this day, the federal Department of Justice refuses to allow the Minister of the Environment to implement section 22.

Employment opportunities were to have been created for the Cree people so that we could become full partners in the development of our land. Except for the provision of institutional services such as education, health, and local government, this has not occurred. The fifteen years since the signing of the Agreement have been lost years in terms of developing programs for bringing Cree people into managerial and operational jobs on the hydro-electric projects.

Alternative employment opportunities, too, are being closed off to the Cree people. In the Agreement, we set up the James Bay Native Development Corporation, which was to open the door to joint ventures with the parent company, the James Bay Development Corporation. This never happened. Instead, the James Bay Develop-



ment Corporation has adopted a racist mandate to drive the Crees out of regional development. They want to close the Cree fuel sales business, called Cree Energy, by pushing us out of business at Radisson Airport. In their campaign against the Cree, corporation officers attempt to recruit local businessmen south of the Cree territory. Any successful Cree commercial initiatives are carried out despite government interference and without government assistance. In forestry, my people have been trying since before the Agreement to set up logging and wood-processing plants. Rather than developing ways for forestry to be managed on a sustained yield basis, and in a way that is compatible with environmental protection and the Cree way of life, Quebec has illegally given forestry concessions to multinational corporations. The equivalent of one family territory (600 km²) is being obliterated each year by clear-cutting. The rights we gained in the James Bay and Northern Quebec Agreement to continue our traditional way of life are an illusion because the environment in northwestern Quebec is being destroyed.

Our rights guaranteed by the James Bay and Northern Quebec Agreement are being denied in other ways as well. Federal and provincial program cuts have resulted in a shortfall of 800 houses. The Cree People of Ouje-Bougoumou are still considered to be squatters on their own lands by Quebec and Canada because the Prime Minister of Canada, Brian Mulroney, has not done what he said he would do, in writing in 1985, and recognize these people as a "Cree-Naskapi Act" Band. Three Cree communities still do not have the access roads which were to come from the Agreement. Also, the powers of the Cree School Board have never been fully implemented. The list goes on and on.

Today Quebec announces that it will go ahead with another major hydro-electric development in James Bay II, first the Great Whale River Project and, in two years time, the Nottaway-Broadback-Rupert Project. But before examining the potential impact of this development, it is useful to look at the unfolding impacts of the La Grande Project. At this moment, we have no idea how far the consequences of James Bay I have gone.

We know that our people cannot eat certain species of fish because they are contaminated with mercury. We know

there are fewer and fewer geese each year. We know that whole fisheries have been wiped out, and that hunting, fishing and trapping areas have been severely reduced. We know that 40,000 non-native people each year use the hydro-electric infrastructure to hunt and fish in the region, without controls. We know there have been impacts on the wildlife of the region, and on James Bay and Hudson Bay.

Hydro-Quebec has carefully prevented public environmentalists and other scientists from learning the full impact of the La Grande Project. How can they build another project, cut more trees and flood more land without knowing this? We know about the destruction of the Amazon forests, but what about the destruction of the northern Quebec forests? Bourassa says he is going ahead with James Bay II. He says he does not need Cree consent to destroy our rivers and flood our land. But he is wrong. Cree consent is required, and we want these projects stopped.

In the Great Whale River Project, Premier Bourassa intends to flood the lands of the Great Whale River Basin, the Nastapoca Basin, the Coates River Basin, the Boutin River Basin and the Little Whale River Basin in order to produce some 3,000 megawatts of electricity to be exported to the United States. Each of these rivers has important fish populations, and each contributes to the ecology of Hudson Bay, which supports populations of beluga whales, seals, polar bears and arctic char. As well, rare inland freshwater seals depend upon this water. The flooding of Lake Bienville to turn in into the major reservoir of this project will destroy important wetland and ruin caribou calving grounds. And, it will release mercury into the environment which, for many years to come, will contaminate remaining fish, mammal and bird populations of the reservoir area.

The Nottaway-Broadback-Rupert Project, the next major complex after Great Whale River, will produce 9,000 megawatts of power when the ten proposed power plants are completed. As with the Great Whale River Project, these power plants will operate to supply the demand for electricity in the South. It replaces the natural cycle by draining the reservoirs in winter and refilling them during the summer. The Nottaway and Rupert Rivers will be diverted toward the Broadback River system where, on the present channel of the

Lower Broadback, the power plants will be mainly located. Water flow in the Lower Broadback River will, in winter, be ten to twenty times the present natural flow. The plan is to build the upstream power plants first, and build others downriver as required.

Over a period of years, this increased flow will scour out the Lower Broadback River channel. Reservoir depth will fluctuate annually between six and more than eighteen metres, and, as the reservoirs are shallow, this will leave vast bands of mud around each reservoir. The impact of this project will be devastating. Many Cree families will lose the most productive parts of their hunting, fishing and trapping areas. Because the Nottaway-Broadback-Rupert Project is to be built in low-relief forested areas and in sensitive wetland environments, the project will cause mercury contamination of the fish in those reservoirs at levels as yet unseen in Northern Quebec.

These river basins form an intricate and complex pattern of wetland environments and small lakes. They are major nesting grounds for ducks, herons, and all of the other migratory waterfowl which come to our northern region every spring. The spilling of forty cubic kilometres of freshwater into James Bay and Rupert Bay every winter will have a negative impact on the trout, cisco and whitefish populations as well as the snow geese that use Rupert Bay for a staging area during their migration.

For the Cree communities, local effects in addition to social problems and damages to the hunting and trapping way of life will include loss of community water supplies, contamination of local bodies of water, erosion and silting problems, and dangers to transportation. My community, Waskaganish, will be greatly affected by this project. Our very existence is at stake.

Besides all that, these projects do not produce clean energy from an atmospheric standpoint. The projects will allow Quebec and the northeastern United States to avoid implementing energy conservation as recommended by the international Brundtland Commission. In addition, the rotting vegetation from these projects will dump 100 million tonnes of carbon dioxide and methane into the atmosphere, contributing greatly to the greenhouse effect. Major power transmission lines will have to be built and will cut through our region as well as populated areas in southern Quebec and

the United States.

The real crime about these proposed hydro-electric projects is that they are not needed, and there are much better investments available for the people of Quebec. It is only because of a few interested parties, including Premier Bourassa, that the projects are proposed at all. Hydro-Quebec is not a publicly regulated company, although it is a public company and has all of its debts underwritten by Quebec taxpayers. Hydro-Quebec proposes to spend \$62 billion on mega-projects and related works over the next ten years. This is approximately twice the level of spending proposed by Ontario Hydro.

In Brazil, developers argue, the enormous population increase in the next century will require the power that they hope to get by flooding parts of the Amazon Basin. In Quebec, the population is expected to start declining by the year 2006.

Quebec presently uses the same amount of electricity as New York State, even though it has about one third of the population of that state. Yet, Hydro-Quebec is actually encouraging consumers in the province to use more electricity.

To increase the demand so its projects can be rationalized to the public, Hydro-Quebec has aggressively marketed electricity in the United States and has long-term agreements, which have still not been approved by regulatory boards, for at least 2,000 megawatts of firm power. Moreover, Hydro-Quebec sells electricity at well below cost to aluminum smelters which, incidentally, have been exempted by Quebec and Canada from environmental review. In 1984 when Premier Bourassa was re-elected, Hydro-Quebec sold what it called "surplus electricity" to the United States at bargain basement prices. This was not surplus electricity; it was the margin of energy security, as stored water in the reservoirs. The reservoirs are now 25 to 40 percent under capacity.

The alternative for Quebec will cost less than its mega-projects. If Quebec cancelled the U.S. contracts (it will lose money on them anyway) and implemented energy conservation, more employment would be created and eight rivers would be saved. Eight thousand megawatts of power can be accessed through conservation. As new technologies are developed using the sun, wind and perhaps fusion, it is likely that the cement and gravel pyramids in Northern Quebec will be monuments to the abuse

that 20th-century man has heaped on the environment.

A major related questions involves the financing of these projects, which is coming from North America, Asia and Europe. Any bank, bond fund, brokerage house or investment group looking to invest in the future hydro-electric projects of Hydro-Quebec should look at the global situation before it makes commitments. The environmental effects of these projects are reason enough to be concerned. Investors would be supporting mega-projects that will result in serious environmental damage. They must live with the consequences.

Hydro-Quebec's strength is also in question. Their bonds are guaranteed by the Government of Quebec, which is, in fact, directly involved in the financing of these projects. Investors should be advised that the Cree have initiated legal proceedings in Quebec and the United States to prevent construction of the projects or at least substantially delay them. Before a decision is made to invest, there should be a clear review of these legal proceedings, the provisions of the James Bay and Northern Quebec Agreement, and of the ability of Crees and Quebecers to block the projects. Investors in Hydro-Quebec would also be best advised to look and see who really owns Northern Quebec: the Crees, Canada or Quebec. Potential investors should not underestimate us.

