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Editorial

It is estimated that 75 per cent of the total number of indigenous people in the world live in Asia. However, this enormous cultural diversity is now seriously threatened by the disastrous policies for the natural resources of the region and today is in Asia that the tropical rainforest is disappearing fastest. The invasions of mining and lumbering companies onto indigenous ancestral territories as well as the construction of dams and hydroelectric complexes are violating the rights of the indigenous peoples in almost all of Asia. In spite of this alarming situation there are still no important measures being taken to halt this process.

The indigenous peoples are the only people who have been able to live in harmony with their environment over thousands of years. Now the plundering and destruction of their lands is rapidly removing the basis for their existence.

Victoria Tauli Corpuz presents a review of the effects of the Asian development programmes on the environment and the indigenous peoples, as well as making some recommendations for halting the continuing destruction of the land.

We also look into the consequences of the displacement of thousands of indigenous *Ayta* to refugee camps as a result of the eruption of Mount Pinatubo in June 1991. The Philippine authorities have not been able to guarantee the basic needs of the refugees which has led to a marked deterioration in living conditions for the *Ayta*.

Although there are attempts at greater official tolerance in China towards the so called "national minorities", the tensions between the 56 Chinese minorities and the *Han* continue in the context of the process of cultural assimilation orchestrated by the government.

Moving west to India, we see how the different development projects there

have displaced thousands of people. In the name of the progress, some ten million *Adivasi* have been displaced at least once in the last 45 years.

The profound changes and the uncertainty which prevail in Russia continue to be prejudicial for the indigenous peoples. In this Newsletter we take up the case of the *Udege* in Far Eastern Russia who were on the point of losing an important part of their territory. Although the Russian Supreme Court prevented this happening the rights of the indigenous peoples in Russia is still under threat.

In Sweden the Parliament approved a law creating a Sami Parliament at the same time as approving legislation on the exploitation of reindeer. What the *Sami* thought would be a step forward for their demands has in fact been a worsening of the situation. The resolutions taken do not recognise the Sami as an autochthonous people in the Swedish Constitution, nor do they recognise the Sami language on a par with Swedish. At the same time the new proposals for hunting, fishing and reindeer herding are a threat to Sami rights.

Passing on to the United Nations forum, Fay Cohen examines the way in which the Human Rights Fund functions to foster indigenous participation in the Working Group on Indigenous Populations. Without doubt, the fund provides essential support and contrast with the "distancing" style of other bureaucratic systems.

We also deal with the situation of the indigenous peoples in Mexico. Mexico is one of only four countries which has ratified the ILO Convention 169 on the Rights of Indigenous Peoples. Nevertheless, there is still a long way to go before it complies with the dispositions of the ILO.

Finally, we present the declaration of the Board of IWGIA on the continuing violations of human rights in Nagaland.

Alejandro Parellada □

An Indigenous Peoples' Perspective on Environment and Development

By Victoria Tauli-Corpuz

Introduction

The largest number of indigenous people in the world is found in Asia. Out of a total of around 200 million indigenous peoples, around 150 million are found in Asia. These indigenous peoples have lived for centuries in ecosystems which are considered hostile by the "civilized" world. However, these "hostile" areas have become targets for resource exploitation by big business and governments because of the discovery that they are enclaves of rich natural resources.

South East Asia has one of the richest tropical rain forests. A 1982 survey done by FAO says that tropical rainforests worldwide cover 1.16 billion hectares. The forests in Africa account for 20 per cent, South East Asia 25 per cent and Latin America 55 per cent. However, the sad reality is that South East Asia also has the fastest rate of forest destruction.

A study of the rate of deforestation from 1970-1980 shows that in South and South East Asia alone, 21,000 sq km of primary tropical forest was lost annually. In Africa the annual loss is 7,500 sq km, while in Latin America it is 15,500 sq km. (1)

According to a FAO study done in 1984, 5,000 hectares of forests in South East Asia are destroyed every 24 hours. This rate of deforestation is consistent with the data that shows that South East Asia is contributing 40 per cent of the world's total timber exports. In spite of this alarming rate of deforestation in Asia there are no significant measures being taken to arrest this yet and logging is still being carried out indiscriminately. Tropical rain forests are the

ecological niches of most of the indigenous peoples in Asia and the violation of their proprietary rights to their traditional territories continues.

The effects of such destruction are being felt not only in the Asian countries but worldwide and there is an obvious lack of political will among governments to comprehensively address the problem. The export of logs has been stopped in countries like the Philippines but unscrupulous business people still manage to smuggle out precious hardwood to Japan. Sarawak which had 76 per cent forest cover in the mid-1980s is fast becoming a over logged because of the high demand for timber by countries like Japan, South Korea, the United States and in Europe.

The single common factor which could account for the remaining tropical forests is the stiff resistance offered by indigenous peoples to colonization, wide-scale logging and mining and the construction of hydroelectric dams. These lands are regarded by them as their ancestral domain, ancestral homelands or ecological niche, which they should protect for the future generations.

Indigenous peoples have existed in harmony with ecosystems such as the forests for thousands of years which attests to their ability to successfully manage a sustainable environment. It is because of this and the fact that they defended these lands with their lives that indigenous peoples can rightfully be called the original environmentalists.

The claim that the environmental movement originated in the North is a myth. Environmental movements started when indigenous peoples first fought against

forces which wanted to usurp their lands and wantonly exploit their natural resources.

This report will attempt to present the perspectives of Asian indigenous peoples' on environment and development. It will deal with how they have existed harmoniously with their environment over thousands of years and look at their world view, belief systems and their customary laws and traditions which are integral to this world view.

It will recount how indigenous peoples' lands have been encroached upon by companies in search of profits and look into their struggles against such encroachments to hold on to their traditional territories and their sustainable economies.

Finally, it will present some recommendations to bodies which have it in their power to continue the degradation of the environment or to decisively act to save the earth. As indigenous peoples have played crucial roles in saving what is left of their natural environment, even at the expense of their lives, they are in a position to offer proposals and possible alternatives to what is taking place at present.

Diversities and Commonalities

Asian indigenous peoples have a lot in common and they also have particular characteristics which set them apart from other people. Indigenous cultures all over the world are estimated by anthropologists at Bergen University to number some 5,000 and comprise 90-95 per cent of the cultural diversity presently existing (2). Time International says that there are 15,000 cultures

remaining on earth "stored in the memories of elders, healers, midwives, farmers, fishermen and hunters" (3).

Since Asian indigenous peoples compose around 75 per cent of the total number of indigenous peoples the world over, then it can be safe to assume it is in Asia where substantial cultural diversity can be found. These rich cultures provide the linkage to the time when people lived harmoniously with nature.

This cultural diversity has been maintained because of the assertion by indigenous peoples of their right to be different and distinct. Unfortunately, however, this distinctness has been regarded as backward, primitive or barbarian by the colonizers and subsequently by those who were assimilated and subjugated.

With the aggressive plunder of forests and destruction of indigenous peoples' lands many of the indigenous peoples who are repositories of this cultural diversity are fast disappearing. Likewise, biological diversity which can be mainly found in the ecological niches of indigenous peoples is being reduced at an unprecedented pace.

The levels of organization reached by Asian indigenous peoples vary greatly. There are only a few who are organized across various tribal groups and have been successful in projecting their issues internationally. The majority are largely on their own and isolated even from the ongoing popular movements in their countries. In spite of this isolation, though, they have been waging their own struggles to defend their lands from being taken away and from being destroyed. They have resisted attempts to uproot them from their homelands in various ways.

Common Worldview, Common Values - Oneness with Nature and Harmony within the Community

While there is diversity of culture, issues, struggles and levels of organization among the Asian indigenous peoples, they also share a lot. The most important is a shared worldview as well as harmony with nature, which is characteristic of how Asian indigenous peoples lived in the past and even up to the present. Earth is regarded as a living entity and everything it contains has a soul.

"To the indigenous peoples, land is life and blood. It is a living entity, with a

spirituality and sacredness of its own. The land provides assurances for their continued survival; it provides food, clothing, medicines, fuels, and all materials necessary for their existence - as well as protection from their enemies. The land is also the school of their children and the resting place of their ancestors.

It is the land...that gives life and meaning to their whole being; for it is in the land that their history and identity is contained. It is also the land that ensures their viability as an independent people, and provides for their social and cultural development.

The indigenous peoples, therefore, not only have a material dependence on the land but they also share a spiritual relationship with it." (4).

The relationship between indigenous peoples and their territory is encapsulated in the concept of an ecological niche or homeland. A distinct group of indigenous people is associated with a particular territory - the ancestral domain or the ancestral homeland. Their identity as a people cannot be separated from their ancestral domain. This ancestral domain includes all the land where their houses are, and everything in the land around them which is vital to their life as a people which means the rice terraces, the swidden farms, the rivers, the seas, the forests and orchards, the hunting grounds and pasturelands, burial sites and sacred shrines.

The Asian indigenous peoples regard for their territories as their ancestral homelands is a wholistic concept which integrates history, culture, economics and politics.

"Our dignity and self-respect goes back into our deep-rooted spiritual and historical ties with our beloved ancestral homelands. Ancestral - belonging to the ancestors in whose likeness our generations continue and from whom the land is passed on. Home - the training ground for human compassion, tribal discipline, and responsibility. Land - the Mother Earth from which we are born and into which we die, on whom our lives depend, through whom our spiritual ways remain intact. To impose changes on this ancient order would serve to destroy our dignity and identity as indigenous peoples.

Without the land, the people are lost. Without the people the land is lost.(5)

The Indian people believe that their culture was born and nourished in the forest. They see life in all creation thus they have a great feeling of respect for all life. Human survival to them is dependent on the existence of the forest. They have established the tree as a symbol of their living relationship with nature. It is within this context that they evolved a systematic knowledge of plants and forest ecosystems which led to their formulation of the most basic principles of forest management.

Among the indigenous people, land is not only for economic survival but also for cultural and religious survival and not only for the present generation but for the future generations. Thus it behoves each and every indigenous person to protect, and nurture the land for those who are yet to come. They say "we did not inherit this land from our ancestors, we borrowed it from our children." They have to return what they borrowed in its original state.

Since they have this sacred and reverent regard for the land, any attack on the land is considered an attack on everything they hold sacred. When they face defeat in defending their lands and are forcibly removed from them, the first thing they do is to perform rituals to ask for forgiveness from the spirits of their ancestors. Then they dig out the bones of their dead and bring them with them to where they go.

It is also in their identification with their land that indigenous peoples build their cohesiveness and unity as a people. At the height of the Chico Dam struggle in the Cordillera, Macli-ing Dulag had this to say;

"People! I say to you, the question of the dams is not a political one. The question is life - our Kalinga life! And what is the most precious thing to human beings? Life! If life is threatened what ought one do? Fight! This, one must do, otherwise he will be dishonored. That will be worse than death. If we do not fight and the dams push through, we die anyway. If we fight, we die honorably. I exhort you all then - fight!

And because we are willing to fight now, our children may win and keep this Kalinga land. And the land shall become ever more sacred then, nourished by our sweat and blood. Then we who sacrificed that they may live and be secure and happy shall abide with them and nurture the generations, guarding the fields, the "pap-



The third largest rainforest area in the whole world is in Indonesia. Photo: IWGIA archive.

payaw" (ricefields), the "ili" (community), blessing their lives till endless time.(6)

The reverence for the land means one cannot own the land. Consequently, one cannot buy or sell it as if it were a commodity. What the indigenous peoples have are just usufructuary rights to the land. They possess the land as long as they till it. By working on it a legal and spiritual relation is established.

When the Kalingas were asked by the National Power Corporation to produce titles to prove their ownership of the land they answered;

"Such arrogance to speak of owning the land, when you shall be owned by it (when you die). How can you own that

which will outlive you? Only the race owns the land because the race lives forever."(7)

The right to use the land incorporates with it obligations on the part of the individual or community. These obligations range from not holding more land than what one can use, to ensuring that the land will be well-taken cared of for the use of future generations. It also implies that one should perform the rituals prescribed when one enters into a relationship with the land.

The development of core values to which indigenous peoples attach importance is also founded on this relationship. These values are harmony with nature and harmony within the community. By adhering to these values the survival, continuity

and development of an indigenous people will be ensured.

Swidden Farming as an Environmentally Sustainable Agricultural Activity

Swidden farming has been subjected to unfounded and unfair accusations from governments, financing institutions like the World Bank, big business, and even from some environmentalists as a major cause of denudation and deforestation. Since indigenous peoples are the ones mainly engaged in this agricultural practice, the indigenous peoples are therefore looked upon as agents of deforestation. This is yet another manifestation of how indigenous peoples are discriminated against.

Many studies have already been done by

anthropologists, agriculturalists and sociologists which show that swidden farming is a very sustainable agricultural practice. The majority of the Asian indigenous peoples have been engaged in swidden farming since time immemorial. Their practice has shown that swidden farming or shifting cultivation is most compatible with a tropical forest ecology.

The principle involved in swiddening is cultivating land on a rotation basis to enable the land to rest and regenerate or restore its fertility. Plants grown in swiddens can be rice, root crops, maize, sugar cane, squash and other crops needed by the community. After crops have been grown and harvested for one or two seasons, then the land is allowed to lie fallow. After 4 to 10 seasons, the cultivator can come back to the same land and make it produce again.

From the close interaction and relations that indigenous peoples have with the land they have acquired an adequate grasp of the various soil types, which crops will be best suited to a particular soil, etc. They can also tell when the fertility of the soil is reduced and how long it should be allowed to rest.

Asian indigenous peoples' lands are usually hilly, and mountainous which is why the soil is not so fertile and largely inadequate in plant nutrients. Thus there is a need to increase the nutrients in the soil through the vegetation found above the soil. When this vegetation gets burned its nutrients collect in the ashes are released into the soil.

Soil erosion in swiddening is also found to be minimal because of the low technology involved. Cultivation of the soil is just done on the surface, thus the soil disturbance is insignificant. Trials conducted in swiddens in Sarawak have shown a minimal level of erosion in steep lands on a 25 degree gradient. The kind of crops grown is also a factor in reducing soil erosion.(8)

Swidden farms are usually used to grow different kinds of crops. Multiple cropping provides the needs of the swiddener and contributes to the conservation of the soil. The proper timing in planting various crops is important to ensure a steady supply of food to the farmers. Diversification of crops planted at one time is an effective way of reducing the growth of weeds and the development of diseases brought about by pests.

A study of the *Hanunoo* shifting cultivators in Mindoro, Philippines, has shown that they plant 77 varieties of plants. The *Tiruray* in Southwestern Mindanao also in the Philippines, plant 107 plant types, 78 of these are food types and the rest are used as medicines or sold as cash crops. (9)

The Crucial Role of Indigenous Women in Resource Management and Resource Utilization

Indigenous women play crucial roles in ensuring that the available resources in their ancestral domain are managed and utilized in a sustainable manner. In almost all the Asian indigenous societies, the women are in charge of subsistence production. Rice and root crop production, whether in the swiddens or in the rice terraces, are mainly done by them.

The indigenous technology which they themselves developed is appropriate and environment-friendly. Their digging tools are light, to be easily carried over mountains, and simple enough to dig only the surface of the earth. They know which weeds can function as pesticides so they plant these around the swidden or the rice terraces.

Even the maintainance of biological diversity is part of the women's role. They are in charge of selecting seeds and preserving them to be used for the next crop. They are the plant breeders and the managers of the seed bank.

The women are also the traditional healers. They know which of the plants in the forest are medicinal and which can be used for contraception and abortion. Unfortunately, much of this knowledge has disappeared since the arrival of western chemical drugs. They also perform healing rituals to appease the spirits of the dead.

They are soil experts, the maintainers of soil fertility. They have a comprehensive knowledge of soil types and which crops are best suited to which soil and at which time. They also determine the length of fallow periods. Their practice of composting, use of organic fertilizers and use of plants as pesticides are the results of their centuries-old partnership with the earth in producing life for generations of indigenous peoples.

Aside from their roles in subsistence food production and processing, they are also the water fetchers and the fuel providers.

The forest is crucial to their effectivity in all these roles. Their work in food production is highly dependent on the maintenance of the integrity and diversity of the forest. The forest is the source of soil fertility, the source of water for irrigation and for drinking, and the source of fuel for cooking. It provides food and medicinal plants.

"Since food gathering and fodder collection has been women's work, primarily, women as foragers were critical in managing and renewing the diversity of the forest...Indigenous forest management, as largely a women's domain for producing sustenance, was thus in an evolved state when the British arrived" (Shiva:61).

As a consequence of these life-giving activities, which includes their child-bearing and child-rearing roles, it is the women who are most concerned with maintaining the ecological balance. From experience, they can see a connection between an increase in their labour burdens, a decrease in the volume of food production, as well as increased marginalization linked with the further degradation of their lands and their entry into the market economy.

It is not surprising, therefore, that in many indigenous peoples' struggles in defense of their ancestral lands, women have played prominent roles. This can be seen in the Cordillera where the women are in the forefront of spontaneous protests against incursions of logging and mining corporations. They are also vital actors in the Chico Dam protest. In the Chipko movement in India, tribal women are mobilized in large numbers to stop logging and also the building of hydro-electric dams. Unfortunately, in most instances, it is the men who are projected as leaders.

We noted earlier the assertion that indigenous peoples are the original environmentalists but to be more precise, it is the women who have cultivated the closest relationship with nature, since their life-giving capacity is directly proportional to the life-giving capacity of the earth.

Usurpation of Asian Indigenous Peoples' Lands Oppressive Land Laws

The independence and autonomy which indigenous people have zealously guard-

ed, and which was maintained also because they inhabit inaccessible areas, was beleaguered. In the 16th century Asian countries became targets of colonial powers which needed additional sources of raw materials and markets to absorb the crisis of overproduction. Indigenous peoples were not spared. Many of the problems encountered by Asian indigenous peoples today can be traced to this colonial past.

The usurpation of the land lies at the core of the conflict between indigenous peoples and their colonizers. The magnet which has encouraged colonizers and big business to usurp indigenous peoples lands is the untapped natural resources. These are forests, mineral resources, intricate river systems and rich agricultural lands.

The indigenous peoples offered heroic resistance to attempts to subjugate and colonize them, but they paid heavily for this. Their population greatly decreased because of military action or biological warfare in the form of deadly diseases, like smallpox. They were forced to relocate further into the forests. They were subjected to systematic discrimination by not only the colonizers but those who were subjugated and assimilated by colonial rule. They were minoritized and marginalized.

To facilitate the entry of extractive ventures run by the colonial government various types of land legislation were enacted. These laws were outright violations of the proprietary rights of indigenous peoples over their lands and contradicted their customary laws. Such laws facilitated the loss of control of indigenous peoples over their lands and transferred control to lowland or non-indigenous landlords, politicians or big local businesses, multinational agribusiness corporations or the government.

The operative and principal legal concept which has guided the colonial and even post-colonial governments in the Philippines is the Regalian Doctrine. This Doctrine states that all natural resources in the territory belong to the State and therefore private ownership or title must come from the State. Thus, all untitled lands are automatically owned by the colonial government and passed on to its successor, the Republic of the Philippines.

In Sarawak, as early as 1863, James Brooke, the first foreign Rajah, enacted a land law which states that all unoccupied

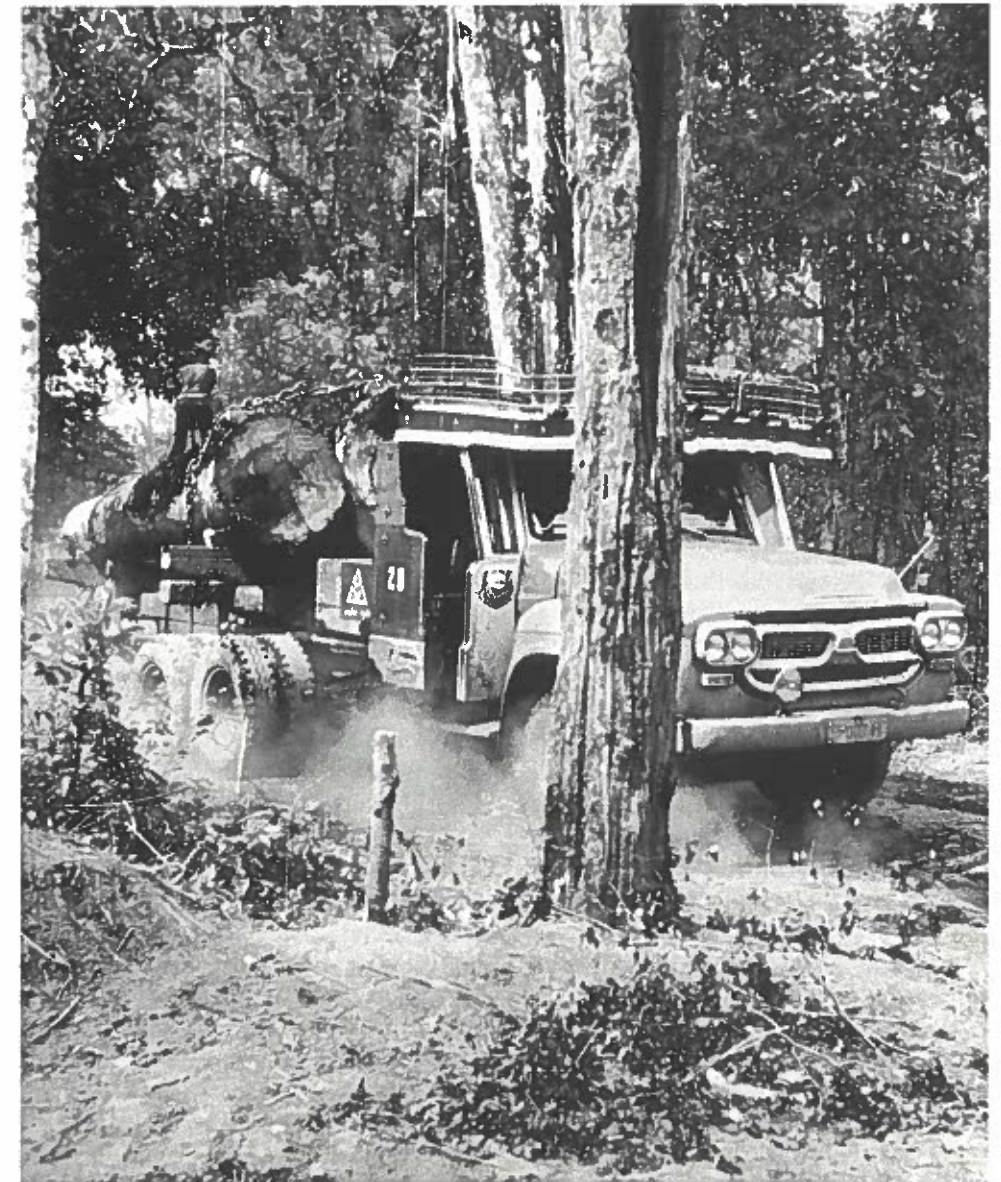
lands and "wastelands" will become government property. This was followed by the Land Classification Ordinance in 1949 and in 1957, the Land Code. The Code states that "no recognition shall be given to any native customary rights over any land in Sarawak created after the 1st day of January 1958." All these laws violated the rights of the indigenous peoples of Sarawak to their ancestral domain.

Another example is the Indian Forest Act of 1927 which was made by the British colonial government. This act proclaims the right of the imperial power to "eminent domain" which means that the British can acquire land, villages, forests and other common property resources through sim-

ple notification. Compensation or equity is not considered by this Act.

Large-Scale Commercial Logging

In the Philippines, Spanish colonizers reported that there were rich tropical rainforests all over the archipelago when they "discovered" it in 1521. Upon colonization they cleared forests to set up plantations of crops like tobacco, abaca, etc., mainly for the export market. However, it was during the period of American colonization, and the post colonial era that large-scale commercial logging and mining activities were finally pushed through. The conversion of forests into agrobusiness plantations also hastened deforestation.



Tahiland. The great demand for timber on the world market is reflected in the unexpected increase in the number of timber corporations. Photo: Mikael Gravers.

The earliest estimates of the forest cover in the Philippines were made in 1934 by the American colonial government. It estimated that there was about 16.95 million hectares of forest cover, more than 50 per cent of the total land area of the Philippines which is 30 million hectares. After independence in 1946 and the onset of the worldwide timber boom in the sixties, by 1969, only 10 million hectares were left and in 1983 this went down to between 7.8 and 8.3 million hectares. By 1988, satellite pictures showed that only 1.2 million hectares were left.(11)

In Indonesia, commercial logging commenced during the Dutch colonial period. Prior to Dutch colonization in the 16th century, logging was done on a subsistence basis. In the 18th century large-scale mechanised logging was introduced by the Dutch and after gaining independence in 1945, the New Order Rule of Indonesia continued commercial logging as an economic programme.

The third largest rainforest area in the whole world is in Indonesia.(12) This rainforest has an area of 143 million hectares. When foreign companies were allowed entry into Indonesia to exploit forest resources, large-scale commercial logging became more aggressive.

By 1967 foreign aid from European countries and the United States of America was rushing in. This aid was released with the recommendation that Indonesia's tropical rain forest be developed. In other words the forest should be logged for profit. By 1985 the rate of forest destruction in Indonesia was estimated to be between 0.6 and 1.5 million hectares per annum.

The British colonial government initiated large-scale logging in India to supply its military needs and strengthen the capacity of the British Navy. The East India Company was in the forefront of the exploitation of Indian teak. Throughout the 19th century, the tribal peoples of India became victims of colonial forestry practices and suffered the systematic denial of their rights over the forests.

The capitalist logic of accumulation and economic growth has successfully penetrated the frontier lands occupied by Asian indigenous peoples. The new nation-states which have been effectively drawn into the global market economy collaborated with multinational corporations, the local elite and foreign governments to exploit these lands.

Extractive industries were brought into the ancestral domain of various Asian indigenous peoples facilitated through the enactment of unjust land laws. The great demand for timber in the world market saw the sudden increase of logging corporations which are either owned by local politicians, business people and military officials. A minority of these are indigenous peoples themselves.

Incursions of Mining Corporations

Corporate mining, which also encroached into the indigenous peoples' ancestral lands, proved to be equally if not more devastating to the environment than commercial logging.

In the Cordillera region in the Philippines, gold-hunting expeditions had been organized by the Spanish conquistadores in cooperation with Spanish friars as early as 1565. They learned that the Igorot people, along with other economic activities, mined, however, Spanish gold-hunting expeditions did not succeed because of the fierce resistance offered by the Igorots.

The American colonizers succeeded, however, where the Spaniards failed. Their first move upon establishing the colonial government in the Cordillera in 1901 was the implementation of a comprehensive survey of the economic potential of the region. They enacted the Mining Act of 1905 which declared "all public lands in the Philippines to be free and open to exploitation, occupation and purchase by citizens of the Philippines and the United States of America".

