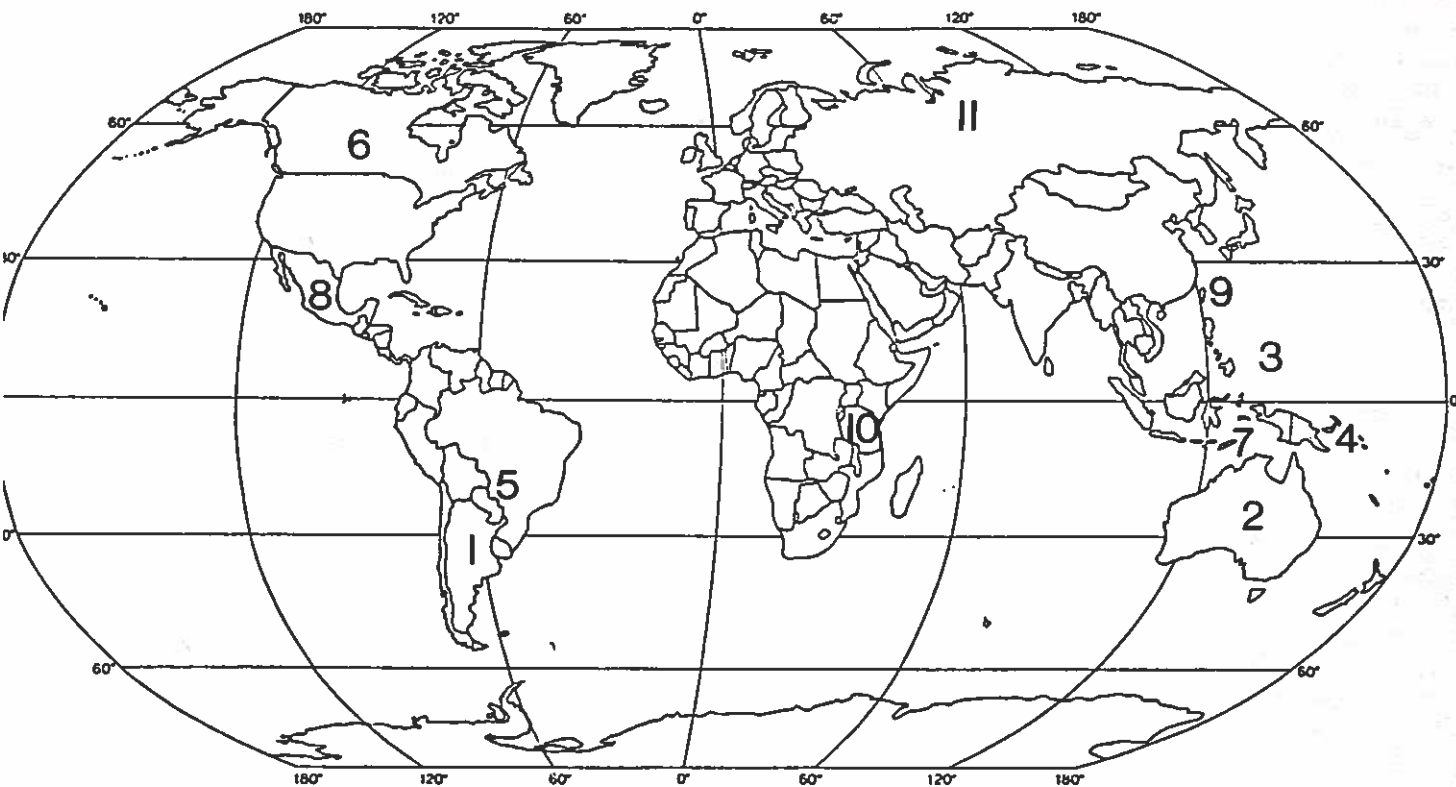


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# NEWSLETTER

No. 2 · November / December · 1991

International Work Group for Indigenous Affairs





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## Editorial

United Nation's Working Group on Indigenous Populations held its 9th session this summer. The main task for the Working Group is the writing of an International Declaration on the Rights of Indigenous Peoples and to review the developments which have taken place in the indigenous world the preceding year. As in previous years we reprint some of the statements made by indigenous representatives. We consider these important documents in order to understand the background to viewpoints, feelings and aspirations of indigenous peoples.