Sixty-five percent of the Cree People are under the age of twenty-five. These people realize that hydro-electric development does not promote the long-term health of our way of life. They know that forestry must be controlled by the Cree people if it is to be made compatible with Cree hunting. These young people are the same ones who are being driven off the land, away from their family hunting territories. They see the confrontations at Kanesatake (Oka), Kahnawake, Akwasasne, Lubicon Lake, Restigouche, Rapid Lake, and with the Inuit of Labrador, the Indians of British Columbia and the Algonquins of Northern Quebec. And they realize that if the native people of Canada are to protect themselves and promote their way of life, they will have to do it themselves.

Current native reactions to government inaction stem from years of frustration, racism and neglect. The similarities between what is happening in South Africa and Eastern Europe and what is happening to native peoples in Canada are not exaggerated.

Canada has a form of institutional racism and apartheid which is a shame to this nation and to the nations of the world. The "Intifada" in Canada by the native people is not an isolated event. This is the last generation of native people who will accept the indignity of having their rights ignored, their culture destroyed and their human rights lost.

As a Grand Chief in 1975, Billy Diamond was the main Cree signatory of the James Bay and Northern Quebec Agreement. He is a past head of the Cree Regional Authority and the Cree School Board, and is today president of Air Creebec.

Source: Arctic Circle Nov./Dec. 1990. □



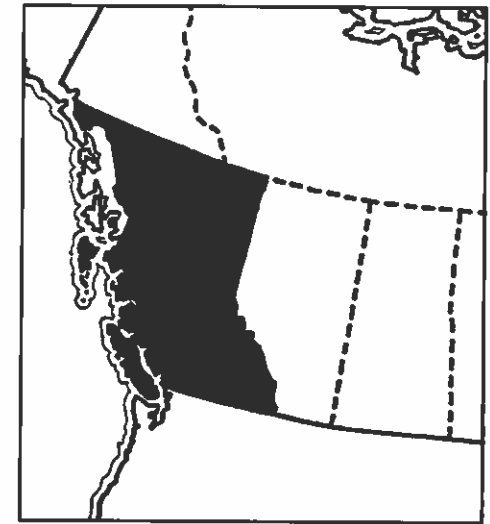
IWGIA Documents on North America

14. Native people in areas of International Expansion: Indians and Inuit in Canada , 1972	\$ 2.50
62. Critical Issues in Native North America Vol. 1 , 1989	\$ 11.60
63. Indigenous Self-development in the Americas , 1989	\$ 10.00
68. Critical Issues in Native North America Vol. 2 , 1991	\$ 11.60



Land Rights Extinguished:

The Gitksan-Wet 'Suwet'en Land Claim in British Columbia, Canada.



BRITISH COLUMBIA,
Western Canada

Introduction

In October 1984, fifty-four hereditary chiefs of the Gitksan-Wet 'Suwet'en nation filed in the British Columbia Supreme Court, claiming ownership to 57,000 square kilometres of traditional land in North-Western British Columbia.

24 of the chiefs have since died.

This claim and ruling dragged on for nearly four years and reportedly cost \$25,000,000.00, the longest and most expensive land claim in Canadian colonial history. It was also one of the most important.

The Gitksan claimed rents arising from occupancy of land for thousands of years. Their argument is the same for Native Canadians everywhere as is their claim for self-government.

The hearing began in 1987 and the decision of British Columbia Chief Justice, Allan McEachern, was handed down on 18 March, 1991.

Background

The first Governor of the colony of Vancouver Island was James Douglas who was appointed to that position in 1851. He became Governor of the mainland colony in 1858.

Colonial settlers and explorers asserted British sovereignty in the area by 1858. The province was then occupied by between 25,000 and 40,000 Indians and 5,000 non-natives. The Douglas policy was to claim all land except areas used as Indian villages. The Indians were also given the right to continue use of other lands for hunting and

fishing. The federal government at that time acknowledged aboriginal claims in other provinces and reserved territories for the Indians. British Columbia refused to and encouraged Indians to assimilate.

Lord Dufferin, Canada's governor-general, wrote in 1874 that the B.C. government had evidently been behaving very badly. "They certainly should be required to extinguish the Indian title before assuming possession of the lands... but the truth is B.C. is hardly a large enough community to have as yet developed a conscience."

From the outset, the decision in this case was going to have the greatest impact in British Columbia. There were two reasons for this. Firstly, there are virtually no treaties with Indians in B.C., and secondly, the most comprehensive land claims are in that province. But it was also going to have serious implications for all Canadian Indians since the central issue in the case was the proof and scope of aboriginal rights and the extinguishment of aboriginal rights on land. The extinguishment, or elimination of aboriginal rights has been the core issue in all comprehensive claims, including the Gitksan and Wet 'Suwet'en's.

In 1989, the Supreme Court of Canada had held in the "Sparrow" case that the Crown must have had "clean and plain" intentions to extinguish aboriginal rights when it signed treaties with natives.

B.C. Indians interpreted that to mean their rights had not been extinguished since they had few treaties. Most did not sign treaties and have never been conquered by force of arms. They occupied their land before the arrival of the Europeans; they were occupying it when the invaders ar-

rived in the 1850's and today they still live on those same lands.

They claim that God gave them a piece of what is now British Columbia, at the beginning of time. They maintain that their ancestors lived on, owned and controlled the territory and that they still have a legal right to govern it. They wanted acknowledgment of their political jurisdiction over the land now "owned" by the province, and compensation paid for land held privately. They also want the right to terminate all logging, mining and other leases on Crown land.

The Court's decision

C.J. Allan McEachern ruled that Gitksan-Wet 'Suwet'en have no claim to ownership of the land, or jurisdiction over the territory in which they live.

However, he said, they do have a legal right, subject to provincial laws, to use unoccupied or vacant Crown land in the territory "for aboriginal sustenance purposes."

In coming to these conclusions the court accepted all the government's arguments, the consequence being that it would free the courts from injunctions and cases concerning aboriginal title.

McEachern ruled that the law of nations and common law recognize the sovereignty of European nations that established settlements in North America. By 1858 Britain had asserted sovereignty in the territory, and title to the land of the province became vested in Britain.

Aboriginal interests at that time were the right to live in their villages and occupy the

lands for the purpose of gathering products of the land and waters for subsistence and ceremonial purposes, he said. Aboriginal interests did not include ownership of the land or jurisdiction over the territory.

"It is the law," the judge also ruled, "that aboriginal rights exist at the *pleasure of the Crown* and they may be extinguished whenever the intention of the Crown to do so is clear and plain."

Pre-Confederation colonial enactments construed in their historic setting show a clear intention to extinguish aboriginal interests in order to give title to settlers, he said.

He acknowledged in the introduction to his judgment that the case was a "political trial" as much as a case about land and jurisdiction.

His decision will not solve "the real issues" that exist between the aboriginal people and the governments, "but this case is at least an important step in that direction."

The judge wrote in his 394-page decision that the aboriginal people sincerely believe they have a legal right to govern the land by reason of their long use of the land, and they resent waiting for their aboriginal interests to be decided while non-natives acquire title and exploit its resources.

However, the courts of law are unable to respond to subjective considerations, he wrote. "Our Courts are courts of law which labour under disciplines which do not always permit judges to do what they might subjectively think (or feel) might be the right or just thing to do in a particular case. Nor can judges impose politically sensitive non-legal solutions on the parties. That is what Legislatures do, and judges should leave such matters to them."

"Instead cases must be decided on admissible evidence, according to law. The Court is not free to do whatever it wishes. Judges like everyone else must follow the law as they understand it."

The court must decide this case only according to what the aboriginal groups call "the white man's law," he said.

McEachern concluded that aboriginal rights exist "at the pleasure of the Crown" and were extinguished even before the province entered Confederation in 1871.

Since Confederation, the province has had "title to the soil of the province" and the right to dispose of Crown lands "unburdened by aboriginal title," he wrote.

In a significant departure from the rest of

the judgement, the chief justice reserved the last words for himself, in a blunt lecture to both Indian and government leaders.

He urged serious political negotiations as the only solution.

"The parties have concentrated for too long on legal and constitutional questions such as ownership, sovereignty and *rights*, which are fascinating legal concepts," the judge wrote.

McEachern said that he expected his judgement to be appealed. "After the last appeal, however, the remaining problems will not be legal ones," he warned. "Rather, they will remain, as they have always been, social and economic ones."

He seems to tell them, in effect, to grow up and get a job. "The Indians have remained dependent for too long," he wrote.