In the past two decades, 10,000 hectares of the *Amungme* people's ancestral lands in West Papua were lost to another foreign-owned company, Freeport Minerals. This has caused the resettlement of the highland *Amungme* of Mt. Jaya to Timika. The encroachment of this mining company on *Amungme* land has stunted the development of the *Amungme* sophisticated horticultural traditions, destroyed their sacred taro gardens and sacred pandanus groves. They no longer are able to hunt in their communal highland forests, pay respect to their dead ancestors and roam freely around the highest peaks of New Guinea.

Today there is a huge open pit, which may become a dust bowl by the year 2000. A tribal elder commented that "It is like

having a coconut tree growing in your garden. The coconuts grow but fall in places far from home. The only things that fall on our garden are the leaves and other rubbish which despoil our land. . ."(12)

Dams and Geothermal Plants; Blueprints for Disaster

With the setting up of industries in the urban centres and the full-scale operation of mining corporations, the need for energy increased. Hydro-electric dams were seen as the key to energy generation. Aside from generating cheap energy, dams could also provide irrigation water. With the attractive loans offered by the World Bank for hydroelectric dams, Third World governments went on a borrowing spree and started building dams in indigenous peoples' lands.

Among the first dams to be built were the Ambuklao and Binga Dams in the Cordillera region in the Philippines. An Agno River Development Plan was made of which the construction of the Ambuklao Dam in 1952 was the start. This dam cost P132 million partially financed by the Export-Import Bank of USA. The Binga dam was finished in 1956. The Ambuklao dam led to the displacement of 200 *Ibaloi* families and the submersion of 500 hectares of rich farmland.

By 1960, the mad scramble for dam-building in Asia had started in earnest and the World Bank was the main source of funds for most of the dams. It is estimated that there are over 13,000 large dams (those measuring over 15 meters high) throughout the world. Around one third of these were built between 1961-1981.

Some dams which were built in Asia are: the Nizamsagar Dam in Andhra Pradesh, India, which is presently suffering from heavy sedimentation, the Pa Mong Dam in Vietnam which displaced 450,000 indigenous peoples and the Sanmexia Dam in China which was finished in 1960 but de-commissioned in 1964 because of premature sedimentation.

The Karnaphuli dam built in 1963 in the Chittagong Hill Tracts of Bangladesh is responsible for flooding 250 sq miles or 40 per cent of the indigenous peoples' prime agricultural lands. Around 100,000 indigenous people were displaced.

The Batang Ai Dam Project in Sarawak was eventually completed in 1984. How-

ever, the work was interrupted several times by *Ibans* who were heavily protesting against the dam construction. The resettlement of 3,000 *Ibans* meant the devastation of their traditional way of life. 21,000 acres of land was flooded. The swidden farming society broke up resulting in further alienation and marginalization of the *Iban* people.

One of the biggest dam projects at present is the Narmada Project and two of the major dams which are most controversial are the Sardar Sarovar and Narmada Sagar. These dams are hailed as the "life line" of the region by the Indian government, the World Bank and other vested interests. For the affected tribal peoples, however, this is the "largest ever planned environmental and human tragedy".

The reservoirs and canals of both dams will submerge over 150,000 hectares, of which 60,000 hectares are fertile agricultural lands and another 60,000 hectares are natural forests. Around 250,000 people will be displaced from these areas to be submerged and an equal number will be also be affected by dam canals, roads, backwater floods, etc. This makes a total of half a million people whose lives will be adversely affected by the project. 67,000 people have already been displaced with the first phase of the Sardar Sarovar dam. Those affected, the majority of whom are tribals, are located in the states of Gujarat, Madhya Pradesh and Maharashtra.

The documented disasters brought by large dams to indigenous peoples, not to mention the destruction of the ecological balance, should be reasons enough for a rethink on the wisdom of pursuing such projects.

Agribusiness Corporations and Pesticides

Aside from logging and mining, the entry of agribusiness corporations into indigenous communities since the American colonial period has likewise caused the displacement of indigenous peoples. Rubber tree planting was introduced by the Americans in the early 1900s and by 1919 BF Goodrich had started its rubber plantations in Basilan. In 1929, Goodyear Tire and Rubber Company started its own plantations and Firestone Tire and Rubber Co. followed suit.

The *Tausugs*, *Samals* and the *Yakans* are

the indigenous peoples who were displaced from their traditional territories as a result of the rapid expansion of the rubber, coconut and palm oil plantations and processing plants.

Philpak (Philippine Packing Corporation), which is the local subsidiary of Del Monte, USA, established its first pineapple plantation in Bukidnon in 1926 and its cannery in 1930. It started by acquiring 1,023 hectares in Bukidnon. By 1938 it was leased 8,195 hectares of land by the National Development Corporation (NDC), a government entity. Today it occupies 24,000 hectares and is still in the process of acquiring more lands from neighbouring provinces. This has meant displacement of the *Lumad* indigenous peoples particularly those belonging to the *Atas*, *Higaonons* and the *Bukidnons*.

The net effect of the encroachment of these powerful agro-industrial corporations is the displacement of indigenous peoples, the *Lumads*, from their lands. These lands, which they have defended from the Spanish colonizers, fell easily into the hands of transnational corporations through the cooperation of the government. The history of denudation of the tropical rain forests and the subsequent deforestation of large tracts of lands controlled by the *Lumads* can be traced to the activities of agribusiness, logging and mining corporations.

The extensive use of toxic pesticides, inorganic fertilizers and other environmentally unsound technology, like genetic engineering of seeds, etc., comes hand in hand with large-scale commercial crop production. Pesticides which are banned in the First World are dumped in the Philippines and other Asian countries.

Organophosphates which destroy the nervous system of both insects and human beings is still being extensively used in the commercial plantations. The most commonly used are parathion and malathion. Bayer and Hoechst, two of the biggest international dealers, are responsible for importing these pesticides. Methyl parathion is considered to be 60 times more toxic than DDT. In spite of their documented toxicity, commercial plantations still make use of these pesticides. Highly persistent organic biocides like Lindane or DDT which have long been banned in the First World are still widely used all over Asia.

It has been noted in unofficial WHO

figures that the use of pesticides worldwide accounts for 2,000,000 deaths annually. Pesticides also contribute to worldwide environmental destruction and the rapid decline of biodiversity.

Transmigration and Resettlement Programmes

Transmigration has been associated with the Basic Transmigration Act of 1972 of Indonesia. This Act provides for the resettlement and/or relocation of the population from one region to another within the territory of Indonesia in the framework of national development or for other reasons considered necessary by the government. However, even before this Act was passed, and during the Dutch colonial period in the early 1900s colonisasi, which has the same rationale as transmigration, had been implemented in Indonesia.

The Act is used not only for redistributing the population evenly over the country but also for the promotion of regional development. From the perspective of the government the goals of national integration and national security can be facilitated through transmigration. Thus, military personnel and their families are relocated to border areas or to areas where there are potential or existing problems of insurgency or movements for self-determination, such as West Papua and East Timor.

The Chittagong Hill Tracts in Bangladesh, which is the homeland of around 600,000 indigenous peoples such as the *Chakmas*, *Marmas*, *Tripuras* and other smaller groups has been an area for resettlement. *Bengalis* were already migrating there as early as the 17th century. However, it was after independence in 1946 that the migration increased tremendously. By 1980, *Bengalis* already composed 27.5 per cent of the total population compared to just 9 per cent in 1946.

Settlers accustomed to permanent cultivation and sedentary agricultural activities cannot assimilate the worldview and environmentally sustainable activities of the indigenous peoples. The conflicting practices and belief systems of these two groups of peoples is a source of tension. Multinational corporations and governments take advantage of the tension and exacerbated it to facilitate the exploitation of the natural resources and derail the indigenous peoples' movements for self-determination.

The settlers are hired on a seasonal or regular basis by logging and mining companies and by agribusiness corporations. If they are not hired to build roads into the forest areas for logging and plantations, they are encouraged to raise cash crops. They are also hired as goons or paramilitary personnel by the companies or the government.

Because of the increase in population, brought about by the arrival of settlers, the pressure on the indigenous peoples' lands has also increased. Indigenous peoples can no longer practice four to ten year fallow periods in swidden farming. The magnitude of the soil erosion and the drying up of water sources has increased.

Foreign Military Bases, Militarization, and Nuclear Power Plants

Militarization and nuclearization have further contributed to the dislocation of indigenous peoples from their lands in Asia.

The *Aetas* of the Philippines, a nomadic people who inhabited the vast expanse of Central Luzon, were displaced when the United States of America established in Central Luzon the two largest bases outside of the Mainland, Clark Air Base and

Subic Naval Base. Some of the *Aetas* ended up as scavengers among the garbage at the bases. Several of them have been shot and killed by American soldiers who "thought that they were wild boars".

The militarization of the indigenous communities which have resisted development projects and assert their rights to self-determination is still continuing. Because they are regarded as a threat to national security, the bombing and strafing of their lands are considered justified. The memory of Vietnam in which napalm and toxic defoliants like Agent Orange have been dropped by American B-52 bombers has not been forgotten. More than 200 million hectares of tropical rain forest was lost and up until now unrecoverable.

In the Philippines, counter-insurgency operations launched by the Philippine army in the Cordillera and Mindanao resulted in the burning of primary and secondary forests. This was caused by bombs which were dropped or by soldiers deliberately burning the forests to deny their enemies the cover provided by these forests. Water sources hit by bombs have been polluted by chemicals within these bombs.

South Asia has the greatest number of nuclear facilities in the Asian region. India

has six nuclear power plants and another six are under construction. The fifth nuclear complex is found in Kakrapara in Gujarat. 5,000 people have protested against it, most of whom were tribals from 300 different villages. The former Chief Minister of Gujarat who earlier endorsed the project is now joining the protests against this plant. Serious leakages have been reported from the other plants and so is careless waste disposal yet the government is still bent on pursuing nuclear development.⁽¹⁴⁾

Impact of Colonization and Development

The great strides achieved by Western science and technology were used by the First World to dominate the Third World and the indigenous peoples. The knowledge accumulated by indigenous peoples from their kinship with nature was despised as unscientific, backward and superstitious. The whole colonial apparatus was used to alienate indigenous peoples from their lands, their knowledge, their belief systems, their customary laws and their sustainable economic activities.

Harmony within the community was disturbed because the colonizers educated and proselytized some people within the community to adhere to their worldview. Christian mission work was aimed at convincing people that their animist religion is uncivilized and paganistic. Some people were brainwashed into thinking that their culture and traditions were indeed backward and barbaric and that they should participate in the mission to bring their people to civilization and progress.

Economic growth or an increase in the gross national product (GNP) is the measure of the success of a nation-state. Development is equivalent to an increase in the GNP. Inasmuch as the subsistence economies of indigenous peoples do not generate profits or surplus value, they are considered non-productive and therefore, backward. They have to give way or be integrated into the global market. Consequently, the subsistence economic systems of indigenous peoples became marginalized.

With their integration into the global economy, over which they have no control, the indigenous people are on the losing side. The need to produce cash to buy the

consumer products brought in the villages has become a major concern. Their cash crops, handicrafts and even their hired labour can barely produce the cash needed to buy products which they have come to depend on. They are forced to go to the cities, to the mines, to the agribusinesses or even overseas to get employment which will bring in cash.

The capitalists consider that the tremendous untapped natural resources in indigenous peoples lands must be exploited for progress and development to take place. Any resistance from the indigenous peoples is dealt with severely. The classic tactic of 'divide and rule' has been employed both by the colonial powers and post colonial governments.

Militarization almost always accompanies the entry of "development" projects, such as dams, logging and mining, into the communities. The resistance offered by indigenous peoples is met with extensive ground and military operations. Numerous accounts of indigenous communities being subjected to bombings and strafings can be cited. Such is the case in the Philippines, the Chittagong Hill Tracts, West Papua, East Timor and Nagaland, among others.

"Development" and "national security" and "national identity" became the favorite catch phrases of the new nation-states. For development to take place the "minority has to sacrifice for the majority". If progress is to take place the tribal peoples should allow themselves to be relocated so that the wealth in their lands can be

The need for a sense of national identity means that everybody has to be assimilated or integrated into mainstream society. There is a low level of tolerance for those who would like to assert their rights and retain their distinct identity as a people. Indigenous peoples' bids for autonomy or self-determination from indigenous peoples are seen as threats to national security.

The immediate impact of all these influences on the Asian indigenous peoples has been the loss of their beloved ancestral homelands. During the colonial era the dispossession of the indigenous peoples of their lands was carried out either through coercion through the use of superior military might or deception through the use of schools, churches, media and legislative bodies.

Today, as a result of the loss of the ancestral homelands, indigenous peoples are losing their symbiotic and spiritual partnership with nature, their identity which is intricately linked with the land is slowly being lost and harmony within the community is gradually being eroded.

The biological and cultural diversity which the Asian indigenous peoples have preserved is also being rapidly eroded. Indigenous genetic strains of plants are either being destroyed or stolen and kept in international seed banks or laboratories. Various rare species of plants and animals which are only found in the forest ecosystem are becoming extinct.

Indigenous knowledge, technology, wisdom and expertise are disappearing because the transfer of these to the younger generation has not been effected. The support being extended by governments towards preserving and enriching such indigenous knowledge is insignificant. Meanwhile, the influence of consumerism and the First world's concepts of progress have become pervasive.

Critique of Present Efforts Being Undertaken by Government and NGOs in the Philippines in Environmental Protection

While concern for environmental protection gained prominence with the government and NGOs in this past decade, indigenous peoples still feel there are major weaknesses in these efforts. The Conceptual Framework of the "Philippine Strategy for Sustainable Development", which is a major document by the Department of Environment and Natural Resources (January 1990), has nothing to say at all about indigenous peoples.

This is reflective of the Philippine government's regard of indigenous peoples. It does not believe that indigenous peoples are crucial to the task of protecting the environment. In fact, it looks at indigenous peoples as a problem not a solution. This is consistent with the formulation of the mainstream development paradigm that increasing population is the major cause of environmental degradation and poverty.

Any time that a conflict between resource exploitation and indigenous peoples' rights arise the government ends up siding with corporations. This is actually what it means when it says environmental

protection and economic growth are mutually compatible.

The recent experiences of indigenous peoples in the Cordillera and in Mindanao of open pit mining by the Benguet Corporation and the Mt. Apo Geothermal project affirm this observation. In spite of the sustained opposition of the affected indigenous peoples to these projects and the evidences they have presented on the projects' negative environmental and social impact, the DENR (Department of Environment and Natural Resources) still gave the companies the green light. Environmental compliance certificates (ECC) were given to them.

While there may have been delays because of the actions of indigenous peoples, in the end they still got the permits. The people are told that they have to compromise or else no investments will come into their region.

Even programmes such as the Integrated Social Forestry (ISF) and the Contract Reforestation Programme are reflective of the non-recognition of indigenous peoples' rights. Several conflicts within indigenous communities arose because of the non-recognition of indigenous peoples rights to their ancestral lands by the ISF.

Those indigenous peoples who receive Individual or Community Stewardship Agreements are given tenure over the land for 25 years which can be renewed for another 25 years. This is nothing more than "a glorified lease contract". It does not give any real security of tenure to those who want to avail themselves of it. The indigenous peoples who have been inhabiting the forests for generations are now allowed at most 50 years more on own ancestral lands. Moreover, the agreement may be cancelled when "public interest so demands."

The concept of sustainable logging which is propagated by the Tropical Forestry Action Plan (TFAP) and echoed by the DENR is incomprehensible to indigenous peoples in the Philippines. They cannot understand how sustainable logging can be compatible with a development framework which puts a premium on economic growth of which commercial forestry is an identified component.

Tokenism by NGOs

Some environmental NGOs, especially those found at the national and even inter-



The Chittagong Hill Tracts in Bangladesh, which is the homeland of around 600,000 indigenous peoples such as the Chakmas, Marmas, Tripuras and other smaller groups has been an area for resettlement. Photo: IWGIA archive.

national level, are also guilty of tokenism as far as indigenous peoples are concerned. They have beautifully worded declarations of principles and programmes. However, indigenous peoples feel that there is still a big gap between their assertions and their practice. This is especially so in the arena of supporting indigenous peoples' efforts to empower themselves and to assert their rights.

Mainstream environmental NGOs in particular are often more concerned with protecting exotic flora and fauna than defending the rights of indigenous peoples to their lands. In fact, some of these NGOs regard indigenous peoples as problems instead of being part of the solution. In the Philippines debt-for-nature swap programmes which are joint projects of such NGOs and government usually do more harm than good for the indigenous peoples who are not involved in either the conceptualization or planning phases. In fact, indigenous peoples came to learn about debt-for-nature projects only when they were in their third year of implementation.

Indigenous peoples would like to speak for themselves. They do not need intermediaries, even if these are well-meaning NGOs. This is not to disregard the important role that well-meaning NGOs have played in helping project the environmental issues of the indigenous peoples. The support given is very much appreciated and indigenous peoples acknowledge that without such advocacy they would have had even more difficult battles.

Nonetheless, if advocates and even governments claim that they respect the rights of indigenous peoples to self-determination, then this respect should be manifested in their actions. The time is past when experts are brought in from the outside to analyze and interpret the practice and knowledge of indigenous peoples. Priority should be given to enabling and allowing the indigenous to speak out in venues where their fate is being discussed and decided upon.

To be able to strengthen collaborative actions among environmental NGOs and indigenous peoples, it is crucial that environmentalists recognize that indigenous peoples are the real protectors of the environment and that the only way their role as stewards of the earth can be strengthened is by recognizing their rights to the land. They should seriously consider the way in

which indigenous people perceive their own social realities and not impose their own values or norms on them. If environmentalists work within this context then they will be able to build a relationship with the indigenous people on a strong foundation.

Sustainable Development as Seen by Indigenous Peoples

The term "sustainable development" has become the most abused, overused and misused phrase today. After the Brundtland Commission everybody started using it. It does not necessarily imply, however, that they are talking about the same thing. Because of this there is a need to qualify what one means by sustainable development.

Everybody agrees that sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The disunities, however, lie on how this can be achieved and which development framework is being used. The Brundtland Commission is clear that the objective of sustainable development is economic growth and modernization.

As far as indigenous peoples are concerned it is precisely economic growth and modernization which has caused their oppression and marginalization. It has also caused the destruction of their ecosystems. Thus, this cannot serve as the goal of sustainable development for them.

Economic growth which is measured as GNP, is inconsistent with the subsistence economies of indigenous peoples. It does not recognize economic diversity or economic pluralism. Everything has to be measured by standards set by the capitalist global economy and Western lifestyles. The inability of the non-dominant, traditional economies of the indigenous peoples to conform to this mould will mean their marginalization. Subsistence economies which do not produce profits are considered non-productive and economically backward.

There is no recognition of the fact that it is this subsistence economy which has ensured the survival of generations of indigenous peoples and the protection of forests from degradation. There is no recognition of the reality that there are still non-domi-

nant, ecologically sound economic systems prevailing in indigenous peoples communities.

To indigenous peoples sustainable development means meeting the basic needs for subsistence in partnership with nature. It also means maintaining a spiritual and reciprocal relationship with nature and all living creatures and non-living things in it. They cannot abuse nature because it is tantamount to abusing themselves or abusing their mothers but also because their needs are very simple and the indigenous technologies, skills and processes they have developed are appropriate and in harmony with nature.

Today, sustainable development is not possible if the rate of consumption in the developed countries remains as it is. There has to be a radical reduction of what they consume, and a more equitable distribution of the world's resources between countries and within a country.

This implies that there should be radical changes in lifestyles as well. The Western standard of good life which all Third World countries are trying to achieve can no longer be the gauge for progress or development. Those countries which cannot give up their lifestyles should produce what they are consuming.

The Third World and the indigenous peoples should aim to control the marketing and trading structures. While they are at the mercy of foreign banks, transnational corporations and trading outfits, the terms of trade will always be to their disadvantage. Their aim should be the production of domestic needs before the needs of foreign countries or businesses. Food sufficiency should be a priority.

There has to be an overhauling of power relationships and power structures. The concentration of power in the hands of First World governments, transnational corporations, the IMF and the WB and the local elite cannot remain. Decision-making has to be democratized. Indigenous peoples should be given the right to self-determination. Pluralism and decentralization should be promoted.

An example of an integrated strategy which can bring about sustainable agriculture is that presented in the "Declaration of the International Movement for Ecological Agriculture" held in Penang, January 13, 1990. This is consistent with indigenous peoples sustainable practices. The

broad features of this coordinated strategy include the following:

1. Reviving the holistic practices that ensured the durability and success of traditional systems of agriculture instead of resource-intensive, capital-intensive and chemical intensive agriculture.
2. A move towards political, economic and social structures that empower local communities and foster greater local self-determination in place of structures that place decision-making in the hands of central governments and international agencies.
3. A move towards policies that put the satisfaction of local needs first and away from export-oriented development policies.
4. A move towards trading patterns that encourage self-reliance through the strengthening of local markets instead of patterns that favour the developed coun-

tries at the expense of the poor, and which are dominated by international corporations and Northern governments.

5. A move towards policies that give priority to fostering social and ecological security instead of economic policies that promote growth through increased output and consumption, regardless of environmental and social costs.

6. A move towards lifestyles that are consistent with the development of sustainable livelihoods throughout the globe and the satisfaction of the ecological, social and aesthetic needs of people everywhere, and away from consumer-oriented lifestyles that encourage overconsumption and the waste of resources, primarily for the benefit of the world's privileged groups.

Recommendations

The efforts made in the international arena in relation to formulating standards and declarations which will directly or in-

directly bear on indigenous peoples are commendable. In fact, these drafts and approved covenants like the ILO Convention 169 are significant instruments for the assertion of indigenous peoples of their rights. Thus, before going into specific recommendations it is important to reiterate the core formulations upon which all the others are based.

1. The recognition of the right of indigenous peoples to self-determination. "The principle of self-determination as set forth in the Charter of the United Nations and in Article I of the International Covenant on Economic, Social and Cultural Rights is essential to the enjoyment of all human rights by indigenous peoples. Self-determination includes, inter alia, the right and power of indigenous peoples to negotiate with States on an equal basis the standards and mechanisms that will govern relationships between them."

The right to self-determination states that by virtue of this right all peoples can freely determine their political status and



Military patrol in Central Luzon, Philippines. Photo: Lito Ocampo.

freely pursue their economic, social and cultural development. The UN Meeting of Experts on Self-Rule held in 24-28 September, 1991, states that:

"Indigenous peoples have the right of self-determination as provided for in the international covenants on human rights and public international law and as a consequence of their continued existence as distinct peoples..."

2. Integral to this right to self-determination is the right of indigenous peoples to traditional lands, resources and economies. This right of ownership and control over traditional lands and resources is increasingly being recognized as a fundamental right of indigenous peoples.

Article 14 of the ILO Indigenous and Tribal Peoples Convention, No. 169, states that:

"The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect."

The "Draft Universal Declaration on Indigenous Rights" as revised last August 1991, states the following:

Part III - Operative Paragraphs 14-15

14 - Indigenous peoples have the right to maintain their distinctive and profound relationship with their lands, territories and resources, which include the total environment of the land, waters, air and seas, which they have traditionally occupied or otherwise used.

15 - Indigenous peoples have the collective and individual right to own, control and use the lands and territories they have traditionally occupied or otherwise used. This includes the right to the full recognition of their own laws and customs, land-tenure systems and institutions for the management of re-

sources, and the right to effective State measures to prevent any interference with or encroachment upon these rights.

In the UN Meeting of Experts on Self-Rule a conclusion reached on this concern says:

"Indigenous territory and the resources it contains are essential to the physical, cultural and spiritual existence of indigenous peoples and to the construction and effective exercise of indigenous autonomy and self government. This territorial and resource base must be guaranteed to these peoples for their subsistence and the ongoing development of indigenous societies and cultures..."

3. The recognition that the non-dominant, traditional subsistence economies of indigenous peoples are viable, and environmentally sustainable.

Assuming that governments, multilateral banking institutions, and transnational corporations agree to these basic premises then the following recommendations are being presented to them:

To Governments

1. The Need to Reassess Development Frameworks and Strategies

Governments should re-assess their development strategies in the past up to the present. Even their framework for sustainable development should be subject to review. The major critique levelled against the Brundtland Commission lies in its objective of economic growth and modernization. Asian governments have adopted this objective and yet there is no economic growth to speak of for the majority and for the indigenous peoples.

Asian governments, therefore, should develop the political will to extricate themselves from the western paradigm of economic growth and development. Then, they should build upon one of their remaining strengths, the rich economic, cultural and biological diversity existing within the region and possessed by indigenous peoples.

This does not mean that they should exploit anew the indigenous peoples and their lands. It means that they should allow them to develop in a manner which the indigenous peoples deem appropriate for them as a people. It means providing them

with the necessary support which they themselves will define and ask for.

This is the only way that the diversity offered by the indigenous people will blossom and viable alternative economies and lifeways can be further developed. It is also the only way that the continuing survival of indigenous peoples will be assured and their ecosystems will be revitalized and regenerated.

2. Review of Legislation, Policies, Programmes, Which Violate the Rights of Indigenous Peoples to their Lands and Their Right to Self-Determination

If governments agree to the premises set above in terms of recognizing the rights of indigenous peoples, the first thing they should do is to review laws and policies which are inconsistent with this. This review has to be done with indigenous peoples themselves. Those found inconsistent should be revoked or repealed.

"Development" programmes which are causing destruction to the territories of indigenous peoples should be reviewed and be subjected anew to assessments of their environmental impact and social impact. These impact studies should be done in participation with the affected peoples. If these are found to have negative impacts, then the government and the affected people will decide what to do with them.

Indigenous peoples should be given just compensation for the the destruction brought upon their lands whether this is done by government or corporations. This compensation will be used as community funds for enhancing the ecological balance. Aside from this, corporations involved in degrading their environment should be required to rehabilitate the areas they destroyed. Usually, corporations just abandon the lands which they mined or logged after the resources are exhausted. Disasters follow after the abandonment.

3. Establishment of Appropriate Environmental and Social Impact Assessments Which Should be done Before a Project is Approved

While governments require environmental impact assessments (EIA) before giving clearances to projects, there is a need to require not only EIAs but also social impact assessments. Among indigenous peoples whose lives are intricately woven into the land both assessments should be re-



Bangladesh: Burned houses in Betchari. Photo: Andrew Gray

quired. There are many instances where environmental impact studies report that there are no people living in the area who will be affected and on this basis clearance is granted.

In social impact studies done in indigenous areas should have integrated into them the appropriate parameters. It is imperative that social impact studies be gender sensitive. This means that aside from looking at the impact on indigenous peoples in general, social impact studies should also determine how such projects will affect indigenous women. This is important because many projects have caused further oppression and marginalization of women, even in indigenous communities.

A participatory approach to impact studies is recommended. The affected indigenous peoples themselves should be involved in designing the instruments to be used. The results should also be discussed

with them prior to submission to deciding authorities.