Together with three small statements published during the meeting in a special Working Group Newspaper, these speeches are compiled separately in this IWGIA Newsletter.

Two statements deal with the situation of the pastoralist nomads of East Africa, specifically the Maasai in Tanzania. These people have only been represented at the UN meeting during the last two sessions and we can only hope the Working Group chairwoman Mdm. Erica Daes will accept the invitation to visit Africa as proposed by one of the two speakers.

Like in Africa, many Asian governments do not even recognise the existence of indigenous people within their territories. In a joint statement, indigenous delegates from Asia urges the working group to pay particular attention to the millions of indigenous people in this continent. It is noteworthy that indigenous people from Taiwan (one of the few countries which has no membership of UN) appeared for the Working Group for the first time.

A short and moving statement was given by an old Xavante from Brazil who had left his homeland for the first time in his life. As a symbol of mutual understanding between political leaders he presented Mdm. Daes with a traditional Xavante "Uibró".

The indigenous input to the Working Group meetings is extremely im-

portant and decisive for the result of the drafting of a Declaration of the Rights of Indigenous Peoples. It is now expected that a final draft can be made in 1993, the UN Year of Indigenous Peoples, and presented to the UN Human Rights Commission.

499 years after Columbus the Indians in Latin America still suffer from broken treaties (a special study on treaties is being carried out by a member of the UN Working Group) and human rights violations including evictions from their home lands. This deplorable fact is documented in articles from Mexico, Brazil, Paraguay and Argentina.

In May 1990 the island of Bougainville declared itself independent from Papua New Guinea. The Bougainvilleans are culturally related to the nearby inhabitants of the Solomon Islands, but became indigenised by the drawing of the post-colonial borders. The international media have not paid much attention to the heavy suppression of this indigenous group which now appeals for support.

From that part of the world we also bring a petition from the Belau Trusteeship Council.

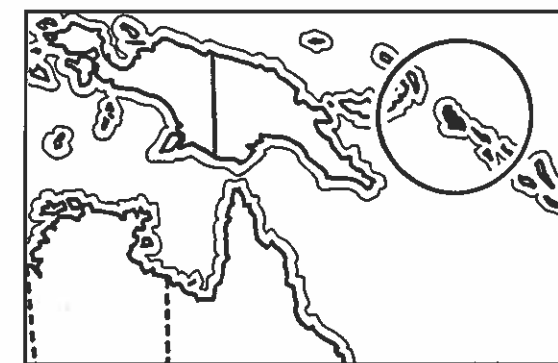
Although the Indonesian annexation of East Timor reminds of the Kuwait case and although the potential of a major oil strike led Australia and Indonesia to sign the so-called "Timor Gap Treaty" there has been no similar "Kuwait factor" in support of the East Timorese people.

From the Soviet Union (Russia) we publish an important document adopted by the indigenous people of this country earlier this year.

We also publish the conclusions and recommendations from a UN meeting of experts held in Nuuk, Greenland in September this year. Greenland is among the indigenous territories which has the most far-reaching self-government in the world. □

Jens Dahl

# Bougainville: Actual Situation



Bougainville, Solomon Islands

### Background

For the past three years the island of Bougainville, Papua New Guinea, has suffered from civil war, military campaigns and now a physical blockade. Bougainville is approximately 200 kms long and about 40 kms wide with a population of 160,000.

The center of the conflict between the Bougainvilleans and the Papua New Guinea government is the Panguna copper mine. This mine is situated on the land of the *Nasioi* people, a matrilineal clan who pass land from mother to daughter.

The women of Bougainville, whose matrilineal land was taken by the gold and copper mine, grieved their loss, and organised to regain control over their lives.

Mine wastes discharge into Empress Augusta Bay on the west coast, passing down the Jaba River, passing through the land of Nagovisi and Banoni. By 1988, young Bougainvillean men no longer respected their elders. They could work at the mine, treat their pay as a personal possession, drink, gamble and crash their cars. Traditional society was at a breaking point.