He condemned the reserves as providing little to Indians but "fishing footholds and ethnic enclaves." He admitted that many of the reserves granted were minuscule and could never provide an economic base, but added with curious dismissal, "there is no profit in trying to assign blame for this."

Enlarging reserves now would not in the best interest of anyone, he concluded. "Eventually, the Indians must decide how best they can combine the advantages the reserves afford them with the opportunities they have to share and participate in the larger economy, but it is obvious they must make their way off the reserves."

McEachern said natives will not find a solution to their problems in the courts and must negotiate with the federal and provincial governments. He concluded his judgement with a plea that the courtroom is not the place to find the "intelligent new arrangement" that Indians and the federal and provincial governments must strike.

"It is my conclusion... that the difficulties facing the Indian populations of the territory, and probably throughout Canada, will not be solved in the context of legal rights."

McEachern maintained that B.C. land policy did not interfere seriously with land use in the territory claimed by the Gitksan and Wet'suwet'en. At any rate, the land was seldom able to provide the Indians with anything more than a primitive existence, and they voluntarily migrated from it.

"The introduction of alcohol, disastrous epidemics and limited economic opportunities did not result from a lack of access to land," he added. Except in some specific instances, interference with aboriginal uses

of land was not a principal cause of Indian misfortune. "I cannot find lack of access to aboriginal land has seriously harmed the identity of these people."

Chief Justice McEachern had to deal with the "Sparrow" case and square it with his own. This he did, by saying the British rulers before Confederation simply assumed the natives had no rights and acted accordingly. Therefore, without ever passing any statute or law, they extinguished those rights.

"The pre-Confederation colonial enactments, construed in their historic setting, exhibit a clear and plain intention to extinguish aboriginal interests in order to give unburdened title to settlers...," he concluded.

Without using the words, he gave his legal authority to the concept of "implicit extinguishment", a concept bitterly contested by native leaders across Canada. Previous judgments on native rights had relied on the concept of implicit extinguishment, but more recent judgments had been chipping away at it.

By relying on colonial precedents, Chief Justice McEachern left himself and the courts open to charges of a colonial mentality. The assumptions and actions of those who began settling B.C. in 1850s, whatever precedent they created in law, cannot guide political decisions today. Nor should they be allowed to stand in law.

The consequences

There has been widespread condemnation of McEachern's decision on the Gitksan and Wet'suwet'en peoples belief that God gave them a piece of British Columbia at the beginning of time. McEachern concluded recently that "there is no evidence to support such a theory and much good reasons to doubt it."

His conclusion cries out for a discussion on the nature of evidence to substantiate for mysterious ways of God. Applying dry legal precedent to theology is a notion that strikes a discordant tone at the beginning of his 94-page decision on aboriginal land claims.

And it reverberates throughout his reasons for judgment: he dismisses tribal histories as myth, offers his theories about the roots of alcoholism and poverty among native people, and insists that the principal cause of Indian misfortune lies in the difficulties of adapting to changing circum-

stances.

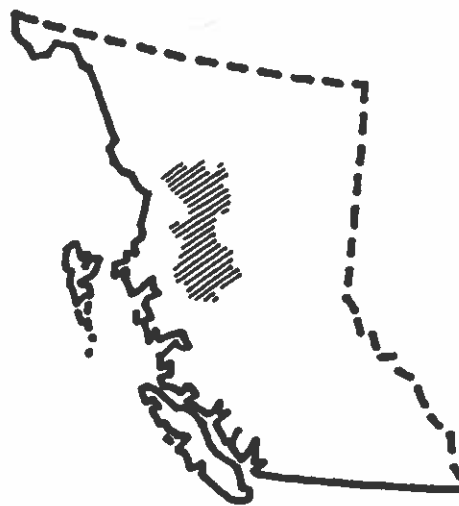
"He's not a good historian," says Paul Tennant, a political science professor at the University of British Columbia and the author of the authoritative book *Aboriginal Peoples and Politics*. Prof. Tennant says the judge embraced the standard non-Indian perspective. That is, the comments are not racist but are bound up in the white man's cultural perspective.

Prof. Tennant says the judge is rejecting the Indians identity by rejecting aboriginal claims. His description of native life reflect a white man's view that B.C. was an empty land without law and society, that civilization arrived once the British flag went up that pole. The notion of British sovereignty is just another cultural myth, Prof. Tennant maintains. "It's a matter of how you look at people outside your own group." He also suggested the judge's views on helping solve problems facing Indians may, in fact, lead to turmoil.

In the past 20 years, native groups have made progress in asserting their aboriginal rights by looking to the courts. By urging them to abandon their legal rights, Prof. Tennant says, the judge is telling them to resort to raw political power. Government policy will then be determined as a result of blockades and protests.

The B.C. Supreme Court ruling against the Gitksan-Wet'suwet'en Indians discourages aboriginal people and may provoke confrontations, says a lawyer for the *Lubicon Lake Band*.

"It's a very discouraging message. It cer-



■ GITKSAN-WET'SUWET'EN Territories

tainly reinforces very strongly the views of a lot of aboriginal peoples in Canada that you cannot get a fair shake in the courts," James O'Reilly said.

"The Lubicon people are confirmed (in their belief) that it would be quite difficult to get justice in the Canadian legal system," O'Reilly said.

The ruling continues to push back native concerns about their aboriginal and treaty rights, he said.

"Things have been pushed back and pushed back, but they are never going to go away. I don't know where it's going to break out, but it's going to break out," he said.

"The worst thing is nobody cares," said O'Reilly.

"B.C. Supreme Court Justice Allan McEachern's ruling is based on "racist" principles that Indian rights are inferior to those of white."

Yet Canadian society accepts that Gitksan-Wet'suwet'en rights were extinguished simply by laws passed in B.C. from 1858 to 1871 by a white society totalling around 5,000 people.

Whites didn't even establish themselves in the Indians territory until the 20th century.

That is applying to the red man standards and principles they would never have applied to Europeans.

"I call that racial discrimination," he said.

Harold Cardinal, at the University of Saskatchewan, Professor of Native Studies and a former President of the Indian Association of Alberta, also said McEachern's questioning, of native society and belief in God was underpinned with racist assumptions.

"I think the only way you can categorize that it is a classic racist assumption that reflects an institutionalized view of Indian people," Cardinal said.

Stunned Indian leaders condemned the ruling as racist, brutal, and a potential precursor to violent confrontation.

That anger is caused not only by McEachern's ruling, which reverses a recent trend by the Supreme Court of Canada to broaden and define aboriginal rights. But there is also a sense of betrayal caused by a blunt lecture McEachern added to the ruling.

It only deepens the disillusionment that this assessment comes from a judge who spent thousands of hours driving the

backroads of "this beautiful, vast and almost empty" region, listening to Indian oral history, and legend as well as the testimony of chiefs and elders.

Bob Skelly, the NDP aboriginal affairs critic and a B.C. MP, warns that "as a result of a very ethnocentric, anachronistic decision, the Supreme Court of B.C. has lost credibility with natives seeking alternatives. It will lead them to other actions that are not as satisfactory."

Mereredi says if no justice is found in Canadian courts, natives will go to the international courts for help.

And, he promises, there will be more unrest across the country.

The Lubicon Lake Indian Nation said: "That decision can fairly be characterized as both racist and stupid; stupid because it slams the door on legal recourse for aboriginal people leaving them with only extra legal means for protecting their lands and rights; racist and stupid because it bases the legitimacy of the Canadian nation state squarely upon a racist denial of the human rights and consequently the humanity of Canada's aboriginal people."

The B.C. Chief Justice argues that the British Crown in this case simply assumed that the indigenous aboriginal population didn't have any rights to worry about and proceeded accordingly, "exhibiting" in the process "a clear and plain intention to extinguish aboriginal interests in order to give unburdened title to (British) settlers."

What the B.C. Chief Justice is of course inescapably saying is that the British Crown didn't consider aboriginal people in what is now British Columbia to have the same human rights as Western Europeans, with whom the Brits might disagree and even war but who were at least recognized as comparable human beings possessing the same or similar human rights, or even the same "rights" as other aboriginal peoples with whom the British Crown at least "negotiated" treaties. He's saying that at the same time the British Crown unilaterally proclaimed jurisdiction over what is now known as British Columbia there were no human beings with human rights living there - only Indians and other wildlife.

The racism of Western European colonization of North America, as horrific as any perpetuated anywhere in human history - including the Holocaust in Germany under the Nazis - goes without saying. However, it doesn't follow by any known rules of logic that racist ignorance of the human rights of

aboriginal people constitutes a clear intention to extinguish those rights. Rather what follows, no matter how uncomfortable it might make certain interests in Canadian society, is that those aboriginal land rights continue to exist - even under Canadian law.