4. Involving the Indigenous Peoples in Planning, Implementation and Monitoring of Projects for Environmental Protection and Regeneration of Degraded Lands

The failure of projects launched such as integrated social forestry, contract reforestation, etc., can be traced to the fact that such projects are imposed from above. If governments believe that indigenous peoples are the solution and not the problem insofar as environmental protection is concerned, then their full participation in solving environmental degradation should be solicited. By doing so, their sustainable agriculture and agro-forestry practices and knowledge can be tapped and further developed. Their full cooperation in such projects can be also expected.

5. Reinforcing Cultural and Biological Diversity and Providing Support to Indigenous Sustainable Agriculture and Agro-Forestry Activities and Facilitating the Adoption of such in Appropriate Areas

This means that governments should seriously research and document the sustainable practices of indigenous peoples. Their knowledge of the different uses of flora and fauna found in their lands should likewise be documented before those who possess the knowledge pass away. Because of the integrationist approach of the mainstream development paradigm, much of the cultural and biological diversity found among indigenous peoples have been lost.

Even while such research is going on, full support should be extended to economically and environmentally viable and sustainable activities. This means that indigenous self-reliant and self-sufficient economic systems should be further devel-

oped instead of being forcibly subsumed into the global market economy. Furthermore, it means recognizing and enabling indigenous political, economic and social systems to function so that they can pursue their own development.

Indigenous people can train others who are interested to learn and practice the same.

6. Involving Indigenous Peoples in Decision-Making Bodies which will have Direct Bearing on them and their Territories

Indigenous peoples should be part of decision-making bodies with programmes and recommendations which will have a direct effect on indigenous peoples and their territories. Historically, indigenous marginalization has been exacerbated by the fact that indigenous people have not been given chances to represent themselves.

This time indigenous peoples are asking that they be consulted directly. They do not need intermediaries. They will be will chose among themselves who will sit on such decision-making bodies.

Governments should involve indigenous peoples in national or regional meetings so that their insights and recommendations can be integrated in the reports.

7. Governments Should Sign International Instruments which are made for the Promotion and Protection of Indigenous Peoples Rights, such as the ILO Convention No.169, the Draft Declaration on Rights of Indigenous Peoples, etc.

Those countries which are not yet signatories to the ILO Indigenous and Tribal Peoples Convention No. 169, should sign as soon as possible. After signing these instruments efforts should be made to educate the people about them. Translations into the various languages and dialects especially those understood by indigenous peoples should be done.

It is most important that the signatories to these instruments should review all their legislations, policies and programmes to ensure their consistency with what they signed.

To Intergovernmental Organizations such as the United Nations

1. The Participation of Indigenous Peoples in the Meetings of the Preparatory Committee of the UNCED, its Working

Groups as well as the Conference Proper, Should have been Facilitated

A look into the list of those who attended the Preparatory Committee meetings show that there were virtually no representatives of Asian indigenous peoples' organizations. Those who were there were representatives of national environmental organizations. It would have been valuable for Asian indigenous peoples themselves to have attended this and the subsequent conferences and meetings.

2. In The Various Draft Conventions Prepared by UNCED, Provisions should have been made Recognizing the Collective Rights of Indigenous Peoples over their Traditional Ecosystems, their Right to Control and own their Traditional Ecological Practices and Knowledge, etc. Indigenous peoples should have been given credit for ensuring that economic, cultural and biological diversity is maintained, even if these are eroded by external forces. Since there is a growing recognition that sustainability is assured for as long as this diversity is maintained, then the control of indigenous peoples over their ecosystems and ecologically sound practices and knowledge should be guaranteed. Future international conventions must have provisions on these.

The integral relationship between the respect of indigenous peoples rights and the maintenance of the integrity of the environment is a basic premise which should have guided UNCED and UNEP in their work. The UN system can help to facilitate the acceptance of governments of this fundamental relationship so that the establishment of more positive working relations between states and indigenous peoples can be built up.

3. Mechanisms in Which Indigenous Peoples will have a Direct Voice in the International Community should be set up

History has shown that there has always been tension between indigenous peoples and states. Thus, it is very important that indigenous peoples be provided with other venues wherein they can air their grievances and present their alternatives. The UNWGIP has provided this for the past decade and indigenous peoples are very grateful for the setting up of this body. However, since this body might phase out when its task is finished there should be

other mechanisms set up in which indigenous peoples can continue participating.

One such mechanism can be a more permanent UN body which focuses on promoting and protecting the rights of indigenous peoples and monitoring the implementation of the Declaration of Rights of Indigenous Peoples.

However, for such mechanisms to be designed, it is recommended that an international conference be called with the participation of different UN bodies, for example, UNEP, UNESCO, FAO, UNDP, UNIFEM, ILO, WIPO, etc., and governments and indigenous people. This conference will come up with recommendations on how the participation of indigenous peoples in the UN system can be sustained and guaranteed.

It can also produce a programme of action which will ensure the continuing participation of indigenous peoples. The technical and financial requirements needed for the implementation of this programme will likewise be discussed in this conference. This activity would be of particular significance in this, the International Year of the World's Indigenous Peoples.

To the World Bank, the International Monetary Fund, and Transnational Corporations

1. Provision of Timely Information to Indigenous Peoples who will be Affected by Projects Supported by the Banks or Transnational Corporations

The common experience of Asian indigenous peoples is that they never get to know about a project to be implemented in their territories until the surveyors come around. The tensions between the World Bank, IMF, transnational corporations and indigenous peoples would not have reached present explosive proportions if information was provided at the earliest stage. This would give the indigenous peoples time to consult among themselves and present their concerns to the companies involved. Then maybe a dialogue would ensue.

2. Need to Review Priorities and Perspectives of Development

The WB, IMF and corporations are directly responsible for creating environmental disasters and destroying lives and lands of indigenous peoples. It is recom-

mended that these bodies seriously review their priorities so that sustainable development can be achieved. Ecological sustainability and respect for human rights over accumulation of profits should guide their policies and programmes.

The WB and IMF should veer away from supporting large-scale, unsustainable, agricultural programmes. They should provide more support to local small-scale initiatives which make use of sustainable agricultural practices, indigenous knowledge of ecosystems and participatory management practices.

Environmental impact assessments and social impact studies should guide these bodies in pursuing their projects. The terms of reference for loans should be altered to integrate provisions for the protection of the environment, respect for indigenous peoples rights, as well as ensuring that women are actively involved in all phases of projects and are not further marginalized and that biodiversity and cultural diversity are not sacrificed.

3. The WB, IMF and Transnational Corporations Should Redress the Indigenous Communities for the Injustice they have done to them

Indigenous peoples rights to their lands have been consistently abused because of loans provided to governments to impose projects such as dams, etc. These caused more oppression to indigenous peoples and destruction of their ecosystems. The provision of funds to governments has given them greater patronage power over indigenous peoples.

The WB, IMF and other multilateral lending bodies such as the Asian Development Bank, Export-Import Bank, etc., should compensate indigenous peoples for the damage they cause. Reforms should be instituted in the operations of the banks and corporations, for example, institutionalizing the participation of affected communities in all stages of the project cycle.

They can also accredit NGOs to participate with observer status in meetings where projects affecting indigenous peoples will be discussed.

Projects which are adversely affecting indigenous peoples should be stopped and reviewed. In the review process, indigenous peoples should be involved.

Transnational corporations should develop a code of ethics which will guide

them in their operations. This code will take into consideration the past mistakes they have committed insofar as destruction of the environment is concerned.

Conclusion

The effectivity of indigenous peoples in maintaining the integrity of the environment is directly related to the extent to which their rights as indigenous peoples are respected by governments and the international community. The blatant violation of these rights among Asian indigenous peoples is still continuing, however. Projects which are destroying indigenous peoples' land are still found all over Asia.

This is happening in spite of the advances made at the United Nations in terms of drafting the Declaration of the Rights of Indigenous Peoples and the approval of the ILO Convention No. 169. What this tells the indigenous peoples is that they should not relax their vigilance.

While such efforts at the UN have helped in forwarding indigenous peoples' agenda to the international community, the decisive stroke still lies with the indigenous peoples themselves. They should persist in empowering themselves and asserting their rights as peoples.

It is the struggles they have waged which ensured that their viable and sustainable indigenous economic systems are still existing in Asia. It is their persistence in maintaining a dynamic and harmonious relationship with nature which has preserved cultural and biological diversity on this earth. These things they have done while the rest of the world, especially the developed part, squandered the bulk of the world's resources. Because they were willing to sacrifice their lives to protect the remaining frontiers of the earth, they can rightfully be called the protectors of the environment. They are the original environmentalists and the environmental movement started with them.

What needs to be done now is to listen to what the indigenous peoples have to say, to provide support to their efforts to defend their ecosystems, and to reinforce their determination to maintain their sustainable economic activities and lifeways. What needs to be done now is to help save the biodiversity that they have protected and developed. What needs to be done now is to respect and promote their rights over their ancestral homelands and their

right to self-determination. This the whole world owes to them.

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Philippines: A Year After Pinatubo

By Pinky C. Serafica

Baluga is a Tagalog term meaning black half-breeds or black bastards. They have been called *negrito*, *ayta*, *ita*, *kulot* and *abellen* but *balluga*, the most derogatory, arose when groups of Aytas, as early as 1882, visited Malay communities to barter their forest goods, and were considered different from the other "pagans" who moved only within their *sakop* or territory. Some of them may have intermarried with the Malays and remained in the lowlands (Minoritized and Dehumanized, p. 96).

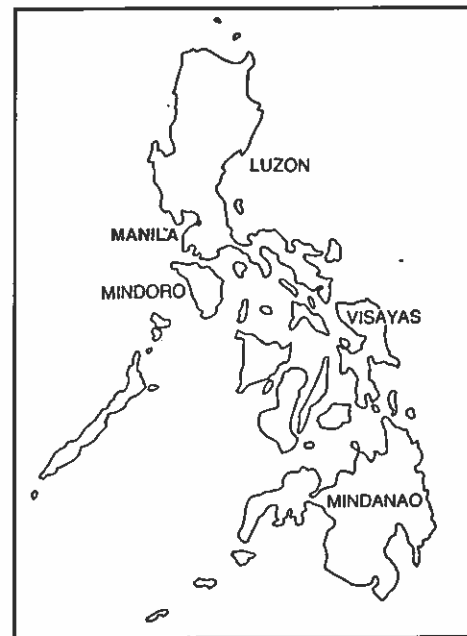
The Aytas of Central Luzon foraged and hunted in the vast forests, mountain ranges and lowland areas stretching the length of Zambales, Pampanga, Tarlac, Bataan and even as far as Pangasinan before the arrival of the Spanish colonizers. In 1952, a foreign botanist, Fox, noted that the Aytas were not descendants of a forest people but used to live in the lowlands as testified by some of their early herbal medicines which could only be found in lower altitudes (Pinatubo Aytas Continuity and Change, p. 4).

Frequently referred to as nomadic, an Ayta group of 20-30 members rarely encountered other Ayta groups. The Ayta themselves, however, consider this misnamed 'wanderlust' as part of their lifestyle because, for them, home is not a physical structure but an area of some 15-20 kilometres (Clark and the Reverted Baselands p.36).

Aside from hunting, when they travel beyond their 'home' area, the Ayta practised *gasak* or *kaingin* (swidden agriculture) and gathering, most of the time sharing a cleared space and resources with two to fifteen families (Ibid, p. 36).

It was the arrival of the colonizers and pressure from the lowlanders which changed this supposed nomadic lifestyle into actual ejection and displacement. The Sambals of Zambales, and later the Ilocanos and Tagalogs, forced the Ayta deeper into the forests. The relative isolation of Ayta groups, their dependence on family groupings and the lack of a traditional organization made them vulnerable to landgrabbers. Being gentle and peaceful at the same time, they avoided conflicts with the settlers who rapidly converted their territories into *barrangays*, by moving away towards still thickly forested and therefore protected areas near and within Mt. Pinatubo. They are now known as the Poon Pinatubo Ayta or simply, Ayta.

In the early years of the twentieth century, the Aytas were subjected to armed attacks and slavery. A case in 1910 involved the killing of three adults and the selling of two children for P60 (Pinatubo Aytas Continuity and Change, p. 12). The incident is reminiscent of how Africans in the 16th century were kidnapped and shipped to the Americas to be used as slaves in the rapidly developing continent.



Philippines

A distinct measure of how an outside culture influences even tightly-knit groups is in the absorption of languages. The Aytas themselves cannot say exactly when their original language disappeared. Those residing in Zambales speak Sambal, the language of the lowlanders. Pampanga Aytas use Kapampangan, also the language of the *unats* (straight haired) or *bawbanowa* (town people) with sprinklings of acquired Ilocano and Sambal.

Colonization and the Loss of Land

Colonization is not only the physical control of the movement of groups, it also involves the surrender of sovereignty of whole peoples. Franciscan missionaries Zuniga and De San Antonio recounted how the Spaniards, however, failed to completely subjugate Ayta communities near Subic Bay naval station (formerly Subic Naval Base), established through a royal decree in 1884.

Don Angel Pantaleon, a Kapampangan, drove Ayta communities from Culiati (the name for vines growing abundantly in the area) and Mabalacat (from a tree called "balacat"), developed the area and renamed the place Angeles City after himself. By 1900, the communities had either moved to the mountains or settled in nearby areas like Sapang Bato. In 1981, their descendants were still there.

Like Mindanao and the Cordillera,

where the people resisted the conquering cross, the entry of American Forces in 1901 via the convenient Treaty of Paris led to the systematic colonization of the Ayta.

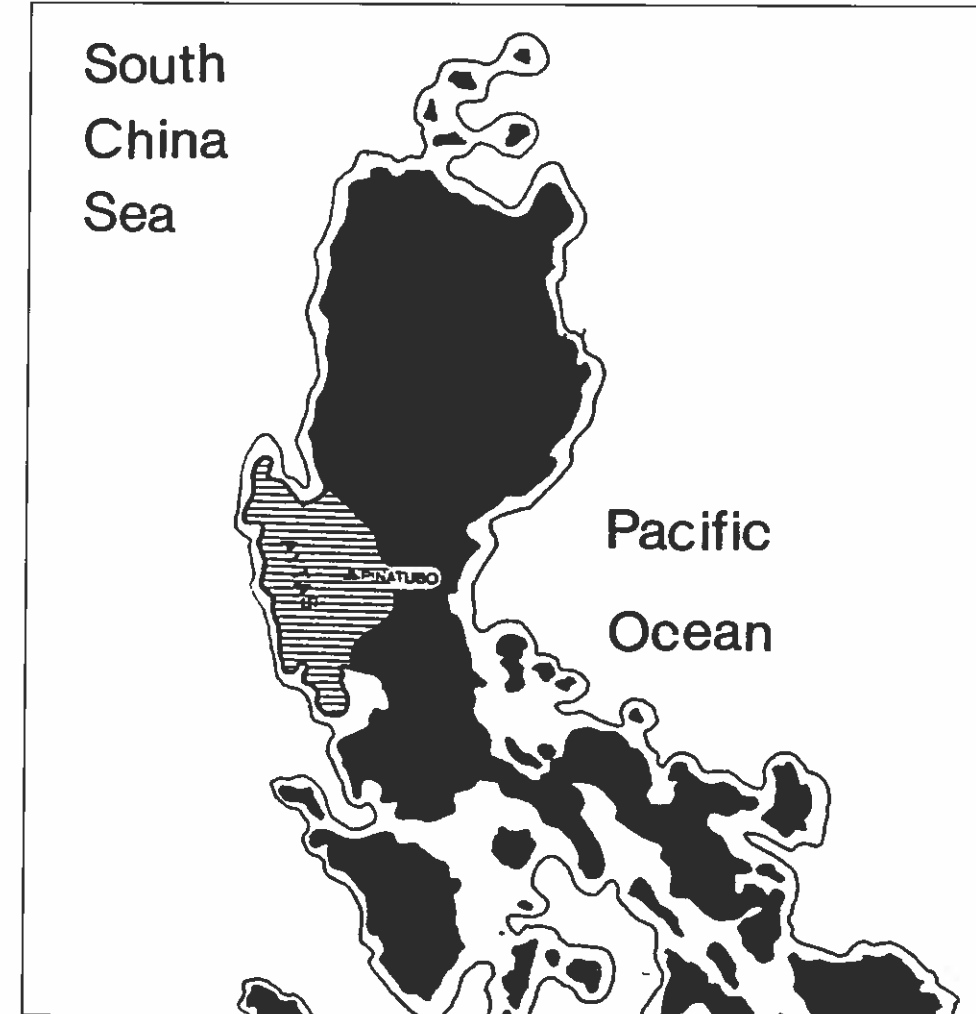
The American system was tacked onto the already established Spanish laws which presumed that all non-private territories were public land and therefore properties of the state, or rather the conquering state. The scheme was double-edged: where the Spaniards had not been able to control the indigenous peoples, the Americans knew how to hit most, through the land. Acquisition of the land would not only mean profiting from its resources but also forcing the Lumad, Igorot and Ayta to be on the defensive.

The Reign of the px goods

For the Ayta, the expansion of the naval station in Subic Bay in 1901 and the 1903 declaration naming Fort Stotsenberg (became Clark Air Base 1917) a 7,600-acre military reservation, not only made their dislocation pronounced, it also tainted their history with forced labour, kidnapping for slavery and dehumanization.

The 1978 findings of researcher Gaa-cabucayan reported that Ayta communities in the lowlands had had to relocate four to five times since the 1900s. From various places, but mostly in Angeles, they transferred to Sapang Bato. American control over Subic and Clark ceased in 1942 during World War II when the Japanese arrived. The Aytas in Sapang Bato had to seek shelter in various war evacuation areas. After Liberation they settled in Lilly Hill but in 1952 had to be relocated again to Macapagal Village. The Zambales Ayta groups meanwhile, were forced to move to the New Cabalan Negrito Reservation in 1954 when Subic Bay expanded. The Clark evacuees still weren't resettled permanently and in 1957 had to transfer from Macapagal Village to San Joaquin, and from there to still other sites. The ancestral lands of the Ayta were sacrificed for what was later called Crow Valley Bombing and Shooting Range. The communities living there were forced to leave after tribal members were used as moving targets by the US Air Force. There have even been reports that chemical bombs tested in the area resulted in the mutation of animals and the deaths of several chieftains (Minoritized and Dehumanized, p. 101).

South
China
Sea



Heroes relegated to Historical Footnotes

Ayta leaders bemoan the fact that there is no written account of the Aytas' participation in the resistance movement against the colonizers, and their successful raids on Spanish and Japanese forts. Because they knew the terrain well, reinforcing teams could not keep up with them. Sadly, the elders add, *unat* (lowlander) commanders got the credit.

Ironically it was the American military who recognized the Ayta's useful knowledge of the terrain, flora and fauna of the Zambales and Pampanga ranges. Ayta experts in jungle survival were paid by the Americans to train their units in handling and surviving in rough climatic and forest conditions.

Perhaps the Ayta taught them well, too well. After the Philippine Senate voted down a new treaty on September 16, 1991, it was the ashfall and lahar (volcanic mud flow) which made the Americans hurry out

and abandon yet another ruined country. By November 1991, five months after the biggest Pinatubo eruption, all the servicemen, officers and their families, erstwhile bosses of Clark and Subic had left. Only a skeleton crew, scheduled to leave in November 1992, remained to oversee the shipping of dry docks and other US equipment out of the Philippines.

A Fertile People for a Fertile Land

Unlike other Negrito groups - the Palanan Ayta, the Batak of Palawan, the Agta of the Sierra Madre and Bicol, the Mamanwa of Surigao and the Ati of Western Visayas - there has been a steady increase in the population of the Pinatubo Ayta. On the contrary, after being forcibly resettled upon military orders in 1975, the Batak have dwindled in number because of malnutrition brought about by their abrupt shift to a cash economy to try to ensure their survival which, ironically, lowered their productivity and land utilization



Ashes of the Pinatubo eruption in 1991. Photo: Alejandro Parellada

(Pinatubo Aytas; Continuity and Change, p.10). The Mamanwa have had to adopt easy-to-put-up easy-to-leave houses in an environment where bombs from the military's Oplan Rolling Thunder are continually being dropped. The most recent incident took place in January 1992.

In March 1981, James Dudly, in a graduate school thesis for the University of Saint Tomas, noted that the Aytas could be found in 93 sites in six provinces: Zambales, Pampanga, Bataan, Tarlac, Bulacan and the largest concentration in Nueva Ecija (Clark and the Reverted Basalands, appendix). According to a 1986 census, Aytas living in or around 1,770 meters from the volcano numbered approximately 83,000 (Newsday, May 27, 1991). In 1990, a location map of the Office for Northern Cultural Communities (ONCC) reported a total of 200 sites in the same six provinces. However, now the bulk of the

sites was in Zambales (73 sites). By then, the total Pinatubo Ayta population was estimated at 120,000.

Mt. Pinatubo Erupted after 600 Dormant Years

The media tried to recapture the scene at its barest: scores of Ayta families with little children and dogs trudging down a mountain path covered with ash; Aytas washing the sauce off canned pork and beans, and rejecting rotting canned sardines; Ayta kids coughing and dying by the hundreds as their mothers look mistrustingly at arrogant doctors; Aytas being made to dance and be photographed with smiling politicians before being given relief supplies; Aytas stubbornly tilling arid ground after government officials warned them off the land telling them to stick to basket-weaving and their reforestation contracts.

Through media coverage of the Philippines people became reacquainted with the Pinatubo Aytas -- indigenous peoples whom many thought were just historical relics mentioned only in scholarly history books under the chapter entitled "Our Ancestors", and never mentioned again. But the Aytas reminded people that they still existed and the media coverage was an accurate reflection of how the government and the society view the indigenous peoples after years of foreign colonization, institutionalization and discrimination.

Government Reaction, or the Lack of it

Central Luzon has a total area of 1.8 million hectares. Its population of some 6.2 million people account for 10 per cent of the country's total population (Ibon Facts and Figures, 31 July 92).

The Aytas comprise roughly 2 per cent.

The Department of Labour and Employment (DOLE) reports that 1.3 million people have been affected by the Pinatubo eruption alone and subsequently by lahar flooding. According to the Philippine Institute of Vulcanology and Seismology (PHILVOLC) the lahar will plague Central Luzon for another 5-10 years especially in the rainy season and when typhoons set in.

Former President Corazon Aquino authorized the then Department of Budget and Management Secretary, Guillermo Carague, to head the Presidential Task Force on Mount Pinatubo, the inter-agency organisation formed immediately to oversee relief and rehabilitation efforts. The Task Force Carague - as organized Ayta communities and indigenous peoples supporters called it - report, entitled 'More than Rehabilitation', envisioned a rehabilitation programme for 9,537 Ayta families with a budget of P215.4 million. Confusion is evident in the reports alone. In the same document it states that 10,113 Ayta Families and 56,721 individuals were affected. What is the fate of the 536 Ayta families, or possibly more, that the Task Force inadvertently excluded?

The Report talks of a 'rehabilitation plan' but there was never any legitimate consultation with organised Ayta groups. The government, through the Office of Northern Cultural Communities (which incidentally is a member of Task Force Carague) knew of the existence of genuine Ayta organisations, yet in all the time before Mt. Pinatubo actually erupted, there was no consultation. The Report which came out was not only myopic, inappropriate and extremely far-fetched, but it also testified to the fact that the Aquino government, like its predecessors, was taken by surprise and totally unprepared to deal with supposed natural calamities.

On Livelihood: To be forever making decorations...

The government's rehabilitation programme will revolve around livelihood projects where "Mechanisms to pave the way for an eventual shift in the region's economic base from agriculture to export-oriented and rural-based industrialization will be put in place" (More than Rehabilitation, Public Information Service of the Department of Budget and Management, p. 8).

What it basically means is that the focus will be on cash economy-based handicraft projects and the sale of labour. The Ayta communities will be, supposedly, assisted in marketing their produce through various agreements ensuring the cooperation of big commercial stores in Metro Manila. While organized Ayta communities acknowledge that they do have skills in, for example, weaving baskets or making decorative bows and arrows, the government's motive is exploitative. Aytas receive only P180 for finished products.

Bert Lansang, an Ayta leader of AMA (Aguman Malukang Dareng Ayta) now based in Dona Josefa, Nueva Ecija, quipped, "*pansamaniala lang, kulang pa ang seweldo. E pano ba naman, ang planong pangrehab pala ay naka-sentro na bigyan kami ng kabuhayan bilang murang trabahador para gumawa ng produkto nilang pang-eksport, Paano na ang lupa?* (Not only is it temporary, but we do not even receive the minimum salary. However, this is not surprising since the livelihood projects revolve around the concept of making us cheap labourers for their export products. What about the land, then?)

Another major livelihood scheme carried out this time by the DENR (Department of Environment and Natural Resources which is another agency involved in Task Force Carague) is the infamous Contract Reforestation. This project has been widely opposed by indigenous peoples all over the country because it relegates them to mere stewards of the land and ignores traditional laws which securing them as the rightful owners of their ancestral domain.

Aytas receive P80 as payment for their services. But the rationale goes beyond pure economics. The DENR chose to implement Contract Reforestation among the Ayta for reasons steeped in centuries-long discrimination and misunderstanding among people in the very departments which ought to be ensuring their rights: "Apart from providing employment, these projects will promote a consciousness of the need to restore and preserve forests among Aytas, many of whom have been used to the slash-and-burn method of planting". Ironically, anthropologists and environmentalists world-wide have been impressed with the ecologically-sound agricultural practices of indigenous peoples. Yet in the Philippines, the authorities ignore this be-

cause they have their own interests to protect.

...With a Fantasy "Subdivision" to Boot

The Ayta resettlement plan is as unreal as plans come. The Report claims that the sites will ensure permanency with the construction of "a government centre, school, buildings for elementary and secondary education, a playground, a marketplace, and a productivity centre to promote indigenous crafts and other livelihood ventures" (More than Rehabilitation, p.6). Furthermore, the sites will be provided with electricity, electricity-driven pumps for drinking water, access roads, communal toilets and laundry areas. And still more: "to attend to the Aytas' medical needs, three shifts of full-time medical personnel on 24-hour call will man the community clinic. Each health centre will have a physician, a nurse, two midwives and a medical aide (Ibid, p.12).

The fantasy "subdivision", however, is not all free of costs. The government's resettlement plan includes the distribution of 300 square metres of land for each family home lot. But these have to be paid for at P30,000 each, payable in 25 years and requires monthly repayments of P500 (Philippine Daily Inquirer, Nov. 23, 1991)

Ric Guaio, then vice-chairperson of Samahan ng mga Katutubo sa Floridablanca (SKF), sums up the sentiments of organized indigenous communities: "*Anong gagawin namin sa plaza? Buong gubat ang plaza namin.* (What will we do with a plaza? The whole forest is our plaza.) He added, "What will we do with the cemented road when we don't have cars? Neither do the Aytas have P500 to pay for the lots every month (Ibid).

Bacquilan in Zambales is held up by the government as its model resettlement site. In fact, last October 24, former president Aquino visited the 393-hectare site by helicopter. Since June 1992 Bacquilan has housed some 870 predominantly Ayta families dispersed in seven sub-clusters. What most people do not know about is that most of the evacuees staying there are actually indigenous to the area, or lived there even before Pinatubo started to erupt.