The Papua New Guinea government is a major shareholder in the mine, and depends on its profits to finance government activities. Yet the government gave little to the Bougainville islanders, who felt they had become a sacrifice on the altar of national development. When islanders called for compensation, even though the damage from such a huge mine can never be compensated, their demands were treated as blackmail, to be dealt with by the police riot squads and the PNG Defence Force.

Bougainvilleans felt they had been invaded by a foreign country, and rose up.

They drove the PNG army and riot squads out, and proclaimed independence in May 1990. The PNG government then announced a blockade of the island which has isolated the Bougainvilleans from the surrounding world.

In January 1991 the so-called Honiara Declaration was agreed upon. This agreement was meant to establish a multinational supervisory team, to end what is now a 12 month long blockade of the island, and to restore badly needed services. Both the Bougainville Revolutionary Army and the PNG Defence Forces were to "restrain from the use of weapons and arms."

### Military Intervention

Then, on Saturday the 13th of April, 300 Papua New Guinea Defence Force Troops landed on the island in an attack which was a surprise to both the Bougainvilleans and, it seemed, to the PNG cabinet. A PNG patrol boat bombarded the Bougainville Revolutionary Army camp at Kobaun and also destroyed a bridge about 16 kms from Arawa. The destruction of the bridge effectively cut the island in half.

The result is a military stalemate. More than ever Bougainville is split in two, partly under PNG Defence Force control, the other greater part in the hands of Bougainvilleans. This suggests a lengthy impasse, neither side being able to decisively win or lose in a direct confrontation. In the middle is the civilian population, often disenchanted with the hardliners and gunmen on both sides. It is the civilian population of 160,000 which continues to suffer, as normal services have nowhere been restored, not even on Buka, which

has now been under PNG Defence Force control since September 1990.

In the short term, it is precarious political balance in Port Moresby which stays the hand of those who see Bougainvilleans as culpable, and meriting punishment rather than a careful effort to re-establish trust and common ground.

However, there is no guarantee that the present restraint will persist. There is much talk in the national capital, Port Moresby, of using Gurkhas, not only to train the new National Guard now being formed, but in greater numbers to augment the firepower of the PNG Defence Force, to forcibly restore the rebellious island to the government.

Despite this danger, efforts to implement the Honiara Declaration continue, in the face of the chronic unwillingness of the PNG government to agree on a single approach and then stick to it. Implementation of the Accord continues to be hampered at every turn, by obstructing in PNG, and vacillation abroad.

The greatest danger is that Deputy Prime Minister Ted Diro may unleash a fresh assault on the island, in hope of being able to depict himself as saviour of national unity, at a time when his past is now about to be judged by a Leadership Tribunal set up to hear a long list of charges against him, under the Constitutional clauses which define the responsibilities of leaders.

Ted Diro, despite the charges, is still entitled to call himself Deputy Prime Minister, although he has been relieved of responsibility for any ministry. Mr Diro has long spearheaded the warrior approach to the conduct of nationbuilding, and has been among those who saw the



Bougainville islanders' attempt to get their problems addressed as criminal, to be dealt with by force. His power is little diminished by the convening of the Leadership Tribunal.

#### Civil War?

There are many political leaders in PNG who share that assumption that the demands of the Bougainvilleans are illegitimate. Opposition Leader Paias Wingti said the government's main failing over Bougainville is that troops were not used earlier. In the PNG government, Provincial Affairs Minister Fr John Momis, himself a Bougainvillean, is often a lone voice pleading for political rather than military means of managing the ongoing crisis.

Thus the country remains poised on the threshold of civil war, with the military scenarios suggesting a lengthy and inconclusive conflict, such as occurs increasingly all over the world, wherever ethnicity is a major factor in political life. The greatest challenge to PNG's nation building persists, with little sign of solutions other than to blame the islanders.

The chronic divisions within the PNG cabinet have not been conducive to policy initiatives. More energy has been expended on undermining existing policy, which favours rehabilitation and reconstruction, than on coming up with fresh approaches. Even the few ministers who had been actively involved in promoting a political solution, such as Foreign Minister Sir Michael Somare and Justice Minister Bernard Narokobi, have withdrawn in impatient frustration from any further involvement in promoting dialogue.