Lastly it's an incredible notion indeed that the Chief Justice of the B.C. Supreme Court should in 1991 try to base the legitimacy of Canadian Government jurisdiction over such lands and resources on an obviously racist denial of the human rights and consequently the humanity of Cana-

da's aboriginal people. If a more acceptable base than that can't be provided for Canada's continuing dominion over such lands and resources, Canada deserves the consequences which will almost inevitably follow.

Conclusion

From the few reports we have been able to obtain about this dispute it is clear that the decision has not calmed, through legal interpretation, an already difficult situation. As the Mohawk dispute in Quebec showed

last year, Canadian Indians are again talking about extra legal action to draw attention to their claims. In the reverberating protests in 1990, action in one corner of Canada was quickly seized upon by Canadian Indians in another.

That seems likely to occur again.

This is a transcript article published in ACTION ALERT, Pacific Concerns Resource Centre, Auckland, AOTEAROA (New Zealand). □

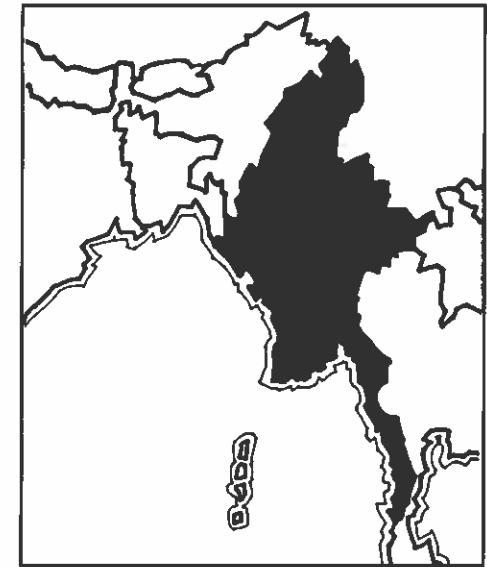


View of British Columbia. Photo: Jørgen Brøchner Jørgensen.

Human Rights in Burma

Oral Intervention of the International Work Group for Indigenous Affairs to the UN Human Rights Commission

by Mr. Maung Kyin Zaw



BURMA, South East Asia

Mr. Chairman:

In its sessions of 1989 and 1990, the Commission on Human Rights considered the widespread violations of fundamental human rights in Burma, and expressed its concern over the lack of democratic freedom in the country. In its 46th session in 1990, the Commission on Human Rights called for the appointment of an independent expert to observe the human rights situation in Burma.

The Burmese people warmly welcomed the visit of Professor Zarabo Ogata, the independent expert of the U.N. Human Rights Commission, with the hope that U.N. could save the lives and stop the suffering of the Burmese people under the repression of the military dictators, which has lasted for nearly three decades. However, the Burmese people were sorry for the lack of a chance to express their hospitality to Mrs. Ogata and to inform her of their suffering, as her trio was much restricted by the SLORC regime.

The human rights situation in Burma has become much worse since the general elections on 27 May 1990. The entire Burmese people have expressed their will in May, when the opposition National League for Democracy (NLD) party won a landslide victory. However the military junta has been stalling for the time to transfer power to the representatives of The Peoples Assembly, and insists that first a draft of a new constitution must be written. The military junta stipulated that this new constitution must be submitted to a national referendum and approved by the army. This is

contrary to their promise, made before the elections when the military junta stated that its duty was only to hold the elections, and after that it would not interfere with the constitutional process.

The military junta denied, with order 1/90, the immediate calling of a peoples' assembly, and the transfer of power to the peoples' representatives and formation of a government by them. Members of the peoples' assembly rejected order 1/90, and in accordance with the "Ghandi Declaration" sent a petition calling for the principle of "non-crude, co-relation and the smooth transfer of power to the Peoples Assembly". As for the NLD, it had proposed on many occasions, to hold a dialogue with the military junta. But the military junta ignored the proposals and had instead mounted pressure on all the political parties which adhered to, and were unified under the Gandhi Declaration.

More political leaders were arrested and detained. Newsletters, bulletins and publications of political parties were prohibited, and those caught with political publications were harshly treated. The NLD township offices were raided and searched by the army, police and military intelligence. Elected members of parliament and political organizers were called in for interrogations, and some were arrested. According to our reliable sources, more than 80 members of Parliament were arbitrarily arrested.

Today, over 4,000 people have been imprisoned for political reasons. Many of them have been detained without charge or trials. They are usually subjected to physi-

cal torture such as beatings, cigarette burning, electric shock and psychological torture. It is found that the methodology of torture has been relatively consistent in Burma over many years. U maung Ko, an executive member of NLD, was tortured to death last November for withholding information on a meeting of his party.

Peaceful rallies of the students, Buddhist monks and people, demanding the transfer of the state power to representatives elected by the broad mass, were brutally suppressed. Two Buddhist monks and two students were killed and hundreds wounded during a mass rally in Mandalay on 8 August 1990. Fourteen students were killed and many wounded the next day in another mass rally in Pakoakku City. Buddhist monasteries in cities in Upper Burma were raided by soldiers, monks were driven out or arrested. There are now over 400 monks in Mandalay prison. Public buildings within fifty feet of monasteries were ordered to be knocked down and the inhabitants moved out to the open fields.

Since July 1989, fifteen military tribunals were formed, with the military commanders empowered with the authority to pronounce death sentence, life imprisonment and a jail term of not less than three years with hard labour to those found guilty of breaking martial law, with no rights of appeal. These tribunals have given death sentences to over a hundred people, among which twenty four have already been carried out. Although the lifting of martial law was announced in some townships, notification 8/88 and martial law order number 2/88 which strictly prohibit the rights to free

dom of expression and assembly, remain in force throughout the country.

More than 500,000 urban dwellers were forced to move from their homes to new satellite towns. These people lost their jobs and have been facing unemployment problems. Satellite towns lack proper transportation systems, health facilities, electricity and schools.

In the meantime SLORC has been stepping up its war against the ethnic nationals. Soldiers enter ethnic villages, murder villagers, loot properties and ransack the villages. People including children, pregnant women and the elderly and sick, were seized at random to serve the soldiers as porters. These porters were ordered to carry excessive loads and were very often used as human mine sweepers. They were half starved, ill-treated and some faced execution. Some 40,000 civilians fled the atrocities of the soldiers and have sought temporary refuge in Thailand.

Yet another miserable problem in Burma today is the 3,000 students who have been taking refuge along the Thai-Burma borders due to the military coup in 1988. They have been facing the problems of disease, frequent attacks by SLORC soldiers, shortage of food, medicine, clothing and shelter. Over one hundred of these students have died in the past two years.

The Burmese people are also facing the dangers which have resulted from the destruction of Burma's environments and

forests by SLORC. Teak and other woods are being felled and exported through Thailand with no obvious attempt at replanting. The revenue from the wood, as well as those from marine resources, is being used in large part in the purchase of aircrafts, tanks, coastal gun boats, big and small arms with the purpose of suppression of democratic movements and the escalation of the country's civil war.

Mr. Chairman,

In conclusion I would like to point out that the military government of Burma is not based on the will of the people as required under international law. By neglecting the will of the entire people which was clearly expressed at the general elections, the SLORC regime is violating the internationally recognized right to self determination and the rule of law, a fundamental principle recognized by all civilized nations.

Burma has become a country shrouded in darkness because of all the unlawful arrests, tortures, persecutions and human rights violations of the SLORC. In such situations, it is absolutely impossible for representatives elected by the people to call a Peoples' Assembly and establish a legitimate government. Therefore, representatives of NLD, Party for National Democracy, and individual peoples' representatives have on 18 December 1990 established the National Coalition Govern-

ment of the Union of Burma. The government has the full support of the ethnic national movements. The people inside Burma, if they are given free and fair privileges, will give their full support as well. As a matter of international law, the National Coalition Government of the Union of Burma holds the claim to legitimacy as the sole government of Burma.

Mr. Chairman,

In order to help alleviate the conditions we have briefly summarized, we call on the international community through this Commission,

1. - to recognize the legitimate National Coalition Government of the Union Burma,
2. - to cancel the seat of the illegitimate SLORC regime at the U.N.
3. - to exert maximum political and economic pressure on SLORC regime, so that it will
 - a) - release all detained political prisoners, including NLD leader Daw Aung San Su Kyi,
 - b) - stop unlawful banning, arrests and other human rights violations,
 - c) - respect the will of the people of Burma, and
 - d) - respect U.N. charters, international Declarations of Human Rights and International Laws.

Thank you Mr. Chairman.

February 1991. □



In a Mon village, Burma. Photo: IWGIA archives.