If Bacquilan is hailed as the model for all sites, then it provides a measure of how effectively the government is fulfilling its

promises to the victims of the eruption. Only in Tumangan and Cabatuan do they have plumbing systems. The rest get their water from creeks and springs which are dirty and contaminated and where lahar water has seeped through. In areas like Villar people have had to fetch water from other *baranggays*.

There are only three makeshift health centres in the whole of Bacquilan servicing 3,838 people. There are no doctors or nurses based in the centres; the evacuees receive an erratic supply of medicine. All seven clusters do have school buildings. Most foreign visitors are bought to see Bacquilan but the other government-declared sites are not as fortunate.

The soil in Bacquilan is stony, dry and barren. The fields, located on mountain slopes, cannot support wet agriculture. Hiromu Shimizu, a Japanese researcher, reported that plough cultivation is almost impossible as the surface soil would be eroded by heavy rain.

Fr. Shay Cullen in his column called Reflection writes about his scepticism when it came to government support. "Aetas from San Marcelino were tracked into Olongapo and locked in a school building to justify appeals for relief goods. They escaped and went back to San Marcelino a few days later. I met them on the road. Then a show-piece relief centre was set up by politicians where they could hug refugees for the cameras and impress foreign visitors. But where are they now? Some are on a hilly site called Iram, in Cabalan, Olongapo (another government site) where shacks are scattered over the hillside and the land is in dispute. (Philippine Daily Inquirer, September 27, 1992).

The former mayor of Quezon City in Metro Manila had other bizarre ideas, which only go to prove how most government officials regard the Ayta. Brigido Simon wanted a new mountain for some 12,000 Aytas who were dispersed among the lowlanders in four evacuation centres in his town during the initial exodus of evacuees (Philippine Daily Inquirer, June 1, 1991). Like Simon, most of Philippine administrators seem to think that any rising slope other than a plain is enough for the Aytas to survive. Very few realize what Mt. Pinatubo signifies for these indigenous peoples.

Aside from resettlement, the Office of the President stated in its reports that each

of the 9,537 Ayta beneficiary families would receive P7,500 - whether this is in cash or kind, the document does not say - as part of their "survival kit". Of this amount, P4,500 will go for housing materials, P500 for carpentry tools, P1,000 for a choice of animals (pigs, chickens, goats, carabaos or dogs) and P1,000 for farming provisions.

They Talk about Indigenous Peoples yet there is no Programme on Land

This sum of money is rather ambiguous since there was no programme on land utilization. As stated earlier, the main focus was to be on industrialization and not agriculture. This is the main issue for concern among the Aytas because, like all other indigenous peoples, their lives are centred on land. The issue of their ancestral domain is the focus of the Philippine indigenous peoples' struggles, yet this is lost on the government.

For the Ayta communities in government-declared resettlement sites who insisted on farming, the experience was frustrating. The land was arid and not fit for planting. There was also no regular water supply. In areas where ashfall was more than six inches deep, or where walls of lahar had hardened, there was very little information on whether the soil was toxic or suitable for growing traditional crops again. The Aytas have had to rely on the edict that "where grass grows, edible plants may also grow." It is common to see an expanse of gray adjacent to fertile fields of rice.

Resettlement Sites in a Sorry Condition

The Task Force Carague claimed it had approved nine sites for permanent Ayta resettlement as early as September 1991. But Aytas interviewed by the Central Luzon Ayta Association (CLAA) say many had only been completely settled by February, others by April 1992. This has been the situation particularly among unorganized or newly organized communities. The group originally from Nabuklod in Floridablanca, Pampanga, had to relocate to more than five areas only to be resettled back in Nabuklod in February 1992. Aytas from Sapang Uwak and Liplip Porac were previously itinerant people until in April, 1992, they were resettled in Villa Maria

and Pasbul respectively, both in Porac, Pampanga. All three are government declared resettlement sites.

This was taking place while a P99 million was reported to have been released by Task Force Carague as early as July 1991 for the rehabilitation of the Ayta alone (Philippine Daily Inquirer, July 31, 1991). It would seem that the reported P215.4 million for Ayta rehabilitation was nothing but hot air to encourage a concerned government image. The public was denied the right to see the funds so no one, except the officials and their cohorts, really know if there actually was any money. And if there was real funding, where did the other P116.4 million go?

As always, Money became the Issue

Former General and now President Fidel V. Ramos came into office amid complaints of dwindling relief supplies and a worsening lahar situation. The problem, said the Department of Social Works and Development (DSWD), was that there is no more money in the Pinatubo coffers. In September, General Ramos asked for detailed accounts of all the expenses incurred by government agencies involved with relief and rehabilitation.

There is no money, the officials say. However, the government still plans to spend P128.7 billion - over P300 million a day - for the payment of the country's huge foreign debt to the International Monetary Fund/World Bank.

The Task Force Carague comprised twenty one government agencies, each with immediate funding. The Department of Public Works and Highways (DPWH) received the biggest cut of P140 million. According to the report of the Office of the President, the total amount release reached P411.7 million. Local government units received P76.2 million (Pampanga got the biggest allocation at P28.8 million) putting the entire initial funding at P487.9 million (Office of the President Report, no date).

By March 1992, Task Force Carague underwent a change when Guillermo Carague resigned as Budget Department Secretary to run for the Senate during the May 1992 elections. He was replaced by Salvador Enriquez, Jr. as chairperson of the Task Force Mt. Pinatubo in Carague's wake. The Task Force did not account for



Ayta family in Zambales resettlement camp. Photo: Alejandro Parellada.

all its financial disbursements. Similarly, many local government officials who were still handling large funds intended for relief and rehabilitation became involved in their own election campaigns. The elections came at a most opportune moment for them but not so for the evacuees.

Financial donations over 1991 and 1992 make very interesting reading: foreign aid alone reached P488.3 million in 1991 (Philippine Daily Inquirer, Oct. 28 1991); in 1992, P2.5 billion was added by the Asian Development Bank (ADB) and another P5 million came from Japan (PDI, July 31, 1992); and the Italian government donated P6.7 million (PDI, Sept. 10, 1992). The Task Force Carague End of Year Report pegged its summary of fund releases at P8,272,558,717 with infrastructure eating away P4,343,155,271 of the amount (Philippine Daily Globe, Jan 31, 1992). From Aquino's Social Fund came P38.706 million for school building construction (Philippine Star, March 12, 1992). These are

only the largest of the sums received through the government. The amounts are so huge that it is unbelievable that officials should still say there is no money. Donations have also been channelled through non-governmental organizations (NGOs) and private fund drives so, despite the suspected governmental corruption, the evacuees are still receiving something.

In loans, the evacuees got \$37 million or P950 million from the ADB, repayable in 35 years and from Japan, \$200 million commodity loan for the importation of dredging equipment. Some 200,000 to 300,000 metric tons of rice has been offered by the Indonesian government free of interest, the amount of which is planned to be converted to cash by the National Food Authority. This will generate some P1.7 to P2.55 billion for rehabilitation and payable before January 1993 (Manila Bulletin, Sept 27, 1992, p.1).

Senator Gloria Macapagal-Arroyo, in filing Resolution No. 121 seeking an audit

of the Pinatubo fund, said that under the 1991 and 1992 national budget alone, P12.3 billion has been spent on rehabilitation. However, records revealed that only P5.7 billion of the total expenditures was actually spent (Manila Bulletin, Sept 20, 1992, p.B-28).

Rehabilitation for Whom?

Because there was no realistic and detailed plan, rehabilitation has taken many forms and been largely misdirected. The Department of Public Works and Highways (DPWH) spent an the huge sum of P400 million for building the *sabo* dams alone. These puny structures of sandbags and chicken wire each cost P7 to P12 million and were designed to protect communities from cascading lahar (Philippine Daily Inquirer, July 3, 1992). The dams took months to build and could catch only 450 cubic meters of lahar and moreover they immediately gave way when 600 cubic

meters of volcanic debris swept down during the first onslaught of rains. Worse still, DPWH Secretary Jose de Jesus said the government still owed private contractors P700 million for river dredging.

Just as abruptly and sudden as the it made its decision to build the *sabo* dams, the government halted attempts to save seven areas in Pampanga and Tarlac saying that the 12,000 hectares of land could no longer be protected (PDI, Sept 2, 1992). This decision came after it had spent the bulk of Pinatubo funding on trying to control lahar flooding.

In November 1991, the DSWD had to cut down its relief rations which by then had become irregular. But as early as October 1991, there were already reports of starvation and food shortages in the evacuation centres. Politicking took centre stage as many supplies either got held up by red tape in the municipalities, or were unobtrusively sold and used elsewhere.

More than a year has passed before real attention and planning was focused on Central Luzon. Because of the perceived lack of funding, the House of Representatives recently passed House Bill 2505 appropriating P10 billion for rehabilitation. The Bill emphasized the need to create a body to coordinate and supervise all relief and rehabilitation efforts. But once again they have not learned. The Ayta and lowland victims of the eruption are seen as mere dependents of governmental hand-outs; again, they are not being consulted over their own futures and decision are made by senators and congress people.

The Unimaginable Effects on Culture

The only blessing disguised beneath the tons of volcanic ash, many Ayta organizers say, is that the Aytas have had first hand experience of government treatment. Discrimination, poverty and neglect is certainly nothing new to them. It was the subtle yet systematic lure of assimilation, among other things, that has made them more sensitive to issues which have become closer to their hearts and stomachs. In May 1992, 15 Ayta communities formed the Central Luzon Ayta Association (CLAA). They make up roughly 20 per cent of the population.

Two of them, AMA (Aguman Dareng Malukang Ayta keng Pampanga) and LA-KAS (Lubos na Alyansa ng Katutubong Ayta sa Sambales), already existed as or-

ganizations before the eruption. From them sprouted SKF (Samahang Katutubong Floridablanca and SMT (Samahang Maghahalaman ng Tumangan) which also promptly became members of KAMP. SKF, based in Camachile, Floridablanca, forms one of the chapters of AKAY, a municipal-wide organization for Floridablanca, Pampanga. Recently, another municipal-wide alliance for Porac, also in Pampanga, was formed.

Not to be outdone, the Office for Northern Cultural Communities also formed their own Regional Tribal Council and appointed salaried "chieftains" in government declared sites. During a rally by CLAA last June 15 to force the government to give them land instead of dumping them in resettlement areas, officials of the ONCC waylaid and kept Ayta contingents against their will in San Fernando, Pampanga. Those held included the new director Attorney Sungod and Arthur Punzalan; Mrs. Aquino, regional director of the DSWD; regional directors of DAR and DENR, the former assistant secretary of Mr. Carague and Roland from Dueg, Tarlac. They were harangued about holding rallies against the government. They were held from 9 am until 3 pm that afternoon.

On June 14, a day earlier, another Ayta leader was arrested in Bucao, Botolan. Nany Chayong was bought to the municipal hall where she was questioned about CLAA and KAMP's plans for a rally.

To organize and band themselves tighter is the most viable option left to the Aytas at this point. Previously, they had the advantage of living self-sufficient lives but the present conditions are dim for ethnic survival.

Already, some Ayta women are complaining that their menfolk go to towns on a drinking spree after getting their wages from the DENR or TLRC. Many Ayta groups have resorted to begging in Cabanatuan and Angeles cities because the present hand-outs or food-for-work schemes are not sufficient to sustain their families. There are almost no forests where they can hunt. Even if there was land for farming they would have no implements with which to farm. Their traditional economic lifestyle is in tatters and it is only their ability to adjust that is keeping them going.

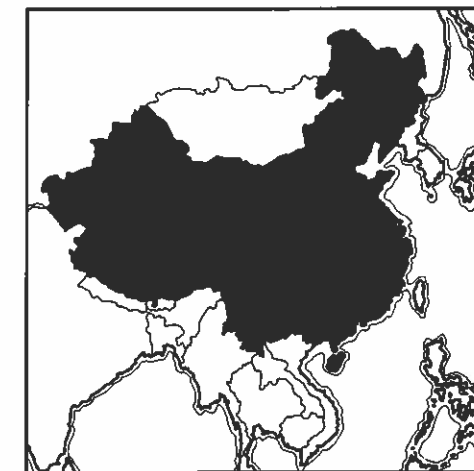
In the past Aytas have always been respectfully buried but now the dead are

flung hurriedly into mixed Christian cemeteries to prevent infection from spreading. Those who are determined to go back to their own lands and own ways are in for a long wait, meanwhile, their children are exposed to the practices and ways of the lowlanders. In a few years, they may not know of the sacredness of Mt Pinatubo and their lands which set them apart as an indigenous group. They may see the only differences in the colour of skins and texture of hairs.

The Aytas have no lands now, and they fear that the lands of their ancestors has been laid waste so that no feature or landmark which held the history, culture and identity of their people remains. □

National Minorities in China

By Rosa Murphy



It is perhaps in the study of national minorities in China that the problem of majority-minority as relative categories comes to the fore. The main problem facing each minority nationality is the adjustment of its existence to the Han society at large, and the laws that dictate

the capacity to which this people can successfully determine their own future. When "self-determination" exists as an international right to be exercised, it is only logical that "constructive alternatives to the politics of integration" (IWGIA Yearbook 1988) be worked out.

Introduction

China presents herself as a "unified, multinational country" made up of 56 nationalities. The largest ethnic group is the Han that accounts for 93.3 per cent of the country's total population (now standing at approx. 1,200 million). The remaining 55 ethnic groups represent 6.7 per cent of the total population which amounts to under 70 million people. As is characteristic of ethnic groups elsewhere, most of these live in sparsely populated areas, in mountainous and pastoral land, or on high plateaus and in deep forests rich in natural products and mineral resources: their strategical importance is due to the fact that they coincide with the border regions of the whole country (Id. Ma Yin China's Minority Nationalities' 1989).

Migration within regions due to historical events, and between China and her neighbouring countries, partially accounts for patterns of settlement. However, not all of the 55 national minorities live on their traditional land; many lie scattered throughout the country and are obliged to live with other national minorities and/or Han population.

China's nationalities problem is a problem of integration. National regional autonomy is China's basic policy for solving the national question and it is offered to

the national minorities as a political substitute for self-determination. Regional national autonomy means in China that any area where a minority nationality lives in a compact community or where a number of

national minorities live together they can exercise regional autonomy and set up organs of self government as long as it constitutes an administrative unit, autonomous region, autonomous prefecture and



Uyghur Nationality. Ningjiang Province.

autonomous county (ibid). To date there are five Autonomous Regions in China, 31 Autonomous Prefectures and 96 Autonomous Counties (also called "banners").

Inner Mongolia Autonomous Region was the first of its kind and was established on May 1st 1947 encompassing the pres-

ence of *Mongolian, Hui, Korean, Manchu, Daur, Oroqen, Xibe* and *Russian* major minority nationalities. Other autonomous regions have followed after the so called "peaceful" liberation of its autonomous population hence the establishment of the Tibet Autonomous Region (on Septem-

ber 9th 1965) with *Tibetans, Hui, Moinhs* and *Lhoba* and *Xinjiang Uvau*, Autonomous Region (on October 1st, 1950) with *Uygur, Kazak, Hui, Kirgiz, Uabel, Mongolian, Daur, Xibe, Tajik, Tatar, Russian* and *Manchu*.

Census of China's Nationalities

Nationality	Population (in thousands)	% Against National Total	Nationality	Population (in thousands)	% Against National Total	Nationality	Population (in thousands)	% Against National Total
Han	936,703.8	93.30	Va	298.6	0.03	Tajik	26.5	.....
Han	936,703.8	93.30	She	368.8	0.04	Nu	23.2	.....
Mongolian	3,411.7	0.34	Gaoshan	1.5	.....	Uzbek	12.5	.....
Hui	7,219.4	0.72	Lahu	304.2	0.03	Russian	2.9	.....
Tibetan	3,870.1	0.39	Shui	286.5	0.03	Ewenki	19.3	.....
Uygur	5,957.1	0.59	Donagxiang	279.4	0.03	De'ang	12.3	.....
Miao	5,030.9	0.50	Naxi	245.2	0.02	Bonan	9.0	.....
Yi	5,543.4	0.54	Jingpo	93.0	0.01	Yugur	10.6	.....
Zhuang	13,378.2	1.33	Kirgiz	114.0	0.01	Jing	12.0	.....
Bouyei	2,120.5	0.21	Tu	159.4	.....	Tatar	4.1	.....
Korean	1,763.9	0.18	0.02			Drung	4.7	.....
Manchu	4,299.2	0.43	Daur	94.0	0.01	Oroqen	4.1	.....
Dong	1,425.1	0.14	Mulam	94.0	0.01	Hezhe	1.5	.....
Yao	1,402.7	0.14	Qiang	102.8	0.01	Moinba	6.2	.....
Bai	1,131.1	0.11	Blang	58.5	0.01	Lhoba	2.1	.....
Tujia	2,832.7	0.28	Salar	69.1	0.01	Jino	12.0	.....
Hani	1,058.8	0.11	Maonan	38.1	.....	Unidentified		
Kazak	907.6	0.09	Gelo	53.8	0.01	Nationalities	879.2	0.09
Dai	839.8	0.08	Xibe	83.6	0.01	Chinese citizens		
Li	817.6	0.08	Achang	20.4	.....	with foreign origin	4.8	.....
Lisu	481.0	0.05	Pumi	24.2	.....		

(source Ed. Ma Yin Appendix 1)

The above census is the latest issued by the Chinese Government and dated July 1st 1982. As a rough guide it provides an overall picture of the internal population distribution of these nationalities. No reference is given to the Kucong in Yunnan province, while the ethnic group of Chamans (again absent from the census) and Dengs in Yunnan and Tibet remains to be ascertained. Official sources also state that of those nationalities, 21 have their own written languages, adapting the Han written script or using other alphabets or syllabic systems. Some nationalities use several

written scripts at the same time - the Mongolians have two while the Dai have four.

Not surprisingly, it is almost impossible to generalize about the assimilation process of each nationality in China. The Mongols, Manchu and Tartar for example have had a series of historical contacts with the Han that is directly linked to the fact that these areas have been granted regional autonomy. The Huis are physically indistinguishable from the Chinese and speak only Chinese. Their classification as a "nationality" appears to be based largely on religious grounds in a country where religious

beliefs among ethnic minorities are considered potential political weapons that go hand in hand with nationalism. Yet the source of social friction in China is precisely the relation between these minorities, a relationship that reached genocidal levels during the Cultural Revolution (1966-78). During these "Ten years of Madness" vast amounts of indigenous peoples were displaced from their traditional lands and forced to assimilate under the worst possible conditions. Reformatory camps were used to install the political values which the indigenous peoples' own



Oroqen Nationality. Inner Mongolia - Heilongjiang.

particular cultures were considered to negate. Chinese communes were established in remote areas to instigate the first policies of the New Republic of China: foreign sedentary practices among traditionally nomadic peoples, and the abolition of religious and ritual ceremonies. Minor revolts occurred among the Hui and Yi in

contrast to the major rebellions in Xingjiang (1958) and Tibet (1959).

A common characteristic of the minority groups that stood up in opposition to the liberation of all China is that they corresponded to groups that had been largely assimilated by, or had social and economic structures identical with those of the Han

(ibid). The poor Tibetans peasants was seen necessarily allied with their Han peasant counterparts, against either the Han landlords or the Tibetan self-owners. Cultural differences which had prevailed in the past were swept away in one artful stroke of political logic - ethnic diversity disintegrated into an issue of class struggle. No antagonism could be allowed to prevail between poor servants "whatever their nationality". The existence of ethnic problems were denied and under socialism there was no such thing as nationalities. Any work, institute or theme related to national minorities was labelled a "big poisonous weed of feudalism, capitalism and revisionism" and had to be suppressed.

The Hucong

National minorities throughout China suffered at the hands of the Han Guards and political brigades everywhere, but for ethnic groups that had remained isolated and/or inaccessible this form of contact implied genocide. In 1990 a contact team set out to find the Kucong inhabitants of the Moxie mountain regions of Xiahuanghanna. The Kucong, who were hunters and gatherers and practised slash and burn cultivation, entered into a cycle of exchange with team members. Various goods - salt, mosquito nets, cereals - enabled the exchange and thus, by extension initial contact (Zheng Lan 'A traves de Xishuangbanna', 1980). Six years later the Hucong had been resettled into six villages and accustomed to working in 'production teams'. But due to friction with other non-Kucong settled in the same villages, the Kucong decided to abandon the area and return to their own land. This they accomplished until 1965 when another contact team was sent to Mixie. By 1969 the 200 surviving Kucong where resettled in two villages, organized into production teams, and assimilated.

Minority Policies in China (1921-1990)

Although it was not until 1949 that Chairman Mao and the Chinese Communist Party came into power, the first Chinese Communist Congress took place in Shanghai twenty eight years before that in 1981. When the National Question was discussed no direct reference was made to specific nationalities, instead the main task was to secure the social and national lib-

eration of the people of China. At the second Congress in 1922 it was suggested that separate Republics be formed for the Han, Mongol, Tibetan and Turkish people, a petition that was reaffirmed six years later. As yet there was no mention of assimilation. The fact that those nationalities were singled out above others is linked to the Theory of Greater Han popularized by Chiang Kai Shek and the right wing elements of the ruling Guomindang. Basically, this theory holds that the five nationalities of China - Han, Tibetan, Mongol, Manchu and Tartar - derived from the same racial stock and were separated from each other by artificial factors of language, religion and accidents of geographic distribution.

By 1935, with Maoism, anti-imperialism rather than national self-determination became the corner stone of the Chinese Communist Party's nationality policy. The answer to the problem of national minorities was not independence from China but liberation from oppression. The first duty of all nationalities was to unite against foreigners. Hence in declarations to the Mongols of Inner Mongolia (in December 20th, 1935) and to the Moalems of North West China (in May 25th 1936) the Chinese Communist Party promised that non-Han people who cooperated with the Chinese Communist Party in resisting Japanese aggression and defeating Chiang Kai Shek would be accorded autonomous and equal status in the New China. So it was that by 1949, with Mao in power, the right to self determination was replaced by a more vague concept of regional autonomy. Since the system of national oppression no longer existed (having reached national equality and thus national liberation) there was no need for a separate national liberation movement. Moreover Mao agreed with Lenin and then Stalin that the right to secession applied only to colonial cases and that the principle of self-determination in a socialist context meant only self-government or autonomy.

The main task up until 1955 was to convince the national minorities that the Communists were a different sort of Han, not the greedy land grabbers of the past, but the heralds of freedom and equality for all. These qualities were polished and enforced which culminated in the disastrous outbreak of the Cultural Revolution that affected every nationality including the Han.

Up to 1976, and with the fall of the Gang of Four, there was a progression from Han Chauvenism to Nationality Chauvenism to the Final Solution (i.e. assimilation). The term Han Chauvenism was coined to depict the superior attitude of Han cadres towards the minorities, and is characterised by "commandism" (T. Grunfeld "In Search of Equality").

The minority policies that have followed since have sought to walk a middle ground between regional autonomy on the one hand and the Socialist construction of China in its totality, on the other. In 1982 the Chinese Communist Party began to deal with the problem of nationalities as distinct from class conflict. It began to understand that conflicts between nationalities is not just a function of class struggle. Mao's dictum, that the nationalities problem is in essence a problem of class, that nationality and ethnic distinction would disappear when class differences disappear and that a homogenous proletarian culture would emerge has simply failed. The problem of integration of minority nationalities has not been solved by the "liberation" of its people.

The riots in Lhasa in 1987, 1988 and 1989 has given cause for the Chinese Communist Party and Government to doubt the loyalty of many minorities. That these riots occurred within the first autonomous regions to be established clearly shows that there are limits to this policy firstly in that autonomy must exist within ??? unity of the P.P. of China thereby reinforcing its ?????, and secondly, that in their autonomy national minorities must tend towards socialism in their decisions - minorities must rule themselves but they must also follow the Communist path.

Conclusion

The 1980s sees in China a new official tolerance towards religious practices and a degree of prosperity resulting from economic reforms, but tensions between minority nationalities and the all dominating Han continue to prevail. This is particularly true of the Tibetan people who continue to oppose the presence of Chinese rule and suffer human right violations.

Student uprisings in Central Mongolia and the arrest of the two Mongolian leaders illustrate that, despite similarities in economic and social structures, cultural

differences are being reclaimed. China's experience shows, above all, that time and improvement in the standard of living does not necessarily guarantee assimilation. In fact, improvements in standards of living may encourage an ethnic group's national identity and sense of national heritage. This is especially true where degradation to the natural environment of minorities' land takes place, be it through construction of dams or the establishment of nuclear power stations as has happened in China. The attainment of ethnic unity in its diversity deserves all the attention possible, and it would be constructive to have the participation of representatives of China's national minorities in the international meetings that work towards the establishment of self-determination.

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Development, Destruction and the Adivasis in India

By Raajen Singh

Deep in the interior of central India, the Gond people of Bastar have launched "Our Village our Rule" - a movement for the restoration of their rights to the forest and self rule.

Close by to the west, the *Bhil, Bilada and Pavra adivasi* people of the Narmada valley are in the midst of a "do-or-die" struggle to stop the ongoing construction of a series of dams across the river Narmada, which will displace nearly a million Adivasi people. Down south in the state of Andhra Pradesh the *Chenchu* are learning about a proposed World Bank aided forest development project to create biospheres that will drive away 800 Adivasi families from their traditional homelands.

The above are a few examples of the ongoing struggles of the Adivasi people in India against "destructive development", and to protect their lands, forests, rivers and their way of life. It is beyond the scope of this brief presentation to discuss in detail the movement in India against development destruction. However, the aim is to illustrate the impact of "development" as it is unfolding in India on the Adivasi peoples' lives, lifestyles, culture and the future of Adivasi society. It also aims to provide an understanding of the response to this process by the Adivasi people.

I will attempt here to share with you the impact of development in the form of development projects like dams, mining, etc. and the issue of forest development, forest policy, and how these encroach upon the rights of the Adivasi people to their lands, forests, rivers and self-determination. I present a critique of the present model of development but show that within it are elements that can contribute towards the creation of alternatives that are just, sustainable and democratic.



Raajen Singh in Manila Symposium on "Indigenous Peoples and Development". Photo: KAMP.

Displacement

A government of India report of 1987 estimated that nearly 8.5 million of the total 57 million Adivasis in the country were displaced at least once in the last 40 years to make way for development projects. The figure of Adivasi people displaced is now close to ten million. This displacement has taken place in the name of progress, development and "national interest" and is on the increase as "development" invades on a wider scale the resource rich areas of the Adivasi people.

Displacement is seen as the direct and most tragic consequence of development in the form of large dams, mining, thermal and power plants, etc. In the past there was no resettlement or rehabilitation policy to address the issue, and displaced people

were left to look after themselves or compensation was limited to token cash payments. In some cases it was worse. For instance, when the Rihand dam was built in 1967, nearly 200,000 people were displaced and most of them were not even informed of the impending disaster. Nearly 50,000 are estimated to have disappeared without trace after the area was flooded by the dam. It is only in the recent past, as a result of the growing pressure of the struggles of the displaced, that there are some moves to include resettlement as part of the project plans.