The Chittagong Hill Tracts

The Chittagong Hill Tracts is the homeland of 12 tribal hill peoples numbering about 600,000. It is situated at the southeastern corner of Bangladesh wedged between the Indian states of Tripura and Mizoram. Covering 5,093 square miles (10 per cent of the country) and rising as high as 10,000 feet in places, the hill ranges contain limited cultivable land in contrast to the highly populated flood plain of Bangladesh.

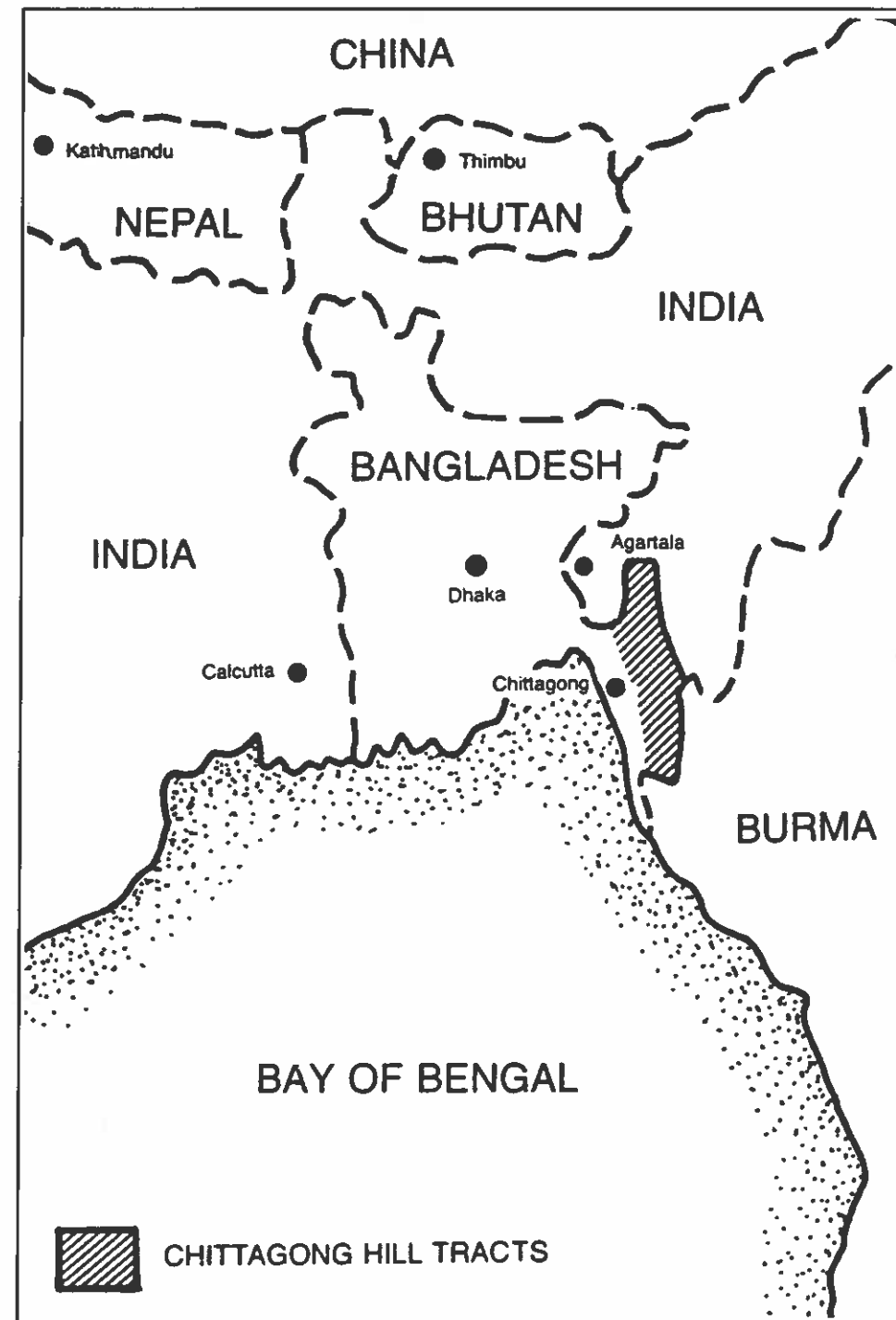
The hill people differ markedly from the Muslim Bengali majority in Bangladesh. The largest groups, *Chakma* and *Marma*, are Buddhist, the Tripura people are Hindu while the smaller tribal peoples such as the *Pankhua*, *Bawn* and *Mru* are Christian. They practise a mixed farming of plough cultivation in the fertile valleys and swidden agriculture on the hill slopes, known as *jhum* cultivation.

The British annexed the Chittagong Hill Tracts in 1860 and in 1900 passed a Regulation which kept the area apart from the plains by limiting migration and separating the administration. In 1947, the Chittagong Hill Tracts became part of East Pakistan.

Between 1957 and 1963 the government built a massive hydroelectric dam at Kaptai which flooded 54,000 acres of plough land taking 40 per cent of the terrain available for cultivation from the tribal farmers. 100,000 hill people were affected, few received any compensation and thousands fled to India. 40-60,000 remain in Arunachal Pradesh to this day stateless.

After the Bangladesh war of liberation, the people of the Chittagong Hill Tracts were inundated by settlers moving up from the plains. Between 1979 and 1983 a government transmigration policy brought 400,000 settlers into the Hills, to areas where there was no land for them, but they were now squeezed out of what little had been left to them.

A guerilla movement of the Hill People,



known as the *Shanti Bahini*, took to arms against the Bangladesh army and the settlers. The military have used counter-insurgency against the guerillas as an excuse to oppress the tribal people. For over ten years accounts of massive human rights violations has emerged from the area with questions raised at the United Nations and the International Labour Organisation.

In 1989 the Bangladesh government brought in a new District Council Law. The claim was that it would bring autonomy to the Hill Tracts under Councils led by predominantly tribal people. However the paltry powers of the District Councils with regard to important issues such as land rights and their establishment by force has greatly discredited their claim as autonomous bodies.

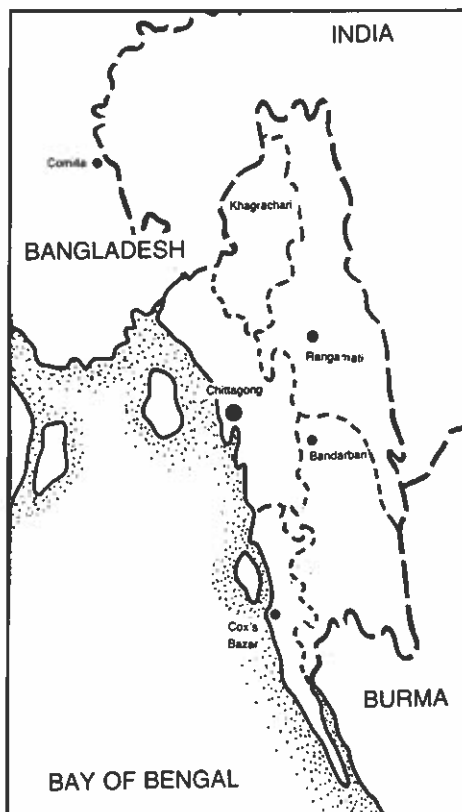
Life is not our's -Report of the Chittagong Hill Tracts Commission

The report is divided into eight sections:

1. The preface explains the background to the establishment of the Commission, describes the itinerary and the conditions under which the material was gathered.
2. The section on the political and legal history of the CHT traces the background to the problem from the British colonial period to the present day. From eye-witness accounts, it describes the attempts to negotiate an autonomy for the hill peoples and the establishment of the District Councils.
3. Militarisation in the Hill Tracts is total. The army controls all major aspects of civilian life. The Commission heard detailed accounts of human rights violations - killings, rape, torture and imprisonment without trial. There are over 50,000 armed men in the Hill Tracts fighting a guerilla force of between 500 and 1,000. The counter-insurgency strategy consists of relocating all the population, both tribal and settlers into cluster-villages where there is strict control of movement.
4. The chapter on land and dependency covers three areas. It describes the land tenure system in the Hill Tracts and documents how most of the plough land

in the area is clearly titled and held by hill people. It explains how the resettlement programme is turning tribal people from being village farmers into becoming dependent labourers for plantations, sponsored by investors such as the Asian Development Bank. The chapter concludes with a description of land dispossession by Bengali settlers. A case study describes land-grabbing by settlers and corroborates evidence given by a refugee in Tripura with a visit to this invaded lands in CHT.

5. This section is a detailed description of the development projects which are taking place in the Hill Tracts frequently under the auspices of the military. It points out the way in which development is imposed on hill people through the Chittagong Hill Tracts Development Board. Deforestation is taking place at an increasing rate and a plantation economy is under construction without any idea of the devastating ecological consequences.
6. This chapter looks at cultural and religious discrimination against the hill peoples of the CHT who, in spite of a higher literacy rate than elsewhere in Bangladesh, are seen as "backward and lazy" by outsiders. Cultural activities are disappearing from village life and



becoming folkloric items of entertainment for visitors. Religious persecution includes forced conversion, the destruction of temples (several of which the Commission visited) and the murder and torture of monks.

7. This section looks at the social problems in the Hill Tracts. It shows that in spite of the government putting some resources into health and education, the hill people miss out on the benefits which go predominantly to the settlers. The sufferings of women, particularly through rape on a massive scale, has been highlighted in the report. The effect of this rape has devastating repercussions for the society of the hill peoples.
8. The conclusions and recommendations are, briefly, as follows:

Conclusions

1. The CHT are under military control.
2. In spite of repeated military and governmental statements that violations of human rights will not continue, attacks by military and Bengali settlers continue.
3. People lie in order to function in the oppressive situation in which they find themselves.
4. The settlement of Bengalis from other parts of Bangladesh has led to massive violations of property rights of hill people.
5. There is a massive and largely involuntary reorganisation of both hill people and Bengali occurring in the CHT into "cluster villages".
6. There is a constant denigration of the economic, social and cultural characteristics of the Hill People by government military and settlers.
7. There are very serious ecological threats in CHT.
8. There have been serious problems with the process of developing the new system of District Councils in CHT.
9. There have been massive violations of human rights of the hill people in CHT.

Recommendations:

1. Land issues and the presence of the Bengali settlers.

Authorities in CHT broadly accept that moving in 400,000 Bengali settlers into the

CHT was a mistake. Throughout the area there is a strong consensus among hill people that the settlers should leave. Whereas the Commission agrees that the return of the settlers to the plains is the ideal solution, it makes the following practical recommendations:

- a) No further settlement in the CHT by outside settlers should be permitted;
- b) A neutral and expert body must examine the legality of title to lands in CHT, particularly where settlers have illegally occupied hill people's lands;
- c) Many Bengali settlers are themselves victims of poverty and exploitation and want to return to the plains but lack the resources. Voluntary relocation should be discussed in the context of foreign aid support;
- d) The cluster villages should be dismantled immediately,
- e) There should be an immediate assessment made of the carrying capacity of land in the Hill Tracts;

- f) CHT regulations of 1900 should not be repealed in total and the law should recognise the authority of government in the CHT.

2. Autonomy

- a) A process of demilitarisation of CHT must begin immediately. The effect of this will be to enable a democratisation of the area and the legalisation of all banned parties. The people of the CHT must be allowed to control their own future.
- b) Future discussions should no longer be about whether autonomy should exist in the Hill Tracts but rather what should be the institutions exercising autonomous powers, the extent of those powers and the legal basis for autonomy.
- c) The District Councils are very weak with regard to land, education, social and cultural matters and many other aspects of life in CHT. Any future body

should be stronger in dealing with these questions.

- d) Throughout the Hill Tracts people repeatedly preferred a single autonomous government for the CHT rather than the three District Councils. This would give the people more strength in dealing with the national government. The Commission recommends that there should be a referendum in CHT on autonomy with the voting confined to hill people.
- e) Process of elections to the District Councils were fundamentally unsatisfactory and election procedures must be improved.
- f) Present District Council laws should be repealed or amended. There should also be Constitutional protection of any future autonomous government.

3. Human Rights Violations

This report has clearly documented massive human rights violations in the CHT



Takumbari camp chairman welcomes Commission. Photo: Andrew Gray.

which constitute a genocidal process. Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied economic, social and cultural rights. There has been extensive and massive illegality over land under Bangladesh law. The Commission recommends a continuing monitoring body to continually watch human rights in CHT.

A Special Rapporteur of the UN should be established, supplemented by continuing investigations by the ILO and competent NGOs.

Quotes from Testimonies given to the Commission

1. An exiled Buddhist monk:

"Recently a Bonowanty Festival was arranged near Rangamati. People in CHT feel that if they attend the festival it will be beneficial. The ceremony is called the "Difficult Cloth Present" when people will prepare cotton, spin, dye and give it to the temple. It is one of the most important festivals in the Buddhist calendar. People from Kaptai went to the ceremony. Twenty-six people met some soldiers. The 10 men were separated from 14 girls and two women. The men were beaten up and forced to dance naked around the Buddhist temple and the women were gang raped in the forest. This took place on October 19th, 1990."

2. A Chakma Buddhist monk:

"I am a Chakma Buddhist monk. I was in the village of Boalkhali. At Boalkhali there was an orphanage, namely: Barabadya Chaddal Bouddah Anath Ashram. This was an orphanage with a temple. There was a high school with the orphanage. We were 17 monks. On 13th June, 1986, Bengali muslim infiltrators burnt the houses of many villagers in the Dighinala Upazila with the help of army personnel from the nearest cantonment in the area. On 13th and 14th of June these army people from Dighinala came and burnt the houses. In the morning of the 14th June, many infiltrators burnt houses nearest to the orphanage and burnt our granary of the orphanage into ashes. After some minutes army personnel came to us and told us that they had no duty to protect the orphanage. Adjacent villages were burnt to ashes and we were afraid because the army personnel told us

that they had no duty to protect the orphanage and so we had to leave the orphanage on that day. I had to leave with the orphans. We walked through the jungle with the orphans, at that time 80 orphans were present. I walked through the jungle with all of the monks. After seven days we reached the Karbook relief camp and were taken to shelter there."

3. A young Chakma woman:

"I came to Tripura in 1988. I saw my father hit by a dao as I was. They also cut off my hair. The incident took place with the assistance of the Bangladesh Army and committed in league with the settlers of Muslim infiltrators. during the same incident my husband was killed. We were gossiping on a private veranda when the settlers came and were about to escape. The houses were burned and we tried to escape the blazes. All the houses were burnt and we were chased and beaten up. My husband was the only person killed. The settlers did not come from our Upazila. They came to the veranda at about 11 o'clock in the morning, 15 Boisah, 1988. They attacked and raped the young girls on their way to school. I was hit by a dao and then raped. Six persons raped me. After this I was lying flat and the villagers came to collect me as I was unconscious. We were treated by some Chakma doctors in the Khagrachari hospital for wounds in the head. Then as there was no shelter with them we took shelter in India on 23rd of Zet month, 1988. We had only one domestic cow with us. The whole vil-



Buddhist monks and orphans at Takumbari Refugee Camp, South Tripura, India. Photo: T.B. Chakma.

lage moved to Tripura and all came to Karbook (20 families). My father's name is Taranga Mohan Chakma and he was also hit. My brother left and disappeared."

4. An exiled monk from pablakhali, Dighinala on events in 1985:

"On that day first the settlers and the army surrounded the temple. I was caught and my hands were tied with rope as were my legs. Water was poured through my nostrils. I was kicked with boots and my leg was cut. People came into the temple and caught all the girls. They took the girls a little way from the temple. I heard the cries of the girls - maybe they were raped but I did not see it with my own eyes. After a few days I met one of the girls but as a monk I have some restrictions and could not ask her what had happened.

The army perform sacrilege in the temples. They go in with boots and throw away food in the temple. Every day before 12 o'clock we offer food to Lord Buddha. The Muslims say: "Then why does not stone eat it?". The Army uses guns to break plates. Once I was about to offer food to Buddha and the Muslims entered and said "let's see if stone can eat", then they said "stone can't eat" and they took the plate from my hands and threw it on the floor. They bring animals into the temple and slaughter them: goats and cows. Buddhist people never kill animals so you cannot worship in the temple after that has happened. I have witnessed it. At Pablakhali in 1985, before the attack, about 35-50 army personnel en-

tered the monastery with 100-150 settlers remaining outside. They cooked inside the temple and burnt wood on the dirt floor and brought wood in. They killed the animals outside the temple but within the boundary of the temple. They did this to crush Buddhism and establish Islam. There was no reason for this."

5. A monk from Dighinala:

"I was in Mani Gram Buddhist temple. On 12 June, 1986 when we tried to celebrate a function in the temple. All of a sudden some troops came and said: "Hey, what are you doing?" We replied: "We are going to wash our God". The soldiers said: "You cannot wash God because this is a Muslim state. You cannot worship the Lord Buddha, you have to abandon this religion and become Muslim". We refused to do so. Then the soldiers caught us and tied our hands and started to pour water on our heads. I was the only monk there, the other were villagers numbering around 20. All of us were tied in pairs and the soldiers starting pouring water and when they were not satisfied by pouring water they started kicking us with their boots. The water was not just water but it was mixed with green chilies. When we were tied up they stood with bayonets over us so we would not struggle. My skin started burning and most of us were injured as I was. I had cuts and sores on my legs. We were tied up in the afternoon and they started to burn the houses of the village which we could see. We were tied up from eight in the morning

to four in the afternoon, a total of eight hours. The soldiers untied us. At about 5 o'clock they set fire to the temple and we went hiding into the jungles. The settlers were not with the soldiers when they tied us up, but were there when the village was burnt. There is a river called Chengi. After coming to the river we went hiding into the deep jungle. After four days trekking all through the jungle, I reached the border of Tripura and Karbook camp. In that lot we were around 450 people. Before 12th June there was no other incident. The only reason for attack was religion. If we became Muslim we could stay safe. I know one Marma who was my friend called Uchhmang. He was threatened that if he did not become a Muslim he would be harmed with his relatives. He was forcibly converted. He came from a different village, Mahalchari in Khagrachari District".