But rehabilitation cannot compensate for what is lost. What is lost is not a piece of land or a patch of forest, but a way of life, a particular value of understanding human beings and nature, and a culture that is rooted in the deep, spiritual relationship of

the Adivasis to their land.

I would like to illustrate this in the words of the World Bank sponsored Independent Review Team that was sent to review the dam built on "Narmada": "They spoke to us about their land and way of life; they often referred to their timeless relationship with the earth, the forest, and the animals. They identified themselves with their land and with the river. They celebrated the use of their produce, of their environment in order to establish their cultural heritage and their distinctive identities. In village after village people talked of the fruits, herbs, roots and medicines they gathered from the forests. Even if the forest appears to be extremely degraded, they explained that in it there were still resources of great importance to them." No rehabilitation policy can compensate this loss to the people who are displaced in the name of development.

Displacement is the first step in the process of the Adivasi peoples' "assimilation" into the so-called "mainstream" society on unequal terms. Victims of development, the dispossessed, having lost their lands which is the very basis for their existence as a distinct peoples and culture, form the dehumanised sections of Indian society that are the targets of economic exploitation and social oppression.

Forest Development and Policy

Forests are an integral part of the existence of an overwhelming majority of the tribal people of India. After independence in 1947, the government of India embarked on a series of legislative measures to ameliorate the living conditions of the Adivasi people, which included legislation to prevent and restore agricultural lands alienated from Adivasi farmers; job reservation and special representation in the parliament. But the government failed to recognise the rights of forest-dwelling Adivasis to their forests. The Indian government followed the policy of the British and denied rights to the forests and forest produce.

Forest development is based on the principle that all forests are owned by the state and any other rights are to be regulated by the state. This, combined with the refusal to recognize collective rights to hunting and gathering grounds and cultivation of forest land, has led to a very serious situation in some parts of the country.

As a result of this policy, Adivasis who have been cultivating small plots of land located in the forest have been denied the rights to this land. Any Adivasi collecting wood or other produce and hunting in the forest is also liable for punishment for "encroaching" on the forests. This has resulted in a situation where hundreds of thousands of Adivasi peasants cultivating land are being denied legal rights to their agricultural plots in their forests, especially in the states of Madhya Pradesh, Maharashtra and Andhra Pradesh. In addition, the banning of entry into forests has denied the Adivasi people rights to the life supporting resources, medicines and culture.

Another product of this policy is reflected in the location of wild life sanctuaries and game parks. The location of forest sanctuaries for the protection of wild life is always accompanied by the eviction of Adivasi who for centuries have lived in the area with no threat to the wild life. The development of monocultural plantations in several areas also result in the loss of several varieties of plants which are important for the survival of Adivasi communities.

To summarize, forest policy and development in India is based on the violation of Adivasi peoples rights to forests. By denying rights to lands that are located within forests and collective access to forest resources, the Adivasis are being pushed to a corner where their very survival is being threatened. A good example of this is the case of the Samanths in Eastern India.

The Samanths, who are hunter-gatherers, used to dwell in a vast forest area that, after Independence, was divided between the states of Andhra Pradesh and Orissa. As the government did not recognize the collective rights of these people to their traditional hunting and gathering grounds, they are at present stateless as both the concerned states treat them as encroachers on their forests and drive them away. The Samanths, who number around 35,000, have at present nowhere to call home and are constantly on the run from place to place.

There is demand now that the traditional rights of Adivasi people to the forests be recognised and it is possible that in certain areas of the country the forests may be handed over to the Adivasis. The community as a collective, will be responsible for the management and preservation of the forest. The basis for the management of the

forests are the traditional customary law and practises that will ensure not only the preservation of the forest, but also manage its use on a sustainable basis. But such an alternative practise is possible only when the customary laws, practises and values of Adivasi society are recognized and legitimized in the context of the collective rights of the Adivasis to their traditional homelands.

It is also necessary to place some of the issues raised in this presentation in the larger context of international standards for the protection of the rights of the indigenous peoples. For instance, within the United Nations, the Universal Declaration of Indigenous Peoples Rights currently being drafted by the Working Group for Indigenous Populations may not benefit the Adivasi people in India as the government of India maintains that the Adivasis or "scheduled tribes" (as they are categorized by the government) are not indigenous people. Similarly the World Bank's Operational Manual guidelines regarding the Narmada Valley project considers who is tribal as the subject of much controversy and some officials argued that the people were not tribal people, but "backward Hindus" who were not fully integrated into Hindu society. In the case of ILO Convention 169, the use of the term indigenous and tribal population may help in the application of this convention to the Adivasi people in India.

The right to self determination is an integral part of this process. We believe that to recognize the right to self determination provides the political and economic space for Adivasi alternative ways of understanding and relating to the world around us. Alternative development models are available, they exist in the traditions, customs, world view and values of Adivasi peoples. What is absent is the need to recognize and develop these alternatives. However, the present development thrust will submerge, destroy and annihilate these in the name of progress and they will be lost forever. The struggle of the Adivasis against destructive development is also, in the final analysis, a struggle to protect and preserve ways of life and cultures that provide crucial elements for a new sustainable society based on justice.

Presented at the Symposium "Indigenous Peoples and Development", Manila 4-5 Nov. 1992 □

Are the Udege People once again faced with the threat of disappearance?

Does the transfer to a market economy bring the threat of new tragedies to the small peoples?

By V. A. Shnirelman

In Newsletter 4/92 (pp. 31-32) we wrote about a major forestry project in Far Eastern Russia which threatens the Udege people. The Udege people stood to have their legal territorial rights to the Upper Bikin Valley annihilated and to lose a substantial part of their traditional land.

The reason for this was due to a unilateral act by the administrative head of the Primorije Regional administration by which he violated decisions taken by the political authorities.

the case was brought to court by the head of the administration. since the court did not recognise the right of the indigenous peoples, they took the case to the Russian Supreme Court decision came out in favour of the

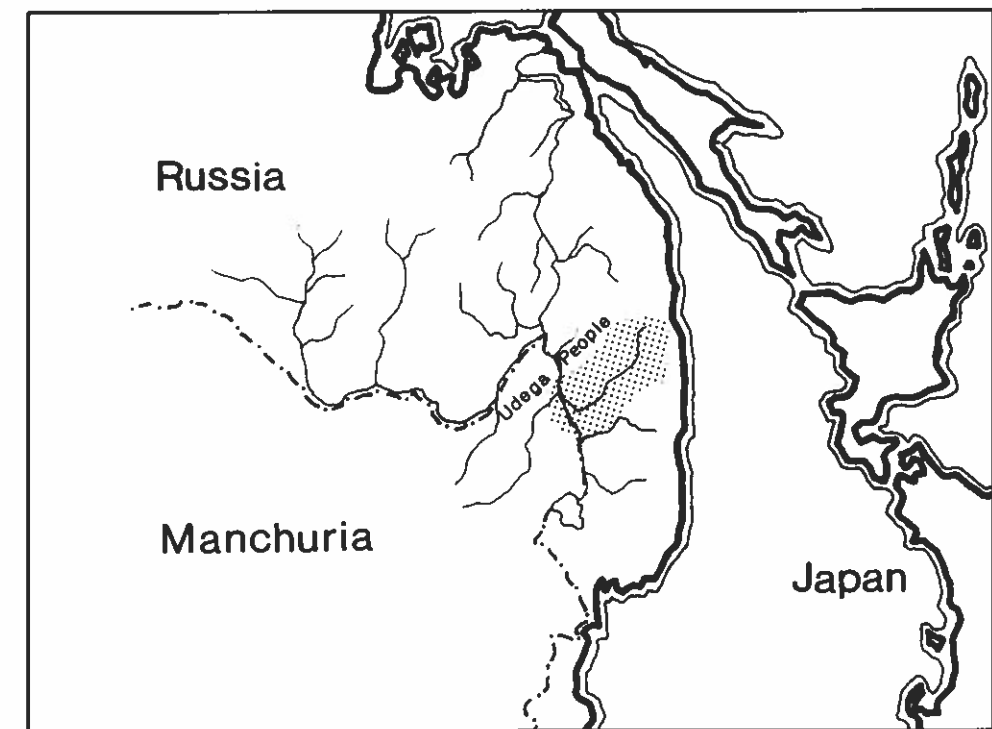
indigenous peoples and the forestry project has been brought to a halt.

We have decided to publish an article which meticulously portrays the process as it took place. We consider this an extremely important document in order to understand the political and legal uncertainty which reigns in Russia in the interim period when the old system is being abolished and new rules and regulations have not been firmly established. The losers seem to be those at the bottom of the society, and among them the indigenous peoples.

We also publish a press release on the Supreme Court decision - we can only hope that this decision will take precedence

The bloody events unfolding before our eyes in the south of Russia and adjoining republics of what was formerly the Soviet Union have meant that recently less priority is being given to the problems of the indigenous peoples of the North, which during the 1980s were being widely discussed in our national press. Already at that time the situation in the North had worsened to the point where it was recognised as being close to catastrophic, with many of the ethnic peoples on the verge of disappearing. This year with the economic state of affairs in Russia visibly deteriorating and social and inter-ethnic tension growing, new questions arise such as what will a market economy bring to the small peoples of the North? How can this new system be coordinated so that it ties in with their traditional social structures and uses of nature? What new traits will now appear in their social and political behaviour?

International ethno-political studies by



experts have shown that the difficulties of the situation in the North are by no means unexpected. Last year whilst carrying out field studies in Alaska to my surprise I came upon a whole mass of contradictory interests - those of the federal government of the United States, local administration, big businesses and the indigenous inhabitants in the area. The whole situation is fraught with potential and real social and inter-ethnic conflicts even within the framework of the western economic model. Already at that time it occurred to me that Russia too would be unable to avoid conflicts between the interests of the indigenous peoples on the one hand and big business and local administration on the other during the transition to a market economy. At the same time in the North American states the possibility of avoiding or ironing out such conflicts is dependent on highly-detailed legislative models, worked out and followed by generations of law-abiding Americans and Canadians. This is hardly the case in Russia. Therefore it was possible to predict that during the process of socio-economic reforms the lack of clear-cut legislative guidelines would mean conflicts would take on a more bitter nature and have a tendency to escalate in the absence of legal mechanisms to avert or at least stave them off.

Unfortunately these predictions have recently started to come true. An example of this is the "Udege affair" or the case of the Russo-South Korean joint venture "Svetlaya" which is already being widely discussed by the press in the Primorskaya Krai (Territory), but which the people of central Russia have hardly heard anything about. Yet this is an important precedent, causing people to think seriously both about the changes still to come which will have an influence on the fate of the indigenous peoples and about the euphoria surrounding the involvement of some or other joint venture in the often unscrupulous exploitation of Russia's natural resources.

The fate of the Udege people living in the valley of the river Bikin in the northern littoral region is in many ways similar to the fate of many other indigenous peoples of the North. Nomadic hunters and fishermen, who lived from 1936 onwards in twelve small villages, they were subject to mass collectivisation at the end of the 1930s and were resettled, first in two work-

ers' settlements and then, at the end of the 1950s, in the area which was to become their permanent place of abode - the village of Krasnij Yar. At the present time the indigenous inhabitants of this village live side by side with Russians, Ukrainians, Belorussians, Koreans and others but the main bulk of the population (600 - 700 people) is made up of Udege and Nanai. As is usually the case the forest and the river are the essential sources of food for the villagers and provide them with employment on the local state collective. The importance of their traditional subsistence economy has recently been growing in connection with the decline of the state delivery and supply system and the inhabitants are coming to rely on the traditional methods of hunting and farming more and more. Along with this the popularity of personal plots (1) has also grown significantly over the last ten years. Meanwhile the state collective is only capable of providing employment for up to 100 people and the village has a high level of unemployment. This also forces local inhabitants to have resort to the area's natural resources to a greater and greater extent.

The possibility of falling back on traditional forms of self subsistence based on the natural resources in the area are limited. The area is situated along the mid-stream and up-stream regions of the river Bikin and, according to calculations made by specialists, it can support the activity of around 77 - 86 hunters whilst in actual fact there are 55 state (full-time) and 170 seasonal hunters using the area. This puts an increased strain on the natural environment and this is particularly evident in the area farmed by the nut-producing cooperative along the central region of the river Bikin valley. The upper reaches of the river Bikin represent the only significant natural reservoir which can provide the rest of the territory with marketable fauna. Yet the Udege people's supply of meat evidently leaves much to be desired and a drop in the rate of fish catches in recent years has only aggravated this situation.

The situation in the socio-cultural sphere is little different to that for the other small peoples of the North. An intensive process of "Russification", which has increased over the last ten years, has led to an appreciable loss of traditional culture and language. Alcoholism is growing, causing

criminality to increase. The rate of tuberculosis is five to six times higher amongst the Udege than amongst the non-indigenous population.

All of this would have created a very depressing picture indeed, if it were not for the fact that recently the Udege have been seen to be making efforts to revive their culture and language. An important role is being played here by the Association of Indigenous Peoples of the Primorskaya Krai (Territory) which was set up about three years ago. Thanks to the energy of its leader, Mr P. V. Sulyandzig, the association has, at its own expense, built homes for Udege with large families. This year it has added to its range of activities the teaching of the Udege language for the younger pupils at the local school, and very recently, on 18-20 September at the beginning of the hunting season, it organised the first Udege Festival for many years, bringing in elements of the traditional rituals which even today are of great significance in the life of the Udege, particularly in hunting practices. So the Udege people have gathered all their strength and are attempting to overcome their unfavourable situation and it would appear that their courageous fight is creating genuine respect and a desire to help. Unfortunately, that is not the end of the story. In fact it is only the beginning...

The origins of this story go back to the end of the 1980s when the idea of setting up the Soviet-South Korean joint venture "Svetlaya" was first introduced. At that time in an attempt to avoid the economic crisis which was imminent in the region officials from the local forestry industry suggested setting up a joint venture which would pave the way for increased trade in timber on the world market and, supposedly, promised large profits. The idea was also substantiated by a desire to make efforts to avoid an impending ecological catastrophe. What had happened was that the silver-fir forests in the upper reaches of the Bikin river and neighbouring regions, had begun over the previous 5 - 10 years to dry out and die, even though this had not been foreseen by specialists. These trees were all of one age and grew very thickly. This meant that they died over a very short period of time without having achieved optimal height. Consequently the local forestry officials decided it was necessary to fell them as soon as possible, all the

more so because the non-exploitation of this forest land would lead to an annual loss of tens of millions of dollars. It goes without saying that it was the intention of those behind this scheme to regenerate the forest in the area with new plantations. This was to be done using a system of Scandinavian technology which promoted nature-conservation and included the protection of the young shoots and special methods for regeneration and care of forest areas. What made the joint venture idea so attractive was the promise of roads and timber mills being built, which would improve the state of affairs in the local community. In short, as one of the initiators of the joint venture scheme, the General Director of the regional forestry collective "Primorsklesprom" Mr E.F. Grabovskij put it, the aim of the joint venture would be "to strengthen and develop the Northern regions of the Primorskij Krai whilst protecting the legal rights and interests of the indigenous population".

At first glance all this looked sufficiently convincing and positive and plans to set up the joint venture received support from a number of USSR Ministries and governmental departments, from the territory's local administration. The project was even encouraged by some environmental specialists. However there were a number of people of a pedantic and uncommonly inquisitive nature who were not prepared to abandon their concerns about what the real economic returns from the joint venture would be. In particular they were worried about what the project would mean for the Primorskaya Krai and its northern regions; they wanted to know what the ecological consequences of the joint venture's activities would be, and finally how this activity could be coordinated with the interests of the region's indigenous inhabitants. Therefore plans to set up the joint venture and the initial stages of its activity were repeatedly discussed at the Regional Council of People's Deputies and in its individual committees, where it must be said that from the very outset they met with strong opposition.

So what was the problem? The fact was that the Peiskoe Plateau situated on the upper reaches of the Bikin river was a region unique to the whole of Russia with regard to the natural resources it contained. Some of the most southerly areas of permafrost in Asia can be found here,

linked by a system of marshes which, together with the virgin forest reserves, are capable of condensing the cloud moisture which feeds the river Bikin and its tributaries. The clearing of these forests en masse would lead to landslides and intensive erosion, destroy the delicate ecological balance and cause local rivers to shallow or dry up. In addition to this the nesting places of rare birds would be destroyed (for example such endemic species as the scaled finch and the fish eagle-owl). The natural breeding grounds of important, marketable, fur-bearing animals would also be destroyed (in particular the habitat of the female sable population situated in the upper reaches of the river Bikin). The migratory paths of a number of animals and birds would be disturbed along with a number of spawning grounds located in the up-stream areas of many of the rivers. Finally the clearances would also affect the natural habitat of the Siberian tiger which is a species protected under international law. All of this will naturally also have a negative influence on neighbouring parts of Sikhote-Alinya; will have a telling effect on protected fauna and flora and, according to experts, lead to serious ecological consequences the extent of which is very difficult to predict.

Having analysed the documents presented by the joint venture, many experts pointed out their lack of clarity and the fact that a number of technological elements of the utmost importance had not been given proper consideration. For example the distinguished RSFSR forestry specialist, Mr V.A. Rosenberg, was of the opinion that "in the areas of silver-fir forest which are drying out there are sufficient young shoots to ensure the natural recovery of the forest. However recovery can only be guaranteed if during felling no less than 60% of these young saplings are preserved. In the documents presented by the joint venture "Svetlaya" there is no description of any type of technology which could guarantee that these saplings will be preserved".

Unfortunately the venerable specialist's concern was expressed in vain. According to experts' present calculations, made at a relatively early point in the history the project at the beginning of 1991 on site, the Finnish nature-conservation technique had already been put out of action and felling was continuing apace using ordi-

nary Russian methods without ensuring the protection of any of the young growth. Where saplings were preserved it was noted that they had dried out due to over-exposure to sunlight and root damage which another independent expert, Mr R.V. Vinnik had warned against. According to the report presented by a commission of experts on 3 April 1991 felling of live forest also occurred in the Terneiskij Region and not just dead trees as had been promised. Furthermore a temporary camp for the construction workers had been set up not far from important animal breeding grounds. Other infringements of the law regarding felling and clearing of forest in Russia were also noted.

Since one of the most obvious weaknesses of the scheme was the inadequacy of measures to take into account the ecology of the area in 1990 two special ecological commissions were brought into the region, one from Moscow headed by Mr E. A. Gayer, a USSR People's Deputy and member of the Supreme Soviet, and the other a commission from the region's own Council of People's Deputies. Both commissions recognised the fact that the joint venture documentation was inadequate, in particular with regard to ecological and economic details. In a resolution passed by the State Council for Ecology (under the RSFSR State Committee for Ecology and Nature Conservation) on 22 March 1991 it was noted that the joint venture documentation had not given adequate consideration to either ecological or nature conservancy measures; had presented obscure economic forecasts and had not taken into account the interests of the indigenous population. It was recommended that a protest be lodged against the activities of the joint venture, which had already begun, on the grounds that they were illegal. It was also recommended that work should be suspended and that the area around the upper reaches of the river Bikin be excluded from the "Svetlaya" joint venture scheme.

The question of exploiting forestry reserves in the upper reaches of the river Bikin (State Hunting and Forestry Collective for the Upper Regions) was of the utmost significance in the battle of words which went on. The fact is that for 30 years a joint venture had been proposing to clear an area of about 440 thousand hectares in size, having prepared 48,800 cubic metres

of timber in the region, the lion's share of which was in the upper reaches of the river Bikin (62 per cent of the area and 66 per cent of the State timber felling sites). The joint venture hoped to be able to encroach upon the natural resources in the area by exploiting its former position (existing links with local forestry industry), and by putting bureaucratic interest above the interests of the indigenous inhabitants. However its opponents had set their hopes upon the changes which have taken place in recent years, significantly strengthening the role of public opinion and the individual peoples' self-awareness along with their efforts to stand up for their sovereign rights. In other words, the joint venture had laid its plans without the agreement of the Pozharnij Regional Soviet of Peoples Deputies, under whose jurisdiction the upper reaches of the Bikin river fell. Furthermore it had not taken into consideration the opinion of the region's inhabitants, nor had it taken into account the needs of the indigenous population whose traditional subsistence lifestyle depends on the natural resources. As if this wasn't enough very little thought had been given to the ecological consequences of the tree felling with no effort being made to process the timber on site (and this last point made the contract very disadvantageous as a whole for Russia and in particular for the region). On 9 August 1990 after one of its regular discussions of the joint venture scheme the regional council agreed that "according to preliminary calculations...it was possible that similar or even larger sums of foreign currency could be earned with less harmful effect on the environment by cultivating crops in non-collective (i.e. uncultivated) areas, hunting, the development of tourism etc. than through the proposed clearing and felling of timber in the region..."

But what about the Udege themselves? Did they remain mere indifferent onlookers to their fate in these heated discussions? No. Aware of the threat which was facing them, they came out against the plans for forest clearance in the upper reaches of the river Bikin together with the rest of the inhabitants of the Pozharskij region. As soon as the plan to set up the joint venture was brought before the Primorskij Krai Executive Committee the population of Krasnij Yar held a general meeting and took a historic decision to confer upon the Krasnoyarskij Village

Council "national" (2) status. All the territory in the valley along the middle and upper reaches of the river Bikin was then to come under the Council's jurisdiction (20 March 1990). It is important to point out that this decision, taken to reinforce the indigenous peoples' rights to the territory, was upheld by the Executive Committee of the Primorskij Krai Council (5 April 1990) and the Pozharskij Regional Council (30 November 1990). The fairness of such a decision was confirmed by specialist ethnographers from the Far Eastern Branch of the USSR Academy of Science which emphasized that the exploitation of the upper reaches of the river Bikin for tree-felling would deprive the Udege of around 50% of their productive territory, which would inevitably lead to a rise in social and inter-ethnic tensions.

In their actions the Udege people of the Bikin valley acted on the basis of two extremely tell-tale precedents, which had both yielded very different results. They knew only too well that in the past when timber was felled in the river valley of the Great Ussurka (Ima) the local Imansk Udege were forced to resettle. Their former community dispersed, separated and became spread out amongst other groups of the population. On the other hand, when in 1988 the question arose of forest felling in the region around the river Samarg the local Udege from the village of Azgu protested loudly, as a result of which the State Timber Industry reversed its plans to fell local forest areas and these were consequently given to the Udege. However there was a weak point in the case of the Samarginsk Udege in that the all-powerful forestry authorities were not prepared to step down any further. So the USSR Ministry of Forestry objected to the further earmarking of forest reserves (for indigenous use), referring to the unfavourable consequences for the forestry industry, in particular, the risk of a reduction in employment opportunities for workers in this branch. This same argument was used by the chairman of the Primorskij Krai council, Mr. A. Volintzev, and by the chairman of the Primorskij Krai Executive Committee, Mr V.S. Kuznetsov, in a letter to the USSR Council of Ministers on 3 May 1990 which openly stated that the granting of the land around the upper reaches of the Bikin to the indigenous in-

habitants went against the interests of the agro-industrial industry and the state forestry industry. The letter totally ruled out the possibility of establishing the joint venture without proper consideration being given to the indigenous inhabitants. (At this point it should be emphasized that Mr Grabovsky was adamant that guarantees would be given concerning "the observance of laws and the protection of the interests of the indigenous population"!.) In connection with this it turns out that the actions of the Primorskij Krai Executive Committee represented by its Deputy Chairman, Mr B. F. Bepalov, were also highly dubious. On 5 April 1990 in signing a request for the clearance of forest resources in the upper reaches of the Bikin river Mr Bepalov was practically encouraging the establishment of the "Svetlaya" joint venture (30 March and 3 April). These defiant decisions by the Executive Committee also enabled the question of the forest resources to be pushed aside and this played a fatal role at the next stage of events.

Meanwhile in an attempt to soften the blow for the Udege people the Primorskij Krai council, through its resolutions of 11 March and 14 April 1992 obliged the head of the region's administration, Mr V S Kuznetsov, to draw up a plan covering the areas used for traditional hunting, fishing and subsistence farming along the river Bikin and recommended the inclusion of both the mid and up-stream area of the river in any area given special status as "ethnic territory". However it proved to be necessary to obtain a decree from President Yeltsin himself "On Urgent Measures for the Protection of the Habitat and Economic Livelihoods of the Small Peoples of the North" on 22 April 1992 in order to get Mr V. S. Kuznetsov to finally issue his resolution No. 165, which determined as territory for traditional land use the mid-stream area of the river Bikin - in other words, a mere 407.8 thousand hectares instead of 1250 thousand hectares as the Udege had justly requested. Despite the presidential decree this resolution was taken without preliminary consultation with the Association of Indigenous Peoples or any regard for the opinion of the local Udege. (Kuznetsov was of course fully aware of their opinion.) There can be no doubt that in taking this step the head of the Primorskij administration was guid-

ed primarily by the interests of the timber merchants.

Resolution No. 165 freed the hands of these timber merchants who from the very beginning had incorrectly evaluated the timber reserves in the neighbouring Terneiskij region. In the summer of 1992 they completed their timber exploitation projects there and were able to show that they had incurred great losses in not having been granted access to the upper reaches of the river Bikin. Bearing this in mind Mr V. S. Kuznetsov issued directive No. 455-r on 21 July 1992 requiring that the forestry resources in the upper reaches of the river Bikin be earmarked for the "Svetlaya" joint venture. This was despite the recommendations of experts, the decisions of the Pozharnij Regional Council, the decision of the Primorskij Regional Council and finally in spite of all concern expressed for the interests of the area's indigenous inhabitants! What legal precedents was Mr V. S. Kuznetsov guided by in taking this step? Unfortunately he could claim to be supported by the inconsistent (if this is not putting it too bluntly) policies of the State Committee on Forestry which, in the beginning repeatedly declared that the timber felling in the upper reaches of the Bikin river was inadmissible, making reference to the absolute necessity for respect of the rights and interests of the indigenous peoples (letters from the Deputy Chairman of the State Committee on Forestry, Mr V.I. Sukhikh of 2.4.90 and 3.7.90 and the Deputy Chairman of the State Committee on Forestry, Mrs B.K. Filimonova of 4.6.92 and 10.6.92). Yet on 26.6.92 a directive from the Deputy Chairman of the State Committee on Forestry, Mr P.M Barsukov, in answer to a request from the Ministry of Economics allowed felling work to begin in the region concerned.

Kuznetsov's directive signified the reaching of new heights in the escalation of the conflict. On 8 August armed Udege began to picket the area designated for clearing and from the 10 August onwards they declared their protest as official at the buildings of the regional administration in Vladivostock. Here it is worth noting that the actions of the Udege were fully supported by the population of the Pozharsk region and they also met with understanding from the population of Vladivostock, whilst the Ussurisk Cossacks also volunteered to

come to their aid. The Russian Federation Presidential Adviser, Mr A.V. Yablokov, came out in their support as did the Chairman of the State Committee on Nationalities, Mr V.A. Tishkov. The Regional Council of Peoples' Deputies at its meeting on 24 July 1992 repealed Directive No. 455-r and the resolution taken by the Regional Council prior to this. On 26 August the subcommittee of the Pozharsk Regional Council issued a special directive prohibiting any kind of activity by the joint venture "Svetlaya" in the upper reaches of the river Bikin. One of the most demonstrative reactions against the joint venture was that of the administration and population of the village of Svetlaya in the Terneiskij Region. The village had agreed to the "Svetlaya" joint venture's forestry project but now, in the light of recent events, it was declaring its dissatisfaction with the joint venture, which had not kept its promises concerning nature conservation and the development of the village community. (Discrimination was also noted against Russian citizens employed in the joint venture.)

Meanwhile the other side were not prepared to back down. Mr V.S. Kuznetsov went to the Primorskij Krai court to have the Regional Council's decision on the repeal of directive No.455-r declared invalid. He won the case in that the court supported his resolution No. 165 and also the original order according to which timber reserves in the upper reaches of the river Bikin belonged to the Svetlisk Forestry Collective. In so doing the court did not take account of present-day attitudes to this type of conflict, or the importance of ecology, or the traditional forms of subsistence farming, hunting and fishing practised in the region. The Association of Indigenous Peoples appealed to Kuznetsov in particular concerning his move to have the directives recognised as invalid. This case will be examined by the Primorskij Krai court on 8 October 1992. At the same time an appeal was sent by the Regional Council to the Russian Federation Supreme Court and this will also be examined in the near future.

Meanwhile the Udege are in a very determined frame of mind. They are appealing to the public and to the good will of all people, once again making the point that the valley of the river Bikin is the homeland of their ancestors and should have its

significance recognised as a region where traditional forms of subsistence farming, hunting and fishing are still practised. "The taiga," they write "is our saviour. It cannot be evaluated in monetary terms. It is our life, our native home, what feeds us. If the taiga is cleared the Bikin Udege will disappear." And these are not empty words. The Udege are a small but courageous people brought to the point of despair by bureaucratic procrastination and red tape. The elder Udege are ready to defend their forest with weapons in hand for they understand that without the taiga neither the Bikin river region nor their children will survive.

Against the background of all these events the planting of new types of conifer is already being considered by the American timber company Weyerhaeuser in protected areas of the Soviet Gavan region. Yet this type of conifer planting has already brought some of the forests of Northern America to irreplaceably low levels...

Is it not time for Russia to begin seriously examining the question of protection of our precious, irreplaceable natural resources in order to establish (not in the form of empty words but as legislative deeds) guarantees for the rights of the indigenous peoples to protect their traditional ways of life, the ecological balance in their areas and their unique cultural heritage?

- (1) *Belonging to a collective farmer employed on a state collective farm.*
- (2) *National status - official recognition of region, area or people as having special status or being home to a particular ethnic group thus providing a certain amount of protection or autonomy under Russian Federation Law.* □

Alan R. Marcus
OUT IN THE COLD
 the Legacy of Canada's
 Inuit Relocation Experiment
 in the High Arctic



IWGIA
 DOCUMENT 71

Russia:

Court ruling sounds death knell for foreign logging firm

The management of a Russian - South Korean joint venture business are making plans to shut down their multi-million dollar logging operation this week after environmentalists won a key court judgement on Friday.

In a decision with wide significance for environmentalists and developers of the country's resources, Russia's Supreme Court ruled against the joint venture, said to be destroying pristine native forests and infringing on the land of indigenous peoples.

Friday's decision, which makes certain logging areas off-limits, sounds the death knell of Svetlava, a logging company with over 600 workers in which Hyundai Group, South Korea's biggest firm, has already invested 43 million dollars.

But it will protect the hunting grounds of the Udege indigenous peoples in Russia's Far East, and the forests along the Bikin River that environmentalists say are home to endangered Ussurian tiger.

The case is one of the first in which a court has backed the environmental rights of local people over the interests of developers and local authorities.

It could send a cautionary signal to foreign companies looking to develop the country's natural resources that courts are serious about environmental standards.

Vladimir Stegny, chief executive of Svetlava, the logging firm which lost out in last week's decision, said he would now have little choice but to shut down.

"We cannot hang around for another six months looking for other sources of timber or running another appeal", he said. "This is a big loss for the Primorsk Region. Japanese, Korean and American firms will take note of what has happened in this case."

Svatoslav Zabyelin, chairman of the Socio-Ecological Union, a green movement that coordinated the campaign against the loggers, expressed relief at the decision. "The Primorsk region is already crippled. Only a few untouched areas like the Bikin River still exist. The less cutting the better," he said.

This is not the first time the union which claims 50,000 members and is linked to the international Greenpeace movement, has challenged Western resources developers in the courts.

The group lost another case in the Supreme Court last week in which it tried to cancel tax privileges granted by the Russian government to Polar Lights, an oil venture backed by U.S. firm Conoco Overseas Oil, in the Timan-Pechorsky Basin, inside the Arctic Circle.

Zabyelin said the group's next major focus would be the Tenghiz oil field in Kazakhstan, a headed by another U.S. oil giant, Chevron Oil, which he said Threatened the already polluted Caspian Sea. He said the union was now lobbying for an interrepublican agreement on the project to set standards for Chevron.

The decision came after five months of intense legal and political lobbying. The case turned on the legality of a decree on July 24 by the head administrator of Primorsk that gave Svetlava the right to log 500,000 cubic metres of timber annually along the port of Ternev but it needed more timber to operate profitably.

The Socio-Ecological Union and the Udege and Nanai peoples campaigned against the granting of the extra logging licenses. The international group Greenpeace even sent a ship to the region which temporarily blockaded Svetlava's wharf

facilities. The efforts were successful and on Sep. 3, the Primorsk government council passed a law overturning the decree that gave more logging rights to the venture.

Svetlavya then took the law to the Primorsk Regional Court which ruled in September that the council had exceeded its powers in cancelling the decree.

Last week, the Russian Prosecutor's Office, representing the Primorsk council, appealed against the September decision. Lidia Koregina of the prosecutor's office said the lower court had ignored the fact that the area was clearly part of the traditional lands of the Udege and that Yeltsin's decree in April required that formal consent be obtained for any infringement on the lands of indigenous peoples.

She also argued that the administration had not obtained reports from ecological experts required under the Russian laws and that the Russian joint venture partners, Primorsk Lesprom, had no right to transfer their logging rights to a foreign joint venture.

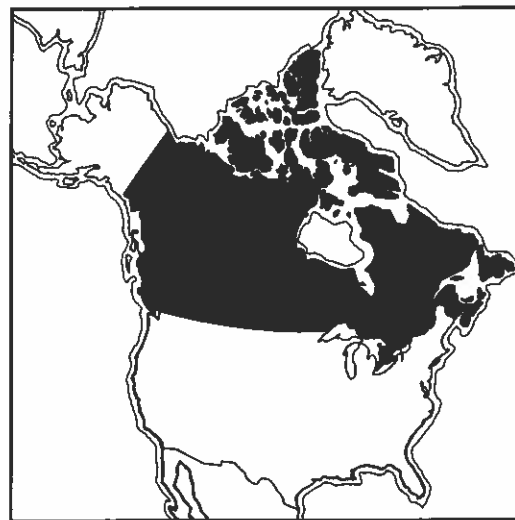
The three judges of the Supreme Court took only three hours to reach a decision. It overturned the district court's ruling and held that the Primorsk government council had been within its rights to cancel the transfer of logging rights to Svetlavya.

It ignored arguments from Nina Pavtova, lawyer for Primorsk Lesprom, that the lands had never been formally transferred to the Udege and that ecological reports had been undertaken in 1990 when Svetlavya was first registered.

Source: IPS/Mosow Times

Notes for comments

By Rosemarie Kuptana,
President of the Inuit Tapirisat of Canada



On the release of the federal government's "Response to the recommendations of the Second Report of the Standing Committee on Aboriginal Affairs on the Relocation of the Inukjuak Inuit to Grise Fiord and Resolute Bay"

I would like to begin by reminding you that ITC held a press conference on this issue earlier this year. On January 15th, after the Canadian Human Rights Commission released the "Soberman report" - which validated the testimony of the High Arctic exiles themselves

- I stated that:

The Government of Canada must stop denying history, and begin the healing process.

The time has come to acknowledge, apologise to and compensate the High Arctic exiles.

It is to Canada's shame that the government's denial continues. The non-partisan House of Commons Standing Committee on Aboriginal Affairs has twice recommended an apology and compensation by the federal government for their negligent acts, and the federal government has now twice refused to acknowledge its responsibility to Canadian Inuit in executing this relocation. It refuses to acknowledge that the pain and suffering of the High Arctic exiles was a direct result of the federal government's violation of its fiduciary obligations toward the Inuit. It made promises it had no intention of keeping.

The Minister's statement repeats his claim that the relocation took place with the consent of the Inuit involved, with the best of human motivation, and resulted in an "improved social and economic environment". The High Arctic exiles reject each of these statements.

With the release of the "Gunther report", Minister Siddon and his senior staff at DIAND are attempting to cover-up and deny the issue.

Minister Siddon responded to the Committee's first request by commissioning a study, the "Hickling report", that amounted to an old DIAND hand interviewing other old DIAND hands and writing a piece of collective self-exoneration. Siddon's response to the Committee's second request was to commission a study by an academic who has never published a single book or article on the north. This academic, Magnus Gunther of Trent University, has written other contract pieces for DIAND but is a complete unknown to the established body of social scientists who regularly do work on the Canadian and circumpolar north.

The "Hickling report" was merely shoddy and patronising. The "Gunther report" is vicious and insulting. Gunther boasts that he consulted over 9,000 government documents, but there is no indication that he ever interviewed or consulted a single Inuk. It is aimed not at getting at the facts but at discrediting those who are trying to do that. In the opening pages Gun-

ther dismisses the need to take the testimony of the Inuit who lived the events seriously. Can anyone seriously believe that the testimony of the human beings who were the subjects of this experiment is irrelevant, and that it is only the views and records of the RCMP and DIAND that matter?

Gunther then proceeds with 400 pages of selective quotation and attempted character assassination. The intent appears to be to put a chill over the academics who have become involved in this issue over the years, and who have reached and written books and articles which substantiate the exiles' claims - in other words, criticise the department and your competence and honesty will be publicly questioned. If that is indeed DIAND's strategy, then they are making a mistake - these researchers are not likely to be dissuaded by such crude attacks.

I encourage the non-partisan House of Commons Standing Committee on Aboriginal Affairs to relentlessly pursue the government on this issue. We have been gratified by their commitment to this issue, and by all the work of MP Bob Skelly and his staff.

But given the federal government's attempts to cover-up and deny the High Arctic exiles issue, and given the racist contempt of Minister Siddon for the credibility of the testimony of the Inuit witnesses before the Standing Committee in 1990, I no longer believe that the High Arctic

exiles will ever receive a fair hearing from this Minister or the senior bureaucrats at DIAND.

For this reason, we will be taking the case of the High Arctic exiles directly to the Canadian people, as well as to international human rights bodies. If the federal government prefers to have its human rights abuses exposed on the world stage instead of dealing with people in good faith, then so be it.

ITC will be requesting the Royal Commission on Aboriginal Peoples to hold public hearings next spring at which the High Arctic exiles can tell of the pain and suffering they endured. We have been hesitant to ask the exiles to go through the emotional trauma of recounting the events of those years, but they have made it clear that they are willing to do so if that is what is required for justice to be done. I will be asking the Co-Chairs of the Royal Commission to ensure that the DIAND officials most responsible for the federal government's racist treatment of this issue are called to account for their actions. And I will be asking the academics who have researched this issue in recent years to respond to the "Gunther report".

I encourage all Canadians of compassion and decency to learn more about the High Arctic exiles issue. It should be examined in classrooms and discussed in church basements.

The federal government's racist treatment of the High Arctic exiles in the 1990's is as shameful as its abuse of their basic human rights in the 1950s. In fact there are now two "High Arctic exile issues" - the first is how and why the federal government is trying to cover-up the issue in the 1990's. It is truly distressing to note how little some attitudes at DIAND have changed since the 1950's.

The Inuit are considering their domestic and international legal options if the government of Canada continues to deny the human rights of the High Arctic exiles. Initial ITC Comment on DIAND's "Response to the Recommendations of the Second Report of the Standing Committee on Aboriginal Affairs on the Relocation of the Inukjuak Inuit to Grise Fiord and Resolute Bay".

The Government of Canada's official response of November 20, 1992 to the Second Report of the House of Commons Standing Committee on Aboriginal Af-

fairs on the Relocation of the Inukjuak Inuit to Grise Fiord and Resolute Bay is an insult. It is rejected by Inuit as a cynical and atoning attempt to cover-up one of the most serious human rights violations ever perpetrated by the Canadian state.

The federal government's response to the second Report of the Committee is the latest in a string of federal denials of any substantial wrongdoing in its paternalistic and misguided scheme in the 1950's to relocate Inuit in Northern Quebec to one of the harshest and most remote locations in the High Arctic - without the free and informed consent of the Inuit concerned.

The non-partisan House of Commons Standing Committee on Aboriginal Affairs has twice recommended an apology and compensation by the federal government for the callous and negligent acts of the federal government and the federal government has now twice refused to acknowledge its responsibility to Canadian Inuit in executing this relocation.

The relocation of Inuit from Northern Quebec in the 1950's was imposed upon Inuit without our free and informed consent, and in addition, the relocation was executed poorly and in a manner that was inexcusably insensitive to the most basic needs of Inuit as human beings. In a submission last summer to the United Nations Working Group on Indigenous Populations, ITC summarised some of the degrading and painful experiences of the Inuit forced to relocate to the High Arctic in the 1950's. We will recap some of these experiences again:

- the relocation was carried out in part as a poorly planned social experiment to discover: Inuit from Northern Quebec could adapt to the severe and very different environment and living conditions of the High Arctic;
- the relocation was also intended as a means of using Canadian Inuit to assert Canadian sovereignty, and in this regard RCMP officers at these posts were remunerated for their presence in the North, but the Inuit relocates were not and often performed unpaid labour to support the RCMP presence;
- the families were moved despite the recommendations of government sources that the area did not have sufficient wildlife;
- despite promises to keep the relocates together at one post, upon arrival in the

High Arctic the families were suddenly forced to decide how they would separate into two distant camps (Craig Harbour and Resolute Bay);

- the exiles were abandoned in severe Arctic conditions with no wood for fire, no food and mere canvas tents (later supplemented by imported buffalo skins and paper for insulation) and lack of proper clothing and hunting equipment and into an alien environment radically different from the Inuit homeland in Northern Quebec;
- under these harsh conditions, the Inuit were forced to resort to the white man's garbage dump for food and materials for shelter and fuel.

These hardships resulted from the acts of the Canadian government in using Canadian Inuit to assert sovereignty in the High Arctic, and from the federal government's paternalistic policies and racist attitudes towards aboriginal peoples. The failure of today's federal government to properly acknowledge the validity of Inuit testimony on this matter, and to analyse federal actions in their proper historical context, further compounds the original wrong for which an apology and compensation is sought from the federal government.

The testimony of survivors of the forced relocation before the House of Commons Standing Committee on Aboriginal Affairs clearly carries little weight with the federal government. Their testimony about their experiences and the experiences of others is generally treated as unreliable unless validated by white experts or government institutions.

To the extent the federal government does acknowledge that great emotional and physical hardship was suffered by Inuit in this tragic project, it trivialises this pain and suffering, and attempts to absolve the federal government of any responsibility based on its purported "good" or "humane" intentions. The federal government's response ignores the critically important historical context of racism and paternalism that characterised federal policy towards Inuit and other aboriginal peoples. This was a period of time when Inuit were required to identify ourselves not by our proper Inuit names, but by numbers on metal discs that we are required to wear. And this was a period of time when federal aboriginal policies - like the relocation scheme - were firmly

grounded in the belief that Canadian authorities knew better than Inuit what was good for Inuit. In this context of racism and paternalism, the intentions of the federal government, even if well intentioned, are simply not relevant.

The federal government's response to the Committee's reports, like many of the reports of white "experts", fails to analyse the role of racism in the federal relocation scheme and fails to analyse the experience from the viewpoint of fundamental human rights violations and international human rights norms such as those expressed in the Universal Declaration of Human Rights (UDHR). Even under Canadian law, the existence of good intentions or the lack of an evil intent is not necessary for a finding of racism. A policy or act may be racist in its effect despite the purported "good intentions" of the perpetrator.

In fact, many racist policies of governments are rationalised on precisely these grounds. For example, federal policies aimed at the cultural and linguistic assimilation of aboriginal peoples (such as the residential school system) were firmly grounded in a belief that aboriginal cultures were inferior to European-derived cultures, and that aboriginal people would be better off if they were forcibly assimilated into white culture. And of course federal aboriginal policy was firmly based on a belief that white people knew what was best for aboriginal peoples. These policies are now acknowledged as racist despite the purported good intentions of the policy makers.

The good intentions of the federal government are also not relevant in the absence of the free and informed consent of the Inuit to the relocation, and in this regard the federal government's response fails to properly analyse the issue of whether Inuit genuinely consented to the relocation or were moved under coercion and duress. This failure results from the federal government's refusal to accept Inuit testimony unless it is validated by government institutions or white experts. The credibility of the witnesses appearing before the Standing Committee on Aboriginal Affairs are unassailable. These witnesses included Mr. John Amagoalik, a past President of the Inuit Tapirsat of Canada, and Ms. Martha Flaherty, the current President of paikiuutit (the Inuit Women's Association). The neutrality of

white experts and government contractors hired by the federal government is rarely if ever questioned, but Inuit testimony based on direct experience has been consistently treated as suspect in the most patronising and degrading way.

Let me explain further the issue of free and informed consent. The historical record is clear that the idea of relocation was government initiated and government sponsored. It did not emanate from any request by the Inuit concerned. Secondly, the testimony of the survivors is that, when approached by the RCMP to relocate, the Inuit were extremely reluctant - if not clearly opposed - to the idea, and the ultimately, Inuit agreed to the move only under great pressure by the RCMP to do so.

On the issue of free consent, the RCMP did not make clear to the Inuit that they have a choice under Canadian law to refuse to move - and the Inuit clearly indicated that they were not given to understand that there was any option. Instead, the oral testimony of survivors before the Standing Committee on Aboriginal Affairs makes it clear that the Inuit were repeatedly pressured into the relocation scheme by the police, who Inuit had been told to obey as representatives of the Canadian government and enforcers of Canadian law.

On the issue of informed consent, the Inuit were not informed of the great differences between Northern Quebec and the High Arctic in climate, and in the resources available for food and shelter. Nor were the Inuit informed of how poorly the federal government would equip them to their first few winters there.

The Northern Quebec Inuit had never experienced the long periods of 24 hours darkness, and many sources of traditional food were not available in the High Arctic. In addition to these deprivations, the federal government failed to supply equipment for fishing in the first winter, one of the few sources of food. The snow was not suitable for building snow houses, and yet the Inuit were dumped on the beach at Grise Fiord with no equipment or means of shelter. The Inuit who were dumped at Resolute Bay resorted to gathering scraps of wood from the white man's garbage dump. The white police officers of course had been provided with materials for proper shelters.

The federal government's response to the Second Report of the Standing Com-

mittee on Aboriginal Affairs alludes to the supply of animal skins. These were used to cover the shacks of wood scraps and along with discarded paper for insulation, constituted the federal government's initial response to the extreme suffering experienced in the first winter with pathetically inadequate building materials. The federal government's response acknowledges - in the most minimal way - some of the many deprivations suffered by the Inuit, and has the audacity to refer to the supply of animal skins by the government as some sort of evidence of the federal government's sensitivity to Inuit deprivations and suffering in the first year.

The federal government did somehow anticipate the needs for shelter and food of the RCMP but not the Inuit children, women and men who arrived at the same posts. This example demonstrates the racism at play throughout the social experiment callously imposed upon the Inuit.

We will close by summarising the Inuit perspective of federal wrongdoing in implementing and imposing this tragic relocation scheme and the basis for the continuing Inuit claims for compensation and a proper apology acknowledging government wrongdoing:

1. The federal government breached its fiduciary duty to Inuit first, in failing to obtain the free and informed consent of the Inuit to relocate; secondly, in its failure to properly provide for the basic food, shelter and other necessities of life; and thirdly in its failure to fulfil its promises not to separate the families upon arrival in the High Arctic and to provide for the return of the Inuit at their option.
2. The failure to competently execute the relocation and failure to fulfil the promises referred to above, resulted in foreseeable and unnecessary suffering by Inuit and therefore constitutes a breach of the government's duty of care (i.e. the federal government was negligent in its execution of the relocation);
3. The federal government violated the fundamental human rights of Inuit, for example:
 - * the right of liberty and security of the person (UDHR, article 3);
 - * the right to be free from cruel inhuman and degrading treatment (UDHR, article 12);

- * the right to be subjected to arbitrary interference with privacy, family, home or correspondence (UDHR, article 12);
- * the right to just and favourable remuneration ensuring for self and family and existence worthy of human dignity (UDHR, article 23,3); and
- * the right to participate in the cultural life of the community (UDHR, article 27).

It should be noted that the UDHR was in effect at the time of the relocation and that violations of fundamental human rights norm can not be excused or rationalised based on the governing morality of the day. Canada has demonstrated this in actions in the area of Nazi war crimes, the provision of compensation for the internment of Japanese and Italian Canadians during World War II and for Canadians subjected to medical experiments in the 1950's at Montreal mental hospital.

We call upon the Standing Committee of Aboriginal Affairs to study the federal government's inadequate and insulting response to the Committee's humane and just recommendations for an apology and compensation from the federal government and to specifically address the issue of the federal government's fiduciary duty, its duty of care to Inuit and to analyse Inuit relocation experience from a human rights perspective. □

Book Received

Finn Lynge:

Arctic Wars, Animal Rights, Endangered Peoples.

University Press of New England, Dartmouth College. Hanover 1992. x + 118 pp, ill.

Arctic Wars illuminates the cultural imperialism inherent in animal rights rhetoric and traces the effects of hunting and trapping restrictions on northern peoples. The cruel irony, Lynge argues, is that by devaluing indigenous cultures and depriving them of the right to use and manage natural resources, dominant European and American cultures are endangering not only the lives of native peoples, but the very natural balances urbanites seek to protect.

Finn Lynge, a Native Greenlander and former member of the European Parliament, introduces the readers to Inuit philosophy, economics, religion, ethics, culture, and politics. He describes their traditions and myths, revealing the indigenous hunters' understanding of naimal-human relationships and their deep respect for all forms of life. Lynge argues that the native perspective is entirely consistent with international conservation strategies and global environmental concerns.

INTERNATIONAL DAY OF ACTION



SUPPORT THE INNU AND THE EARTH

Protect the environment and the hunting culture of the Innu.

The Innu travel to camps far in the interior of Nitassinan (the Quebec-Labrador) each fall and spring where they hunt, trap and fish in much the same way that their ancestors have for over 2,000 years.

While living in the country, the Innu are subjected to low-level overflights by military aircraft from Germany, Britain & Holland. With the Cold War long over, why does the Canadian government continue to allow foreign troops to practice for war over native Innu Land?

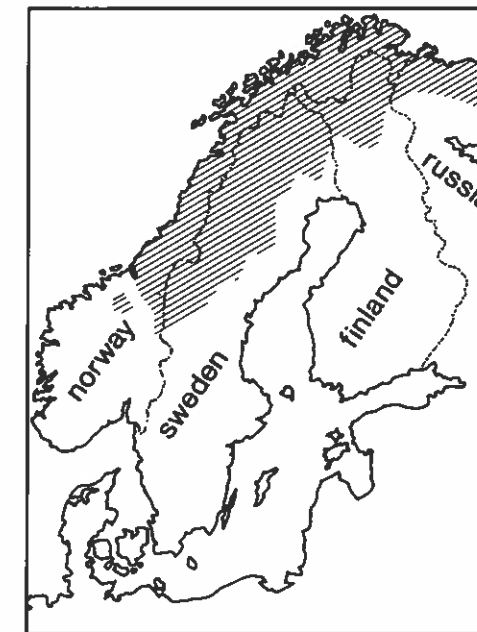
Their land and wildlife also are threatened by many government and industrial initiatives including forest cutting, hydrodams, highways and mines. This encroaching development is highly prejudicial to Innu right and their negotiating position at the land claims table and threatens to destroy the land base which is the foundation of Innu Culture.

The Innu have asked Canadians and people from around the world to join them in resisting the invasion of their homeland. You can make the difference in stopping low-level military flight training over Nitassinan in 1993 and in protecting the environment of Nitassinan.

Support the Innu at the Earth... NOW!

Sweden Passes Law for a Sami Parliament

By Claus Oreskov



On the 15th of December 1992 the Swedish Parliament approved legislation for a Sami Parliament. At the same time a proposal to change the law on reindeer herding was passed and in relation to this the government issued a statement on the Sami people and Sami culture. The Sami in Sweden have waited a long time for this statement, but what they believed would lead to an improvement of their situation turned out to be a radical deterioration.

Today the Sami inhabit an area which stretches from the eastern part of the Kola Peninsula in Russia, west over northern Finland and northern Norway and south to Dalarna in Sweden and corresponding areas in Norway. The Sami have lived in these areas since the beginning of time, though other peoples have come and drawn their borders through Sami land, which is why today the Sami people are spread over four countries. Under these circumstances it is obviously difficult to follow a common Sami policy, yet it is very important to coordinate Sami social and political rights in the four countries.

To help achieve this, Sami in Sweden have for many years been lobbying for the establishment of an elected Sami Parliament in Sweden. Finland has had a Sami Parliament since 1975 and Norway has had one since 1989. Now the Law for a Sami Parliament in Sweden came into force in January 1993. The first elections will be held on the 16th May 1993 and the Sami Parliament will meet for the first time in

August of September 1993. Elections will take place every four years on the 3rd Sunday in May. The constituency is country-wide and everyone who is on the Sami

voting list, who is a Swedish citizen and 18 years of age has the right to vote for the Sami Parliament.



Sonja L. Popa, President of Same Atnma, washes the Swedish flag to symbolise that it has been stained by the proposal for the Sami.

Photo: Saminorra-1992.

A Sami is defined as someone who:

Considers themselves to be Sami and

1. can prove that he has or has had Sami as his home language, or
2. can prove that some of his parents, father's or mother's parents, have or have had Sami as a home language, or
3. has a parent who is or has been on the electoral list for the Sami Parliament (Sami Parliament Law Chapter 1,2).