6. A man from Khagrachari District:

"Before this happened, one day 13 of us went to the market. I was not a monk then. The Bangladesh Rifles and settlers caught us and out of 13, nine were killed and four of us escaped. The reason was that we were not Muslims; they wanted us to be Muslims to take Islam. It was in the market itself and some of the people were also caught up from around. Among the people whom they caught was my wife. They cut her with daos - some of the marks on her neck are still there. She is in Karbook (refugee camp). This took place in the market itself on market day, Wednesday. The others ran



The Commission member, Wilfred Telkämper lays flowers at the grave of CHT villagers burnt by settlers, May 4th., 1989. Photo: Andrew Gray.

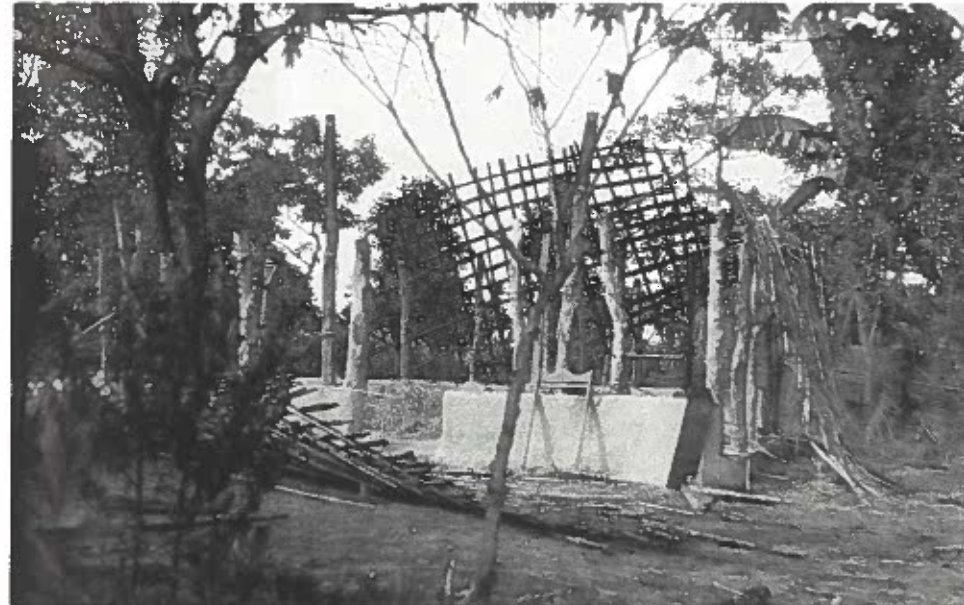
away. They also tried to cut me with daos on the neck. Luckily my shirt collar was thick and I escaped from being killed. As they killed the others they shouted: "Oh, Chakmas! will you not become Muslim? If you refuse we will kill you know".

7. A man from Panchari:

"I lost my land. Settlers came and captured by land. They burnt our houses first. They came with soldiers. This took place on 1st May 1986 at Kalanal, Panchari. My house was in a village with a temple. The whole village of 60 houses was burnt. After seeing this we ran through the jungles and eventually reached India, coming to Karbook camp".

8. A new arrival at the camps in November 1990:

"Muslim settlers wanted to take us villagers to a cluster village but we refused to go there. The villagers were beaten up by the Muslim settlers of which three families managed to escape one of which is mine. These three families came to Kheddachara for *jhum* cultivation. We stayed there for one and a half years. The day before yesterday the Muslim settlers came to the same village and rounded up the households. The settlers were accompanied by Bangladeshi soldiers. I took shelter in a nearby latrine when the villagers were rounded up. Later I tried to leave the latrine to go somewhere else. The village had been surrounded. As I was trying to escape the Muslim settlers shot me. I saw



One of the many houses destroyed by the army and the colonists. Photo: Andrew Gray.

one settler who had a gun and he shot me. It was a single barrelled shot-gun. The incident took place in the early morning around 6 o'clock. After getting the bullet injury I ran away into a safe place. I don't know what happened to the other villagers. I ran away from the place for about half a mile. Then I fell down and lost consciousness. Two refugees went there to collect indigenous vegetables and brought me to the camp about 10 o'clock. I have been twice attacked to be taken to a cluster village, the second time I was shot."

9. A woman who fled from an attack on her village:

"I was in the jungle for three months and would like to explain more about it. I took shelter in the jungle on 30th May along with my friend. We constructed a small hut in the jungle which is very close to our village. We used to collect food and materials from the villagers. Whenever we could not col-

lect we had to starve and sometimes we took wild potatoes and ate wild fruits etc... During that period Muslim settlers and the Bangladesh army were searching for us. We would move deep into the dense forest. We moved two or three times in a week. Although we did not meet other Chakma seeking refuge in the forest, I had heard of many who have done so."

Gautam Dewan, Rangamati District Council Chairman.

"In the CHT the land problem is the main problem. We have a land crisis because of the dam and the settlers."

Bengali political commentator.

"Religion is not the issue in the CHT but land. The Bengalis want land and so the result is a class struggle without the philosophy. Bengali Muslims want land and cheat the tribals."

Military officers:

"The time has come for us not to tell any more lies."

"The military deserve a Nobel Prize for what they are doing."

"In Bangladesh there is a better civilisation on the Plains, and there is a less developed civilisation in the Hills. In the Hills there are some roads, electricity and telecommunications and they are linked to the notion of civilisation... The civilisation are the contemporary civilisation of Bangladesh versus the tribal culture. They need schools, education, inter-marriage - intercourse between cultures, civilisation. There are accusations saying that we are trying to spoil cultures but the government doesn't do that. It is natural for human beings to want to conform to civilisation." □



The Commission leaves Takumbari. Photo: Andrew Gray.

'LIFE IS NOT OURS'