The Sami Parliament will comprise 31 members. The Swedish Parliament will vote for President of the Sami Parliament on the recommendation of the Sami Parliament and the President will be chosen from among the Sami Parliament's members. The Sami Parliament will choose its own vice President from among its members and will be concerned with questions concerning Sami culture in Sweden. Culture is understood very broadly as referring to both the Sami language and culturally related Sami occupations. The Sami Parliaments duties are particularly concerned with:

1. Decisions on the distribution of the State's contributions and of funds from the Sami Fund for Sami culture and Sami organisations, as well as other funds which are earmarked for the communal disposal of the Sami people.
2. Appointing members of Sami schools boards.
3. Guiding Sami language studies.
4. Taking part in social planning and ensure that Sami needs are seen to, including the interests of reindeer herders concerning land and water use.
5. be informed about the situation of the Sami people (Sami Parliament Law, Chapter 2,1).

Sami Reactions

As we mentioned above, together with the law on the Sami Parliament there is also a proposal to change the Reindeer Herding Law, a proposal which takes force in July 1993, as well as a statement and a Parliamentary motion concerning the Sami and Sami culture. The statement in particular casts a cloud over the Law for the Sami Parliament and throws a shadow over many of its good intentions. The government's statement makes it clear that the

Swedish state does not intend to ratify the ILO Convention on Indigenous Peoples (Convention 169). For some time now, in all the Nordic countries, the Sami have been pressuring the Nordic governments to ratify the ILO Convention 169 and the Swedish state's categorical refusal to do so came as a shock. The Sami national organisations began intense lobbying to persuade the government to change its position on this point with the result that the Swedish government says it will not ratify ILO Convention 169 at present but will remain open on the question. Among other things, this was a big disappointment for the Sami, in that instead of a Sami Law they have only a law on a Sami Parliament. With a Sami Law, the Sami people had hoped that they would be recognised in the Swedish constitution as an aboriginal people. It was also a disappointment that there was no law on language which would put Sami on a par with Swedish, and which would give older Sami people the possibility of being taught in their own language.

The proposal to change the Reindeer Herding Law also aroused great indignation in Sami circles. For example, Sami questioned the national governments' position to decide how many reindeer can be grazed within a Sami community's grazing area (Sami communities have exclusive rights to reindeer herding). While the Reindeer Herding Law of 1971 set out that Sami communities were themselves responsible for their own affairs, the new proposal to change the Reindeer Herding Law is reminiscent of the control exercised by the authorities over reindeer herding which existed previously. The government's proposal to change the rules for hunting and fishing are a direct threat to Sami subsistence. According to the proposal, hunting on the fells is unrestricted and all Swedes can enjoy hunting. The suggestion is that there be areas where everyone can hunt and other areas for those who rely on hunting for their subsistence. A mixed economy has been important in Samiland for many years, and even if a Sami's main occupation is not hunting, hunting is nevertheless a vitally important means of supplementing other nutritional sources. Therefore, the new proposal is a threat to this way of life, which is also the most ecologically viable way of life because different natural resources are ex-

ploited throughout the year. When the State says that it has the right to decide over hunting and fishing on the deer fells, then this means that, fundamentally, the State is taking responsibility as landowner, and consequently owner of the game and fish.

The Sami responded to this by insisting that this is the State's own interpretation and it relies upon an interpretation of hunting and fishing rights from long ago when some Sami were given rights to hunt and fish by the State as a privilege. These proposals and regulations are quite astonishing when at the same time, the Parliament has approved a law to establish a Sami Parliament. Moreover, the State has already decided that the Sami Parliament itself is the body concerned with the many areas of Sami culture and work. Sami organisations, Svenska Samers Rigsförbund, Rigsorganisationen Same Atnam and the youth organisation Saminuorra, agreed to reject the government's proposals and to recognise only the Sami Parliament Law.

Ola Pittsa, vice spokesperson for Saminuorra said:

"What we have here is the establishment of a Sami Parliament... In spite of everything, this gives us the opportunity to do something. Moreover, the proposal states that the (Sami) Parliament will have a wider mandate in the future. We will have to wait for this. That's all we can do. For the truth is that Sweden will not willingly give up its colonial tutelage over us, the Sami people."

□

The Sami in Four Countries

By Tomas Cramer

When Ariel Araujo, a *Mocovi* Indian from Argentina, visited the IWGIA offices in July, 1991, he talked of the breakup of Eastern Europe and the current crisis in what was Yugoslavia. He felt that these changes expressed a need which the peoples felt for greater cultural identity, greater independence and autonomy.

Indigenous peoples throughout the world are taking note of the cultural and ethnic demands of Eastern Europeans where national borders are in a state of flux and there is rivalry and war between and within states. The experience of indigenous peoples, who also have a long history of struggle for recognition of their cultural and territorial rights, can provide parallels and the situation of the Sami in particular might be illuminating in the Eastern European context. The Sami are a people whose indigenous territory spans four countries, Norway, Sweden, Finland and Russia and who are vulnerable to rivalries between the four countries.

Though the government of Sweden talks very forthrightly about the troubles in, for example, South Africa and French New Caledonia, it is not quite so forthright about its dealings with the Sami people, who are a minority within its borders. I spent the New Year of 1992 in Paris and visited the Swedish Institute at the Palais Marly in Le Marais. There I found a description of the situation of the Swedish Sami published in September, 1990, which is extremely misleading. It is relatively easy for the Swedish Institute in Stockholm to collect information about the present day situation of the Swedish Sami, but it seems

that this Institute is not interested in providing the public in Paris, and other parts of the world, with the real facts. The real facts are that today Swedish Sami rights to land and water are coming under great threat from the Swedish Government, which is preparing a disastrous new statute for the Sami territories and the Sami People.

For many years the Russian Sami have been unable to maintain contact with the Sami of Norway, Sweden, and Finland. While the Sami in Norway number some 40,000, in Sweden 17,000 and Finland 4,000, the exact number of Sami in Russia is not known, though the total figure is estimated at 65,000. Finland was part of Sweden for 600 years until 1809 and the different governments in Finland sent their representatives to the Swedish Parliament. Even Lap farmers sat in the parliament. While Sweden, and consequently Finland too, were Roman Catholic, in the north the Sami were Greek Orthodox under the influence of the Russian Monasteries in Valamo at Ladoga Lake and in Petjenga (Petsamo) at the North Ice Sea. The Catholics did not use force the Laps and their shamans, but the Lutherans had very severe methods of converting them to their religion. The Russian monasteries and the Russian authorities, however, showed much greater respect and tolerance for the Laps with the result that Skolt Lap societies preserved much of their culture until the 1917 revolution. Under the Tsars, the Skolt Lap villages held the rights to their land and water.

Norway has the largest Sami group of any individual country, and around the

"*Treiksrøset*", the area in the north where Norway, Sweden and Finland meet, there is a concentration of Sami people. Modern Sweden is considered to have been created by King Gustavus Vasa in the 1520s. In 1527 he decreed that the Swedes must become Lutherans, not because of any desire by the people, but in order to enhance the King's wealth. He needed the riches of the church to pay the debts for a war of liberation he had waged against the Danish king, who had previously carried out a blood bath in Sweden's capital, Stockholm. However, Gustavus Vasa had a positive approach towards the Laps, possibly because of the favourable influences of a Dr. Hemming Gadd who had been the Swedish Ambassador with Pope Alexander VI Borgia in Rome. Dr. Hemming, in turn, was possibly influenced by the followers of Thomas ab Aquino and his law of nature, later developed more fully by Francisco de Vitoria. Gustavus Vasa possibly foresaw future advantages for Sweden by protecting the Laps. Whatever his reason, in 1526, he assured the Laps that they would benefit from Swedish law (the Law Books of 1350 and 1442) and in 1543 he confirmed their hunting rights on the Lap side of the border within Sweden and furthermore gave them the right to follow their prey and keep their catch (with special reference to reindeer and fur game, in which the king was extremely interested) beyond that border.

This is the first mention of the Lap border, a border with special legal significance and apparently much older than this first reference to it in the texts. The Laps at this time are recorded as being reindeer herd-



Sami fishermen's dwelling is moved because of a hydroelectric dam. Photo: Nils Nilsson.

ers, hunters and fishermen which they have been since AD 98, at least, when Tacitus wrote about them in the Germania.

In 1551, Gustavus Vasa wrote two letters, which the authorities have tried to discredit, say expressly many Lap villages (local Lap groups with their own territory)

own their land. These letters were published in a series called the 'Gustav I Registratur'. This Lap policy was continued by not only Gustavus Vasa's sons but also his grandson, Gustavus II Asolfus. It is confirmed in a (freedom)?? letter of 1646. In the 1751 Lapp Codicil, the letter was called the Sami Magna Carta and was

proposed by the King, put to the vote and approved by the Swedish Parliament. Its publication was ordered in two Royal letters and it was published by the Northern Court of Appeal, Svea Hovrätt, in a 'univesale' of 1752, confirming the Laps own court of law, their jurisdiction over their inherited land, and its application to Laps

Justice Knut Olivercrona in 1881. The same pro-Sami attitude was held by law professor Johan Jacaob Nordstrom in the first chamber of the Swedish Parliament in 1871, and it dominated the fight by Hjalmar Hammarskjold (famous prime minister in Sweden) and Axel Klockhoff (of "Kammarråd in Kammerkollegium", a Swedish governmental institution dating from the days of Gustavus Vasa) for the Swedish Sami against claims from Norway from 1905 to 1911. In 1979 I published the Klockhoff Sami Research in Volume 13 of Samernas Vita Bok (SVB) by Cramer (1).

The work of undermining the pro-Sami faction had started as early as 1872 by an attack by professor Gustaf von Duben against Carleson and Nordström in "Svensk Tidskrift". Von Dyben was a close collaborator with the important local governor in the Swedish north, "Norrboten" (H. A. Widmark), proponent of the anti-Sami line. This was just the beginning. In 1884, Mr Justice Knut Olivercrona made a now famous U-turn in the Swedish Supreme Court, when he spoke about "invasions from an alien tribe" and said that tribes which do not want to abandon a nomadic way of life must eventually die out. This doctrine of colonialism and vulgar Darwinism, the anti-Sami line, did not make any impression on the law of 1886 or 1898, but its following was growing under German influence and through writers such as K.B. Wiklund, a leading professor in Uppsala University. In 1895 Wiklund wrote an article directed against the Swedish Laps and Finns in the north in "Nordisk Tidskrift" 1895 followed by writings in 1906 in "Dagny". Wiklund worked closely with Professor Hjalmar Lundborg from the Race Biology Institute at Uppsala University in 1921 on the large volumes entitled 'Race Biology' and the 'Swedish Laps'.

This anti-Sami faction made a breakthrough with the 1928 Statute. This had its origins in two large secret meetings in 1912. The first of these meetings was held near Stockholm with the Local Governors of the northern Swedish Local Governments and Sami experts. The second meeting was held in Gothenburg in the autumn of 1912 with the Norwegian Minister for Foreign Affairs, Irgens. Both meetings were led by the Swedish Minister for Foreign Affairs, Count Albert Ehrensverd, who was a catastrophe for the Sami people. His actions

led to forced migrations of Swedish Sami towards the south of Sweden. These trans-migrations spelled disaster for the Swedish Laps in the valleys of Lule, Skellefte and Ume.

Count Ehrensverd decided upon such action in order to try to win the friendship of Norway after the break up of the union between Sweden and Norway in 1905. Norway was a ready accomplice to the nefarious act and quite aware that the Swedish Laps had rights to their traditional pastures and trading possibilities in Norway under the Codicil. A Convention was drawn up in 1919 with Norway, officialising agreements made in 1912 of which the Laps knew nothing and were never consulted. Prominent Swedish lawyers (Ivar Afzlius and Åke Holmbäck) busily facilitated these illegal forced dislocations which were carried out in the 1920s.

The 1928 Swedish Statute stamped on Sami rights. This was done by degrading Sami rights from time immemorial to a trade regulation by tracing Lappish land rights back to a false idea of "Lap Privilege", a kind of *privilegium odiosum* similar to the privilege the Jews received from King Gustavus III of Sweden at the end of the 18th century. The privilege for the Jews was a form of trade regulation based on the elimination of existing civil rights and is generally considered to be of low legal status. However, trade rules really cannot extinguish or diminish civil rights according to Swedish Law and the 1734 Law Book on rights since time immemorial. The Laps' right, a civil right, is entirely different to any kind of registration or membership of a trade association. The Lap civil right has fundamental protection.

The concept of "Lap Privilege" was finally put to rest in the 1960s by the Supreme Courts in both Oslo and Stockholm: the 1968 Altevatt judgement in the Supreme Court of Norway, (the Court of Appeal judgement in this case in 1965 broke new ground for Sami landrights in Scandinavia) and the Skattefjæll Judgement in the Swedish Supreme Court in 1981. In the latter there was no analysis of the two directions in legal thinking concerning Sami rights, the pro-Sami and anti-Sami, but the Supreme Court admitted that hunting, fishing, reindeer herding and craft work were founded in rights to ownership and that these rights since time immemorial are, and always have been, the

correct legal foundation for Sami land rights.

In 1988, the Human Rights Committee in Geneva declared that Ivan Kitok, a Sami, was legally entitled to live according to his cultural traditions together with other members of his ethnic group, which consequently entitled him to practice reindeer herding, hunting and fishing according to Article 27 in the 1966 UN Convention on Civil and Political Rights. In a judgement passed on the 6th November, 1971, (the Swedish Reindeer Act) Lycksele District Court in the north of Sweden declared that Sami holding rights to the land could be divided into an inner group and an outer group. Only the inner group (members of the "Sameby" even if these do not possess rights since time immemorial to the area) have a right to carry out reindeer herding. This did not include members with immemorial rights in the traditional "Lappy". There are 2,000 Sameby Laps, 8,000 non-Sameby Laps in the north of Sweden with rights and the remaining 7,000 Laps live in the south.

Erik Østergren, a young reindeer-breeder had to pay a fine for using a snow-scooter in an area where they are directly associated with reindeer herding. No one denies that Østergren had the rights to herd reindeer founded on his inherited rights immemorial but he was not a member of the Sameby. There are court cases, (NJA 1956 s 161 and 1982 s148) which illustrate that immemorial rights overrule the general statute rules for hunting and fishing. Rights immemorial according to the written law, are civil rights with a much higher legal status than trade regulations. Under the Swedish Constitution a civil right can only be removed by expropriation with just compensation and due process. If this District Court judgement is not up-held by higher courts in Sweden it can be taken to the UN in Geneva under Article 27 or to the European Court of Human Rights in Strasbourg.

In the Kitok Case, Sweden was not censured only because Ivan Kitok's right to reindeer breeding, hunting and fishing was rather precarious and depended on the goodwill of the "Sameby". (By paying an annual sum to the "Sameby", a half-Sami can procure these rights.) Østergren is complying with the requisites of the Kitok verdict in Geneva but he lacks even the precarious rights which Kitok possessed.

This seemingly routine case involved issues which are fundamental to the whole question of Sami land rights.

As I point out elsewhere (2), the Norwegian government's aggressive approach to Sami politics has been a disaster for the Sami people in general, as we noted during the 1920s with Norway's compliance in the forced relocation of Swedish Sami. Norway wanted to colonise Sami territory with non-Sami farmers. Erik Østergren's situation is a result of this Norwegian policy and Sweden's ineffectual attempts to please Norway. Today there is a dark cloud on the horizon in the form of a new Convention between Sweden and Norway on reindeer pastures, due for ratification in 2002. It took fifteen years to produce the 1972 Norwegian Reindeer Grazing Convention and as a very active person in the negotiations I know how hard the task was. I am afraid that Norway is now preparing the new Convention more thoroughly than Sweden. However, we are now faced with a paradox; today the Norwegian Sami policy is much better than in the past. At the turn of the century Swedish Sami rights were the most enlightened but today Norway and Finland lead the way and Russia and Sweden follow far behind.

Notes

(1) 24 Vol. 1966/1992

(2) cf. Cramer et.al.: Studier i Renbeteslagstiftning, Stockholm 1970, Chapter 6.

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UNWGIP

Indigenous Participation

Report on a Study of Indigenous Experience and the Role of the Human Rights Fund for Indigenous Peoples

By Fay G. Cohen

Introduction

The role of indigenous peoples at the United Nations has been increasing during the past decade. The UN Working Group on Indigenous Populations (WGIP) has been involved since 1981 in drafting a declaration of indigenous rights, which would affirm first peoples' rights to autonomy, land and resources, and culture. At annual summer meetings in Geneva, the Working Group, comprised of five representatives from UN-member states, has heard presentations from indigenous peoples, non-indigenous support groups, and governments to develop the concepts and language of the declaration.

The participation of indigenous peoples from around the world at the summer meetings has several facets. It provides an opportunity for them to make presentations directly to the Working Group during a yearly review of developments and to make suggestions and recommendations during sessions devoted to drafting the declaration. In this setting, indigenous people also share ideas and experiences and work together for common goals. A recent IWGIA Newsletter article "Culture is How We Survive," presented five interviews with indigenous people from the Americas at the 1992 WGIP meeting and described how peoples across the continent had sent representatives "to promote the progress of the declaration and to achieve international attention for their grave local problems."⁽¹⁾

The cost of participation is high. It is a long journey for most indigenous people

and there may be political risks as well. The financial burden is also great. Two funds have been established to support indigenous participation. The Human Rights Fund for Indigenous Peoples (HRFIP) was established in 1984 at the Anti-Slavery Society for the Protection of Human Rights in the United Kingdom following discussions among several European non-governmental support groups concerned with indigenous peoples. HRFIP's partner organizations currently include: International Work Group on Indigenous Affairs (IWGIA), Denmark; Support Group for Indigenous Peoples, (KWIA), Belgium; Work Group for Indigenous Peoples (WIP), The Netherlands and; Anti-Slavery Society, United Kingdom. A second fund, the UN Voluntary Fund, was established by General Assembly Resolution (40/131) in 1985. Based on contributions from member states and other organizations, it became operational with the 1987 meeting. It is governed by a Board of Trustees and administered by the UN Human Rights Centre in Geneva.

In 1992 I developed a study to learn more about the nature of indigenous participation at the UN and, in particular, the role of the HRFIP in assisting indigenous peoples to attend the Working Group sessions. The HRFIP had been operating for eight years and had not been evaluated—this is not unusual, since it is relatively rare for any of the diverse programs designed to assist indigenous people to become engaged in detailed evaluative studies.

The Human Rights Fund

The study focused on the process by which

the HRFIP operated as a program designed to promote the aspirations of indigenous peoples by its policies, selection procedures, and activities at the meetings. As stated in its first report (1984), "the committee of the Human Rights Fund, which is made up of representatives of indigenous peoples and NGOs, believes it is essential that financial and administrative obstacles do not prevent indigenous peoples from attending the Working Group and bringing their plight to the attention of the world."⁽²⁾ The goal of the fund is "giving indigenous peoples an opportunity to attend the meetings" and supporting "the indigenous peoples in their endeavours to put forward their own statements and thoughts on the declaration."⁽³⁾ The fund does not provide any pre-determined criteria of the nature of participation—the participants vary in their activities. Some participants deliver statements; some participate in the drafting process; some primarily observe the sessions. Thus the goals of the fund are best understood in terms of providing opportunity and supporting indigenous endeavors.

Each year, partner organizations seek funding from donors including aid agencies and churches and meet in committee with indigenous persons to take decisions about the distribution of the funds. Since most of the NGOs' staff and the indigenous members of the committee have been involved in indigenous affairs for many years and have traveled widely to indigenous communities, they have found it possible each year to nominate and agree upon a list of individuals who are known to them.⁽⁴⁾ "Networking" - personal knowledge of indi-

viduals and their communities - is thus an important organizing principle for the process both for nominating participants and responding to letters received requesting support. The grants cover all or part of travel, accommodation, and food. The fund began by supporting five delegates, all from different countries, and by 1992 had grown to supporting 22 participants from 19 countries. The fund has supported individuals who are attending the Working Group sessions for the first time, particularly those from previously unrepresented peoples or regions, as well as those who have attended previous years.

At the meetings in Geneva, several members of the partner organizations are usually present to provide informal assistance; much of the administration is performed on-site in Geneva by an administrator of the fund, thus providing the capacity to hold meetings there and to respond to questions or problems as they arise. For the past several years, the fund has organized a tour and picnic in the mountains nearby as an opportunity for informal discussions and recreation; all indigenous participants supported by HRFIF are invited and others often join as well. The funding partners thus participate in a yearly cycle of seeking donations, awarding grants, and administering them at the meetings within a larger context of their ongoing activities as support groups for indigenous peoples.

The Nature of the Study

The study was carried out at the 1992 UNWGIP meeting July 20 - 31 in Geneva. It was given full cooperation by the HRFIF, but received no funding from it, and was carried out independently. Funds for the study were provided by a research development grant from Dalhousie University in Canada, where I am a Professor. In designing the research, it was hoped that its findings could assist HRFIF in its future planning as well as other groups considering funding comparable programs.

The study was designed to evaluate the operation of the fund within the context of its own goals. "Is the fund meeting its goals?" becomes the central question. Because the fund conceptualizes its goals in terms of providing opportunities and supporting indigenous endeavors, the question requires consideration in terms of the recipients' views and experiences as participants in the Working Group session. It is

important to understand the indigenous endeavors being supported. Thus the interviews with 1992 fund recipients centered on discussions of the following general areas: their goals and aspirations in participating and their perceptions of the value of the experience; the ways in which they planned to use their experience when they went home; the adequacy of the financial and logistic support provided by HRFIF and; their general suggestions and comments concerning the fund. Interviews with former HRFIF recipients present at the 1992 meetings added additional information, as did detailed discussions with members of HRFIF partners. Interviews were also conducted with Voluntary Fund officials as well as current and former recipients concerning the nature and operation of that fund, both for understanding the similarities and differences between the funding programs and for providing a fuller picture of the major sources supporting indigenous participation.

I was fortunate to have had the opportunity to interview 17 of the 22 individuals who received assistance in 1992 from the HRFIF for all or part of their travel, accommodations, and food costs. Five of these discussions took place with the help of a translator. Other interviews, including former recipients, HRFIF partner members and staff, UN voluntary fund officials and recipients totalled thirteen. Our talks occurred at meals, in the large UN coffee reception room, and at the hotel where many of us stayed. The 30 interviews, along with informal discussions, review of relevant documents, and observations at many of the Working Group sessions, form the basis for this report. I am very grateful to all the people who agreed to participate in this study and who shared their ideas and experiences with me.

Indigenous Endeavors at the UN Working Group

In describing what they hoped to gain from their participation at the 1992 UN WGIP sessions, the HRFIF-funded participants stressed several important points. For some, the most important facet of participation was the opportunity to see their own problems within an international scope. The experience serves "to open our eyes to the world," said one participant. For another: "It has shown me that practically all other countries have problems with indig-

enous peoples, but they are finding ways to solve those problems." A participant from South America stated it this way: "One thing caught me, that the problems in my country are so similar to what's happening in the world." The meetings thus serve to overcome the isolation that indigenous peoples may feel in their own country and to provide a global context for thinking about issues of importance to them.

Several participants expressed the view that they had come primarily to observe and to learn. They hoped to find knowledge and understanding about indigenous peoples throughout the world, about the UN as a forum, and about the operation of different governments. One person said that she found it valuable to see the participation of so many indigenous people, to learn about the different opinions of the declaration, and to hear the different governments and what they think of it. She and others also felt that they were able to obtain important information, both in the sessions and in literature distributed at the meetings, information that otherwise might never arrive in their home countries.

Delivering a message on behalf of their people was an essential endeavor for several of the participants - "to make known our situation." As one person stated: "I came to represent my people, to campaign for them, to find justice, to stop the abuses." Generating support for their struggle so that international pressure can be exerted on their behalf was seen as very important to these participants, particularly because they viewed the Working Group as a unique international forum. Here they are able to speak to each other and to representatives of many state governments; some indicated that the presentation their case to their own state government representatives at the UN Working Group carries a stronger message and is more likely to have an impact than presentations in other settings or at home. The Working Group is seen as a place "where I can reach the world in 10 minutes." One participant described it as "the only forum in the world where indigenous people can speak and be heard in a very democratic and free forum. In the reports, you cry for something. In the draft, you do something about it." It is interesting that several UN officials expressed quite similar perceptions of importance of the UN Working Group as a venue for developing international awareness of grave

situations throughout the world and for building pressure for justice and human rights.

Many participants emphasized the importance of the opportunity to meet and talk with some of the several hundred other people who attend the meetings. According to a participant from Asia, "the most important aspects here are the linkages among indigenous peoples. The NGOs were supportive and the individuals were supportive. Also individual governments, but not governments as institutions." The Working Group is seen as a place where indigenous relationships are formed and grow—"I meet a sister from Guatemala and a brother from Canada." The meetings of the newly formed alliance of peoples of the rainforests at the 1992 meeting is an example of this process. The Working Group provides a setting where contacts can be made through discussions with NGOs, governments, and the press and where networks are developed and maintained to further the cause of indigenous rights.

In summary, four major themes stood out in the interviews. Many indigenous participants spoke about more than one of these themes. The indigenous participants' endeavors' centered on seeing their situation in a global context; learning and observing in that context; representing their people and presenting their case to the world in hopes of raising awareness and finding justice and; making personal contact with indigenous people, NGO's and others.

Making Use of the UN Experience

When asked the following question, "What do you hope to take home with you from your experiences at the Working Group?," almost all stated that they planned to share their experiences and the information they had gained with others. Many participants expected to make a report of their experience directly to their chief, council, assembly, or organization. Others stated that they would share their experience more generally with the community, particularly the youth. A participant from Australia stated "I will speak to others about my experience, how we participated, tell others how it's been, and explain about the UN." A few mentioned encouraging others to become interested in the UN.

Several of the indigenous participants



Delegates from the South Molucas in the Working Group.
Photo: Jens Dahl.

who are currently living in exile in Europe pointed out that they will be sending information about their experiences to groups in their home countries. They plan to communicate to let the people at home know about the events at the Working Group. Some also write for newsletters and others write to governments to express their views. Some participants planned to use the knowledge they gained to help their community in its efforts to solve problems, to provide education, and to provide workshops on community development and leadership. One participant provided a particularly full account of her plans following the meeting:

I will go back to my country with a lot of experiences.

I will take all this with me.

I will go to the communities.

I will share it with the old people and with the young as well.

I will tell them about my experiences in Geneva.

About everything we talked about here.

The Logistics of Participation

Indigenous people supported by the fund come from all over the world and from widely varying circumstances. Some live in Europe; some have travelled widely. For others, however, attendance at the Working Group session marks their first journey outside of not only their home community or region but outside of their country. One indigenous participant stated: "It's impor-

tant to come here, but it's very confusing. Everything is a surprise, beginning with the plane." Some new participants find that "we don't understand the reality of how you live."

Because of the newness of the experience and the possibility of culture shock, logistic arrangements made by the Human Rights Fund sometimes become very important. Many participants as well as some partner organization members are lodged at a modest but comfortable hotel within walking distance to the UN. Others stay at one of two accommodations further away, but which may offer a quieter environment, cooking facilities, or a less expensive rate. A few stay with friends in Geneva. The assignment of participants to lodgings is based on several factors: space limitations at the main hotel, known preferences among the indigenous participants (e.g. a desire to be able to cook rice or other foods), cost, and differing viewpoints among the partner organizations about the relative merits of the three main possibilities. The fund makes all the arrangements and pays the bill directly to the hotel or other lodging. In response to the questions about the accommodations, a few participants thought that everyone should stay in the same place, while a few others thought that everyone should be given a choice. Most, however, were satisfied both with their lodging and with the arrangements made in advance.