THE REPORT OF
THE
CHITTAGONG HILL TRACTS
COMMISSION

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The Trekways of the Wind

- about the Saami Poet, Nils Aslak Valkeapää
by Harald Gaski

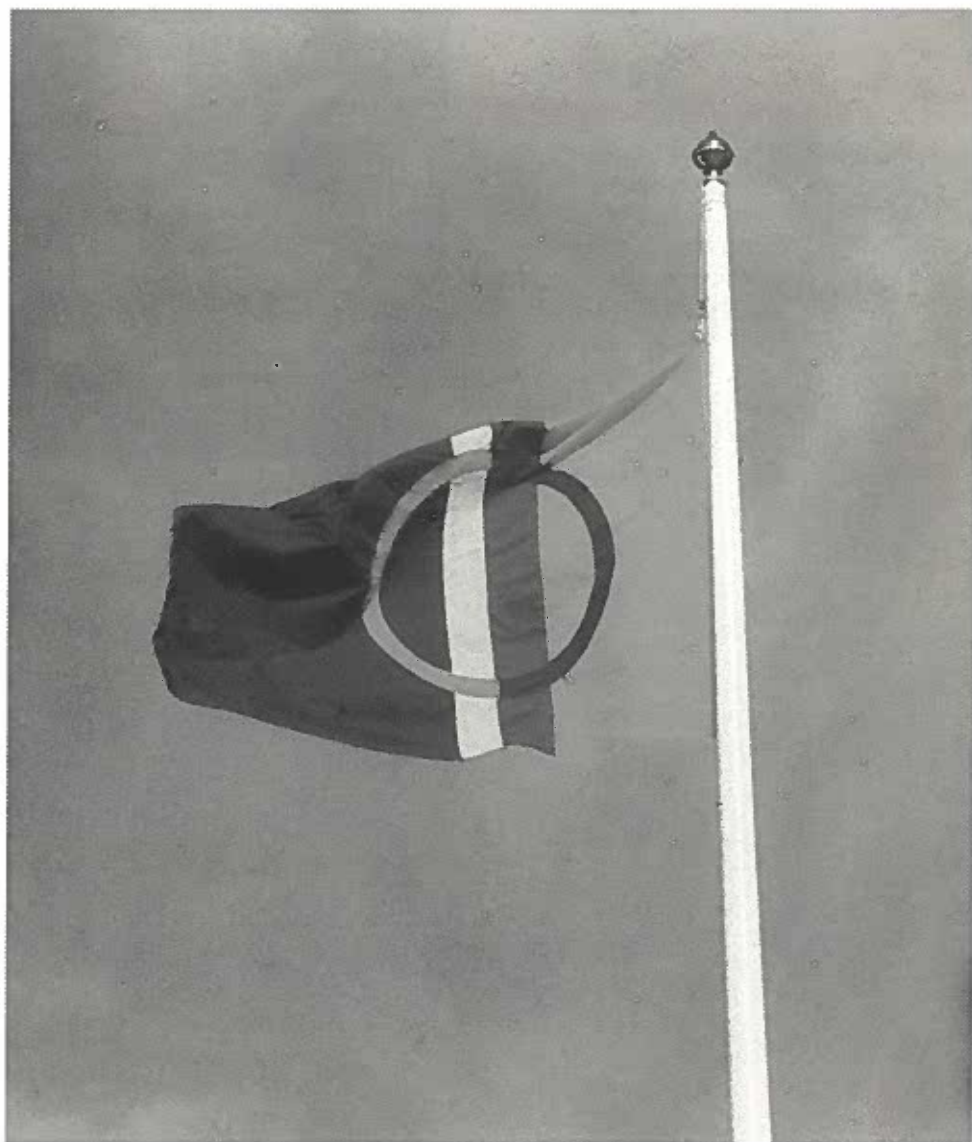


Nils-Aslak Valkeapää (b.1943) is the winner of the Nordic Council's Award for Literature of 1991 for his book, *Beaivi, Ahcazan* (*Solen, min far* in Scandinavian translation; "The Sun, my Father" would be a literal translation into English). The book is a combination of old photos and new-written lyrics. He spent 6 years collecting the photos in museums all over Scandinavia, in Paris, Rome and Seattle. Every picture and every poem have their own numbers, so all together the book consists of 571 pieces. At the wish of the author, the photos should be left out in every translated version of *Beaivi, Ahcazan*. Therefore the Scandinavian edition, *Solen, min far*, only consists of translations of the poems of the illustrated lyrical work; it appears as an appendix to the Saami book. The historical photographs show the Saami and their way of life as recorded by the first photo reportages at the end of the last century and the beginning of this one.

As far as the author is concerned, *Beaivi, Ahcazan* is intended primarily to be a book about the Saami, for Saami readers. For this reason, he has also given himself free rein with the full potential of the Saami language to express the sound and timbre, accuracy and precision, derivations and deceptions, musicality and "yoikality" of words. The text, however, has something to say to everyone on this earth. It may therefore be more appropriate to tear the text away from its close and intimate relationship with Saami language and culture, precisely by excluding the pictures that guide, but simultaneously limit, its reading. The pure text goes a long way, the imageless translated edition is intended to stand alone, to convey its message by the power of its words alone. But images will grow out

of the language, and the *yoik* will sound in the background. And even a reader in Manhattan, who has never heard a *yoik* or knows what a reindeer is, will sense some-

thing behind the words, the strength of what was the native people's culture. We can only preserve what we understand, and we must know the terrain behind us if we



The Nordic Saami Flag was raised for the first time in 1986, in Åre, Sweden at the XIII Saami Conference. Photo: Jørgen Brøchner Jørgensen.

are to find the way ahead. Perhaps we should all learn as the poem has it, to open the door outwards when we step inside.

Nils-Aslak Valkeapää was brought up in a reindeer-breeding family, but he himself is an educated teacher. However, he has never practised teaching, his life he has dedicated to the arts. He has also been active in organizing Saami artists to secure their rights, and he was the first cultural coordinator in the World Council of Indigenous Peoples. During his period as Coordinator, the big cultural festival, *Davvi Suvva* (Breeze from the North) was held in Saamiland in the late 1970s. Today, Valkeapää is, among other things, one of the key persons behind a small Saami publishing company, where his work also includes the task of looking for new talents in Saami writing. He travels a lot around the world presenting Saami arts to new audiences.

Valkeapää's reputation comes from more than his writing. He is also a marvelous performer of the traditional Saami folk music, *the yoik*, which he also has tried to combine with modern jazz, as well as classical music. The CD he has produced to accompany the book, will probably best be classified as a type of symphonic *yoik*. Furthermore, Valkeapää is a well-known painter; he has f.ex. done all the illustrations himself to his earlier book, the synthesis of words, *yoik* and pictures, *Ruoktu vaimmus* ("Home in heart"), a trilogy from 1974, 1976, 1981, published in one volume in 1986. In 1987, the book was published in Swedish, entitled *Vidderna inom mig*, and the Norwegian version published in 1990 was entitled *Vindens veier*. The book is now being translated into English and will probably be published in the USA in 1992.

Perhaps it is the hem of the Saami frock (the national clothing of the Saami people) of the daughter of the Sun that graces the cover of *Ruoktu vaimmus*; perhaps it is her magic power that attracts the reader and draws him into the book - to its pictures, its *yoiks* and its text. At any rate, the reader is aware of this attraction - of the way he is sucked in, the excitement of finding out whom one will finally meet after wandering through the wide open spaces of the tundras, of the book to the words, to the greeting: "How are you, my friend." Later on in the text, we again meet the frock-clad woman wearing shoes made from reindeer hides, in a poem that is a declaration of love

for the Saami country and the Saami people. So closely related to the author are the rolling plains, the glittering sea and the people of these northern regions that they have almost become a part of himself. "All this belongs to my heart/And all of it moves with me."

Ruoktu vaimmus and *Beaivi, Ahcazan* are commissioned works, not in the sense that someone has specifically asked Nils-Aslak Valkeapää to write the books, but rather in the sense that the author himself has felt that his people expect something from him. Given Valkeapää's aesthetic philosophy and ideological point of view, it is quite natural that the basis for his work and his ethnic identity demand of him that the artist *Aillohas* (his Saami artist-name, meaning "the little Ailo") should define his relationship to the community by composing a *yoik* that will integrate him into it. This *yoik* has become the books. Traditionally, a Saami must have his own *yoik* in order to be completely accepted as an individual, as a member of the community. *Aillohas* continues and renews this tradition by giving the Saami people as a whole, their own *yoik*, not as a national anthem, not as something to be learned by heart and presented on ceremonial occasions, but in the form of books for a people, for whom the concept of "book" was long synonymous with the Bible. There was no other reading matter, and no other reading matter was needed. But now we are living in a new period, a time in which traditions change, when the continuity between the old and new is scarcely taken care of, and when the wisdom of the old ways is no longer preserved, but is forgotten.

It is the artistic polymath who unites the words, images and music that feature in a modern project, aimed at the future and powered by the past. Just as the Saami of old need to master a range of techniques and ways of hunting simultaneously in order to survive in a harsh climate. *Aillohas* wishes to have several artistic techniques at his disposal. He prefers not to specialize in a single art form, because it is plurality that enriches life most. In the old society, for example, it was important not only to be able to make a good knife and decorate it beautifully, but also to be able to use it. For *Aillohas*, it is not enough to create the words of a *yoik*; he also needs to compose the music and to perform it. The performance conjures up images that either illustrate what the *yoik* is describing, or are a

digression based on the associations produced by the *yoik*. *Aillohas* is a hunting Saami shaman in our modern media age, and he demonstrates the importance of solidarity and of belonging to a location, environment and people.

"I have never written with a view to translation, and some of what I write is intended primarily to be read only by Saami," he says. Nevertheless, the positive reception accorded to both *Vidderna inom mig* and to *Solen, min far* by Scandinavian readers after the nominations for the Nordic Council's Award for Literature, surely suggests that *Aillohas* work is also valued by others. This is confirmed by a growing international interest in the literature of the Saami and of other native peoples' cultures. And it is precisely an aspect of the richness of art that it can offer its different users different inputs and experience of what they see, read and hear, even though this need not correspond to the primary target group's reading of the text...

Valkeapää is an internationalist in Saami art; his base and starting point are the values of the traditional Saami culture: "How I honour the old Sápmi/To be able to love for ten thousand years/without the right/to call Saamiland, Saamiland/without the right to Sápmi/to be a Saami/How could one live for ten thousand years at war with nature/watch the smart ones of the new age/pollute the world, poison/eat it bare/gnaw its bones/Homo sapiens the smart human". But once he has established the connection to the Saami heritage, and "when the sun at long last will be held aloft/when one's mind is swept clean of the hard drifts of winter snow/it's time to turn one's thoughts around/sail the sea of the wind/to the horizon/get ready for the spring move," the internationalist once more takes off on his journey - out into the world, into the psyche: "and so I let out/to the ocean of the ages/moving along with/ the trekways of the wind." □

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