The fund provides a per diem for food to each participant, in addition to the break-

fast served at some of the accommodations. This arrangement also was quite satisfactory to most. Although one participant stated that the per diem was "more than sufficient," several expressed their surprise-shared no doubt by other visitors to Geneva—at the high cost of food. The participants, aware that food was expensive, seemed able to find ways to adjust to the situation. For example, during part of the meetings, the city of Geneva held a festival with films, arts and crafts, and presentations about indigenous peoples at a large centrally-located park. The festival also offered an inexpensive evening meal, and some of the indigenous participants said they liked the pleasant setting and the food.

A few participants encountered logistic problems in their travel arrangements, including delays in obtaining an exit visa to travel to the meetings and difficulties obtaining entry visas to visit other countries during or following their stay.⁽³⁾ Language was mentioned as a problem by some of those participants who spoke neither English, Spanish, nor French—and who thus had to rely on translators. The HRFIF paid for the services of translators for two such individuals, and members of a partner organization assisted another one. As well, since almost all of the members of the partner organizations are fluent in several languages, they frequently provided informal translation services to enable individuals without a common language to speak to each other.

Several indigenous people mentioned that it was very helpful for them to have the company of their friends from the partner organizations during this new experience. One participant, describing the assistance he received in making travel arrangements, stated: "the support is more than financial."

Participants - Suggestions and Comments about the Fund

I also asked participants for their suggestions and general comments about the fund. Several suggested that additional funds be sought to enable more indigenous peoples to attend the sessions and to permit pairs or delegations of participants to travel together. One person suggested specifically that consideration be given to funding lawyers from his region, since few had ever been exposed to the UN; this would expand their views and their understanding of the

human rights framework, which, in turn, could be used to the benefit of his people. Another participant recommended that additional funding be used to support indigenous people at the meetings of the Sub-Commission on the Prevention of Discrimination Against Minorities, which follows the Working Group in August, and to the Commission on Human Rights, which meets in February and March. He emphasized the need for a monitoring system for the process by which the draft declaration is expected to move through these bodies on its way to the General Assembly in the coming years.

One person recommended transferring the fund to indigenous control. Other suggestions included increasing the number of indigenous members on the board of the HRFIF, and providing an orientation for participants to acquaint them to the UN and how it functions. Designating an indigenous participant with experience in the UN system as a facilitator, and providing an honorarium for this assignment, was also suggested. The facilitator could provide orientation for new participants, arrange the outing, and generally help everyone feel comfortable within the system.

The general comments about the fund were all extremely positive. Many of the indigenous participants expressed their appreciation to the fund, and stated that without the support, they would be unable to attend. The following statements provide examples of the comments that were offered:

- I hope it will continue to try to support us as it is very important for us to be here and to meet with other indigenous people and with Europeans as well. It is very helpful to make these efforts since our own organizations don't have sufficient money and we don't have the contacts.
- It is essential.
- The Human Rights Fund is doing a good job funding people to come here. It's a good fund.
- It is very important for me and my cause.
- It is like a window through which we can see the sky.

Discussion

The interviews with indigenous participants supported by the fund in 1992 indicated that they perceived the fund posi-

tively and viewed it as very important in supporting them to reach their goals. These findings suggest a close congruence between the goals of the fund and its actual achievements. Other interviews conducted at the UN meetings lend further credence to this favourable evaluation. For example, an indigenous person who had received HRFIF support in previous years provided the following observations:

The fund is very important—it is crucial. Many couldn't participate without it. It enables the indigenous people to take part. It is important because the UN Voluntary Fund can't cope with the numbers. I have a special relationship with the organizations involved. They are experienced in dealing with indigenous people. They are choosy about who they bring, they are careful. The Human Rights Fund can also support experts who have been doing important work. This is very important for our cause—to speak out in the language that the UN wants to hear. Another former participant stated: "They are having people come who are getting something out of it." Another facet of the relationship between goals and outcomes is the role of facilitator that the NGO partner organizations play as funders within a pre-existing program rather than designers of a program. As one of the partner members with long and intensive involvement with the fund pointed out, the partners didn't create either the UN process or the indigenous interest in it. Rather they were tapping into something that already existed, and their facilitation took the form of connecting UN process with indigenous interest by providing a vital link: financial and logistic support for indigenous participation.

Both 1992 indigenous recipients and others with whom I spoke emphasized that they appreciated the logistic and other support offered by the fund. The "human face of the fund"—as one person described it—was very important. Relationships of mutual respect and friendship were seen in many situations: facilitating arrangements, helping find solutions to problems that arose, sociable discussions and meals. Although one might characterize the fund's operation as "informal," this might give the impression that it is not rigorous administratively. Such an impression would be inaccurate; administrative staff paid continuous and detailed consideration to matters of budget, disbursements and documenta-

tion. The concepts of "personalized" and "non-bureaucratic" provide better descriptions of the process that the fund used to carry out its work. In this context, it is interesting to compare the Human Rights Fund with the Voluntary Fund administered directly by the UN.

The UN Voluntary Fund was also established to enable indigenous peoples to attend and participate in the Working Group sessions. The UN Human Rights Centre has developed an informational document about the Voluntary Fund, its purpose and its application procedures, which it disseminates to other UN agencies, indigenous organizations, other NGOs, and the indigenous press⁽⁶⁾ also provide information about it. The Voluntary Fund is larger than the HRFIF; in 1992, it supported 41 indigenous participants selected from approximately 120 applicants. Participants are selected by the five person Board of Trustees (which has included one or more indigenous persons over the years) on the basis of applicant's representation of a indigenous organization or community, and his or her lack of access to other funding. The list of participants is then given to the UN Human Rights Centre which handles the travel arrangements. Participants are given a grant for a daily per diem with which to make their own arrangements for lodging and food. Geneva is a costly city, and some participants have experienced difficulty living on their per diem, particularly in previous years prior to an increase in the amount in 1991. The position of the fund, operating within the UN bureaucracy, places definite limits on its flexibility; for example, it cannot provide further funds for a participant to stay beyond the dates of the Working Group if travel arrangements become complicated, and there is no ongoing contact between the Human Rights Centre staff and the participants during the meeting. The Voluntary Fund, an important and substantial program supporting a relatively large number of indigenous participants, has a very different way of achieving its goals than the Human Rights Fund.

There is general acknowledgment, however, that both funds provide essential assistance and that both are necessary, because even their combined efforts cannot meet the needs of all the indigenous people who wish to attend the meetings. The presence of two funds with different modes of operation is important in another respect as

well. As described above, the Human Rights Fund has developed a personalized style because of its history, philosophy, and view of the necessity of logistic and other support. Its operations contrast with the "arms-length" style found in more bureaucratic systems. No criticisms were expressed by any of the persons interviewed for this study, but it is possible that proponents of equality of access or "objective criteria" in funding might raise concerns. However, the fund's mode of operation could be said to further its goals by recognizing key differences between the social processes found in many indigenous communities and those of the institutionalized bureaucracy of the UN. Personal relationships are very important in indigenous communities, and the indigenous participants acknowledged the value they placed on this aspect of the fund. It could be argued that a personalized style of operation enhances the possibility that indigenous participants will benefit from attending the meetings. The fact that the Voluntary Fund operates in the bureaucratic mode more typical of support-granting agencies is useful, however, because it provides a route to funding for indigenous persons who are not part of the HRFIF network, who are adept in dealing with bureaucracies or who prefer an "arms length" style. Thus the two funds complement each other quite well.

An important challenge for both funds will be to respond to the changing nature of the relationship between the UN and indigenous peoples that will occur when the Working Group completes its preparation of the declaration, probably within the next two years. The annual review of developments may remain within the domain of the Working Group, but the declaration will begin to make its way through the Sub-Commission on the Prevention of Discrimination Against Minorities and the Commission on Human Rights before it is sent to the General Assembly. In interviews and in presentations at this year's sessions, indigenous people pointed out that they do not play the same role as participants in these bodies; it is expected that indigenous viewpoints will be weak in these venues while those of the states will be strong. They expressed a need to attend sessions in which the declaration is discussed to monitor the process and to develop strategies to enhance chances for acceptance. For the past two years, the

HRFIF has sent a small delegation to Sub-Commission meetings. It will probably require increased support from donors if it wishes to devote more funds to facilitating indigenous efforts to follow the declaration through the Sub-Commission, Commission, and General Assembly, but this is a possibility that deserves consideration for the future.

This report has examined the operation of the Human Rights Fund primarily through interviews with the participants whom it supported in 1992. It would be most interesting to extend this work through follow-up discussions in 1993, either by mail or in discussions with those individuals who return to the Working Group in Geneva this year. The correspondence and discussions could amplify the present findings by exploring the ways in which the participants used their UN experience since the meeting, and their views of its value to them during the past year. Further discussion could also provide better understanding of the role of UN participation as part of ongoing indigenous efforts to secure their rights both at home and abroad.

Notes

- (1) Moskites, Heidi, 1992, IWGIA Newsletter 3/92, "Culture is how we survive".
- (2) Human Rights Fund Annual Report, 1984.
- (3) Human Rights Fund Annual Report, 1992.
- (4) Most decisions are made in the spring preceding the meeting. In 1992, the original list of 17 participants drawn up in May was supplemented by small grants made to 5 additional indigenous participants of a related program when they arrived at the meeting without sufficient funding.
- (5) Some funding recipients in various years have been prevented from attending by circumstances in their home country. One person this year was unable to use his HRFIF funding this year because he was incarcerated and was not released in time for the meetings.
- (6) For example, Akwasasne Notes (1990): Vol. 22, number 4, p. 20-22 carried a large article (without a by-line) entitled "The Rights of Indigenous Peoples which included information about the Voluntary Fund. □

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

by Andrew Gray

IWGIA DOCUMENT 70

Indigenous Mobilization in Mexico

By Heidi Moksnes



Mexico is one of only four countries which, to date, have ratified the ILO Convention 169 on the rights of indigenous peoples. This puts Mexico in the forefront among countries like Norway in recognising indigenous claims on territory, cultural identity and self-determination. To what extent, then, has the government managed to improve the conditions for the many indigenous peoples within its borders?

Margarito Ruiz is president of FIPI (Frente Independiente de Pueblos Indios), one of the larger national indigenous organizations in Mexico. He says in an interview with IWGIA that Mexico still has a long way to go to comply with the ILO Convention. He argues that today it is necessary for indigenous organizations to know the international laws concerning indigenous rights in order to successfully pressure the Mexican government. The changes in Article 4 of the Constitution, which were undertaken in 1991, states that Mexico is an ethnically plural country. However, Ruiz says the Article is both extremely insufficient and very ambiguous and only talks about cultural rights.

To advance the plurality of Mexico, last year FIPI presented a proposal, through one of the political parties, to modify three articles in the Constitution. As a first step it proposed that places for 40 indigenous deputies be guaranteed in the legislative

chamber and the Congress. At present there is not even one indigenous representative. However, none of the political parties showed any interest in discussing the proposal and the changes in Article 4 were narrowly passed.

According to Ruiz there must be a considerable territorial, social and political rearrangement of Mexico to make it a truly plural nation. He says "This means that the plurality - the nation's pluriethnic and plurilingual population - must have a say in all the decisions made in Mexico concerning designs for future development. If not, there is no true plurality." Mexico, Ruiz says, once led indigenist politics in Latin America, however the policies had the purpose of integrating the indigenous population into the national 'civilization'. Today Mexico lags far behind several other Latin American countries with respect to its indigenous peoples.

The indigenous peoples of Mexico comprise a considerable, but severely marginalised, minority. There are between five and six million indigenous people, who belong to some 56 major language groups. Two thirds of them live in small peasant communities where they comprise the majority population. Living conditions are very poor, due to insufficient land and the low prices their produce fetches. Half of the communities lack electricity and run-

ning water and child mortality is as high as 20 per cent (1990 figures from INEGI, the National Institute of Statistics). The majority of the indigenous population lives in the central and southern States and it is there that one can also find the strongest indigenous organizations, although there are political organizations in the northernmost regions too.

Today the indigenous organizations fear that the situation for the indigenous peoples will deteriorate with the new Treaty of Free Enterprise which the governments of Mexico, the USA and Canada have recently signed as well as Article 27 of the Mexican Constitution which opens up communally owned lands, known as "ejidos", to privatization.

One of the most conflict-ridden areas is the State of Chiapas, where one third of the population is indigenous. Situated in the south on the border with Guatemala, Chiapas is the home of the Maya peoples, who also live in the Yucatan peninsula, in Belize, Guatemala and El Salvador. Chiapas was the scene for one of the largest coordinated political demonstrations on the 12th of October last year when almost 10,000 indigenous people from some twenty different organizations marched through the highland town of San Cristóbal de las Casas. The vast majority of these organizations have recently joined forces in an um-

rella organization called FOSCH (Frente de Organizaciones Sociales en Chiapas) and they expressed this unity through their march. The participants represented the several Maya peoples throughout the State: Tzotziles, Tzeltales and Tojolabales.

Gaspar Morquecho, a social scientist with long experience of working with indigenous organizations, argues that the large October demonstration was nevertheless minimal compared to what we soon might see: "I think that today we are seeing a process of declining resources for the communities and changes brought about with the reformulations of Article 27. These very concrete changes might bring about the mobilization of the large mass of indigenous peasants who today are still waiting, hoping for solutions." The large majority of the indigenous population, Morquecho says, is affiliated with either the large state peasant union, the CNC, with the state party or with the liberation theology groups of the Catholic church.

Since the revolutionary regime of Cardenas in the 1940s, Morquecho says, indigenous peoples in Mexico have widely recognised themselves as exploited and op-

pressed. Today, indigenous organizations are also increasingly talking about their rights to self-determination as **peoples** and of historical rights to territories, language and a cultural heritage. In Chiapas, this political perspective is held principally by some of the organizations today allied in the umbrella organization FOSCH. One of these is COLPUMALI (the Coordinadora of Mayan Peoples in the Struggle for their Liberation). The president of COLPUMALI is Juan Hernández Mesa, a Tzeltal from Tenejapa, and he explains that the organization was born in 1990 out of the necessity for an alternative development for the indigenous peoples. The organization has several projects addressing issues of both the production and commercialization of products like coffee and the defense of traditions and cultural values. The long term objective is the self-determination of the Mayas. However, Mesa says: "We can only talk about self-determination if we are conscientized. This is a long-term project."

Marcelino Gómez Nuñez, Tzotzil from Chalchihuitán, works in the organization UNORCA (Unión Nacional de Organiza-

ciones Regionales de Campesinos Autónomos). He emphasises the need for the indigenous struggle to train the people in the communities. In spite of the efforts of the National Indian Institute (INI) the indigenous population still receive little education. Himself a university student studying economy, XX argues that it is now the task of the independent indigenous organizations to train and conscientize the communities. With the development of squads of young committed indigenous professionals, like agronomists, medical doctors and lawyers, the indigenous communities can be strengthened and find their own path for development and empowerment to defend their rights. One of the long term projects is to strengthen the indigenous role as producers for the market, demanding increased prices for their products.

The organization ORIACH also takes indigenous self-determination as its long term goal. Domingo Díaz Pérez, one of the leaders, says: "ORIACH was formed for the struggle for land, power, justice and respect and equality." Díaz says there are many indigenous organizations which

would rather talk in terms of the class struggle as peasants, than a struggle as indigenous peoples. But, he argues: "If we are going to talk about the indigenous peasant, we will also have to talk about the traditions and customs he has, and if we talk about his traditions, we must talk

about a people and therefore also about a territory, and ultimately, self-determination".

As with Mesa and Gómez Nuñez, Díaz emphasises that this perspective involves a slow and gradual process of conscientization. However there are many Tzeltal

and Tzotzil peoples in the Chiapas Highlands who live in homogenous societies without Mestizo and who do recognise themselves as indigenous peoples, and who defend their traditional heritage. For them, their identity as indigenous is unproblematic and strong. □

IWGIA YEARBOOK 1991

The IWGIA Yearbook gives an overview of the year's main events relating to indigenous peoples all over the globe. US\$ 10



On the 12th of October in San Cristobal de las Casas, bobilies women from the Highlands of Chiapas took part in a march for the 500 Years of Resistance. Photo: Heidi Moksnes.

Statement Concerning Recent events in Nagaland

By the Board of IWGIA

The International Work Group for Indigenous Affairs (IWGIA) is a human rights organisation with category II status at the United Nations ECOSOC. IWGIA works with indigenous peoples all over the world. This statement expresses our grave concern at recent events in Nagaland.

On Monday January 25th, 1993, David Ward and Steve Hillman were charged with sedition and rioting for entering Nagaland in 1991 without an official permit. They had been held for a year without charge having suffered deprivation and violence at the hands of their captors. Nine Nagas who were captured at the same time in January 1992 have since been charged.

Ward and Hillman entered Nagaland to investigate reports of human rights abuses on behalf of the human rights organisation Naga Vigil. IWGIA has been aware of the situation in Nagaland for many years and realises that these two men have not been the first human rights workers to have entered the area. It was therefore with surprise and concern that IWGIA saw the list of 12 disproportionate charges against Hillman and Ward.

Reports of human rights violations in Nagaland have emerged from the area both from Naga people and outsiders since the late 1950s when the Indian army occupied the area and declared military rule. Many international human rights organisations including Amnesty International, Minority Rights Group, the Anti-Slavery International and ourselves have expressed grave concern at the detailed accounts

of extra-judicial killings, torture, the burning of villages, cultural discrimination and military occupation which face the Nagas.

The treatment of David Ward, Steve Hillman and the Nagas who were arrested with them causes us grave concern with respect to the serious situation which clearly exists in Nagaland. The reports of torture from Orangki and executions in Oinam are among some of the more prominent examples of human rights violations.

IWGIA urges the Indian authorities most strongly to take a dispassionate and sympathetic view of the case of David Ward, Steve Hillman and the nine detained Nagas. Furthermore IWGIA hopes that at the same time, considering that 1993 is the International Year of Indigenous Peoples, India will review its whole policy in Nagaland, allow an investigation of the human rights abuses and open the area to independent observers. The continuing closure of Nagaland reinforces the argument that the Naga people are denied their fundamental rights and freedom. □

STOP PRESS

IWGIA has just heard that, as a result of the campaign, the two british prisoners have been released.

However, there is still concern for the jailed nagas.

SHORTNEWS · SHORTNEWS · SHORTNEWS

Bangladesh: massacre report - another official cover up?

Six international organisations unite in condemning government policy

In a report just received by international organisations, the Bangladeshi government still refuses to acknowledge the extent of a massacre in which about 1,200 people were killed. On 10 April 1992 the village of Logang in the Chittagong Hill Tracts was razed to the ground in a military attack - indigenous Jumma villagers including women and children were locked in their homes and burnt alive. The Jummas, who live in the Chittagong Hill Tracts, have been the victims of 20 years of gross human rights violations perpetrated by the security forces. The government has been moving Bengali settlers onto their ancestral lands under their transmigration policy and is trying to wipe the Jummas out as a people.

Though not an isolated incident, the Logang massacre was one of the most terrible atrocities of recent times. An eyewitness as the time stated "Homes were set on fire and the village became a cremation ground." Such accounts were substantiated by amateur film-makers who filmed the burnt remains of the village.

Pressure by international organisations and donor aid agencies forced the Bangladeshi government to launch a judicial enquiry into the massacre. Its findings have recently been released.

The one-man commission of Justice Sultan Khan conducted the enquiry. A twenty-five page English version of his report has been released. At the meeting in Holland, Jumma representatives and several international organisations evaluated the report and the recent developments in the Hill Tracts. They said "Justice Khan's investigation of the massacre is completely inadequate. The Bangladeshi government has to stop its policy of genocide against the Jumma people." The report was found

to be full of contradictions and to be in line with the military analysis of the massacre. For example, it admits to mass killing by the military and Bengali settlers on April 10 but repeats the official death-toll given at the time: 12 Jummas and 1 settler. The report accepts that the relationship between the Jummas and the settlers is a violent one, but recommends that the government provide the settlers with more arms. Amnesty International has described the report as too vague and brief. Previous massacres of the Jummas have not been investigated by the government.

The current situation in the Hill Tracts is extremely alarming. The Bangladeshi government is presently holding talks with the JSS (Jana Samhata Samin) to negotiate a political solution to the conflict. The JSS is the political wing of Shanti Bahini, the armed Jumma resistance group. Past negotiations have mainly been a public relations exercise to quell international protest. A Jumma representative at the meeting said, "We live under constant threat of genocide. This is the moment for the government to restore democracy in the Chittagong Hill Tracts. Otherwise we will cease to exist."

Even as negotiations take place, the government has plans for the Hill Tracts which will result in further dispossession of the Jummas and an increased military presence. There are plans for an Asian Development Bank funded afforestation project which would displace about 40,000 Jumma families, as well as for military installations to be built on 11,000 acres of recently acquired land in Bandarban district. Of even greater concern are the government's plans to conduct a cadastral survey, i.e. re-evaluate the existing land holding system. This will effectively legalise the take over of Jumma lands by Bengali settlers.

Across the border in India over 50,000 Jumma refugees fleeing from persecution live in camps in Tripura. They continue to face acute shortages of food and medicine. They may now be forced to return to Bangladesh as the Indian government plans to cut off their meagre rations by 31 December 1992.

This is a joint release by Jumma representatives and the following organisations: Organising Committee on Chittagong Hill Tracts, Jumma Peoples Network, UNPO, CHTCIN, IWGIA and Survival International. □

Brazil:

Arara Indians in Brazil Witnessing the Devastation of Their Lands

Once more, the lands of an Indian people in Brazil are being invaded and devastated. This time it is the lands of the Arara people of the Cachoeira Seca India Area, located in the municipality of Altamira, in the Southern region of the State of Pará. These Indians are suffering the impact of lumbering activities, which for the most part are being carried out by a company called Bannach, and of the presence of 376 families of rural workers which as of 1977 were settled there by the Federal Administration through INCRA (National Colonization and Land Reform Institute).

The Arara, who called themselves Imarama and have a population of about 150, were first contacted in 1988 by the National Indian Foundation (FUNAI), the agency in charge of implementing the Indianist policy of the Federal Administration. In the 1960s, as expansion fronts arrived and occupied new areas in Pará, the Indians were forced to redefine their territory. They began to occupy an area between kilometres 75 and 300 of the Transamazônica highway.

The building of the Transamazônica highway in 1970 by the military government brought drastic consequences: the Arara territory was cut by half and INCRA began to settle families of landless rural workers in it, in defiance of constitutional provisions which since 1937 ensure to the Indians the right to possess and usufruct rights to their lands. FUNAI established a definitive contact with this group in 1988, when a station was set up in the Area.

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In the 1985, FUNAI interdicted 1,060,400 hectares to protect the Arara territory. The part of this territory which was demarcated was called Arara Indian Area. The remaining part of it, which is called Cachoeira Seca, was not demarcated and is suffering the greatest pressures from invaders. The solution to this problem includes the demarcation of the 760 thousand hectares of the Cachoeira Seca Area, next to the already demarcated Arara Area. The problem of the settlers must also be tackled, since they were taken there by the federal administration and did not invade the Indian lands in bad faith.

The most serious issue is that the Bannach company has been removing hardwood, such as mahogany, from the Indian land for over ten years. The City Council of Altamira supports the activities of this company, which created the Bannach Port District inside the Indian area. It is an illegal project since the Federal Constitution prohibits the setting up of villages inside Indian areas.

Aware of the dangers of destruction which these lands are facing, in March 1991, the Department of Justice decided to act on behalf of the Indians and brought an Action of Trespass against the Bannach company before the Federal Courts. Federal Judge Daniel Paes Ribeiro granted a preliminary order which was soon revoked. The lumbering company continues to operate freely in the Arara territory.

In an attempt to avoid conflicts between Indians, settlers and lumberers, the Indianist Missionary Council (CIMI), through the Prelacy of Sao Félix do Xingu, the Rural Workers Union of Altamira, FUNAI, INCRA and congressmen met with the minister of Justice, Mauricio Correa. According to them, the solution to the problem includes the demarcation of the Cachoeira Seca Area, the payment of damages and resettling of the rural workers outside the Indian Area, and the removal of the Bannach company from it.

Source:
Indianist Missionary Council - CIMI. □

Brazil: Building of Dams in Sao Paulo Threatens the Guarani Indians

Once again large public works schemes are a cause for concern for Brazilian Indians. Now it is the turn of the *Guarani Mbyá* people who live near the State capital of Sao Paulo. The Government intends to build three dams on the Capivari river, which it alleges will be necessary to ensure the water supply for the city. Even though the territory of the Guarani will not actually be flooded should the dams be built, the Indians will nonetheless be affected as the water level in the Rio Branco, a river upon which the survival of the Guarani virtually depends and which receives much of its water from the Capivari, will be greatly reduced. The work-sites that the dam builders propose to erect will be located near to one of the Indian villages, and there are fears that the game upon which the Indians depend for their food and cultural survival will be greatly diminished.

The building of the three dams will flood an area of 12 square kilometres of a region covered with some of the last remnants of the Atlantic Forest which formerly extended over the whole of the Brazilian coastal region. Guarani Indians living in the Indigenous Areas of Rio Branco, Baragem and Krukutu will be affected. The cost of the project has been estimated at US\$ 130 million, of which the World Bank is expected to put up half and the Government of the State of Sao Paulo to come up with the other half.

The reduced volume of water in the Rio Branco will imply the loss of an important source of livelihood for the Guarani, while the erection of construction sites close to their villages will bring about radical changes in their way of life, and most certainly lead to indiscriminate contact with construction workers. Such contacts have in the past invariably led to prostitution, alcohol abuse, a rise in the incidence of

diseases and especially of venereal disease in Indian communities.

The Indians are aware of the threat and have carried out demonstrations to protest against the construction projects. Nhemboaty Guassu Guarani, Guarani Indigenous Action, the Tembiguai Indigenous Association, and the Guarani Indigenous Association of the Village of Pico do Jaragua are among those who have raised their voices to denounce the effects that they will suffer should the dam projects be allowed to proceed.

Environmental groups have presented alternatives to the building of the dams. Currently 30 per cent of the treated water in Sao Paulo is lost through faulty distribution, a figure which represents a greater volume of water than the Capivari could ever supply. Industries in Sao Paulo waste large volumes of treated water washing products, and the elimination of such waste could render the dams unnecessary. As current projections show that the dams would only provide a solution for the city's water supply problem until the year 2000, it seems that the big construction companies are the only ones likely to benefit from the project.

The Office of the Attorney General has proposed to take civil public proceedings against the project and to embargo the start of construction. According to a writ, Republic, "the idea of this enterprise is unacceptable," in view of the irreparable damages it would cause.

Source: CIMI. □



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