#### Keepers of the Peace

The major failure was the PNG's government's inability to live up to its undertaking to establish a peacekeeping force, defined in the text of the Honiara Declaration of 23 January 1991 as a Multinational

Supervisory Team (MST). The MST failed to materialise for several reasons. Firstly, the very idea of an MST was a major concession offered to the Bougainvilleans by the PNG to the Honiara talks, and was never endorsed with any enthusiasm by PNG ministers who continue to see state violence as the answer. As a result, PNG's negotiations with other countries to set up the MST were slow and inconclusive. Secondly, Australia was to have been a key nation in such a peacekeeping force, and after much indecision, the Australian government turned down such an active role, deciding instead that it might be prepared to oversee an already created peace, but it was not willing to actively create peace. Australia's diplomats at the United Nations are urging that Australia take a higher profile in providing peacekeeping contingents, but in Canberra there remains a lingering hope that, to paraphrase Australia's Foreign Minister, the disease of secessionism can be prevented from succeeding.

Thirdly, the MST foundered on ambivalence within Bougainville as to whether Australian troops would be welcome, given the acute awareness on the island that the gold and copper mine at the root of the problem is Australian, and that Australian assistance to PNG's armed forces, both weapons and training, has dramatically escalated to over \$50 million year, as a direct result of the Bougainville crisis.

#### "Revolutionaries" agree to ceasefire

In early May, signs that a peacekeeping force may yet be possible, were made public during a visit to Australia by Nigeria's Chief Anyaoku, the Secretary-General of the Commonwealth. There is still a possibility of a fresh initiative to create this key instrument of the Honiara Declaration, but Chief Antaoku also made it clear that his way of working is by consensus, so any objections by PNG will put an end to these cautious explorations.

The price of the failure to involve other countries in providing peacekeepers is that there is now no-one to whom any Bougainvilleans could surrender, were they minded to do so. There is no mechanism by which Bougainvilleans could make tangible any commitment to a peaceable outcome.

Despite all these discouragements, the

Honiara Declaration is still working. Hardliners on both sides have denounced it, then repudiated it on the grounds that the other side had already done so. Yet Fr Momis, against all odds, has kept the peace process alive by extracting from Bougainvilleans whose commitment to peace was most questionable, unequivocal statements of preparedness to compromise, to announce a ceasefire, and a fresh willingness to work towards the restoration of services.

This is remarkable, given the frequency with which PNG and Bougainvilleans leaders were quoted as saying the Honiara Declaration is dead, and the consequent slowness in bringing in supplies to relieve the agonies of the islanders.

The absence of relief is so acute that most Bougainvilleans are no better off, four months after the end of the official blockade, than during it. There is now little doubt that the death toll was and is high. This was inevitable, as the Bougainvilleans had not readied themselves for a complete break with PNG, declaring their independence on 17 May 1990, only after war and PNG's announcement of a blockade. The effects of this continuing blockade are attested on all sides. PNG's Defence Minister, Benais Sabumei said there were at least five unnecessary deaths a week just in the northern end of the island, a figure which suggests island-wide an increase of thousands above the natural death rate.

Fact finding missions have become frequent, but with a singular lack of action to relieve the sufferings they have documented. The Red Cross sent a doctor into Bougainville in February, but there is as yet no active Red Cross presence on Bougainville. A mission comprising representatives of Australian aid agencies, under the auspices of the Australian Council for Overseas Aid (ACFOA) spent time on Bougainville in late March, but this led only to a further fact-finding mission in early May. There is as yet no certainty as to whether their findings will be available publicly, or treated as the property of the Australian authorities who paid their fares.

Behind the scenes, these agencies have been reliant on Australian official assistance to finance any relief program, but decision making in Canberra continues to be paralysed by the fear of doing anything

which might be unacceptable to elements within the PNG government. The greatest fear in Canberra is that nothing should be done which might in the remotest way be constructable as implying any sort of recognition of the Bougainvilleans in control of Bougainville.

This has placed a series of fresh obstacles in the way of international assistance, which will not be officially approved unless the relief plan can be shown to have the agreement of the entire PNG government, be evenhandedly delivered to those parts of the island under PNG military control and to those under Bougainvillean control, yet without involving the Bougainville Revolutionary Army in any way in the distribution of medicines. The net effect is that relief efforts are stymied, and the Australian government pays no heed to the pleas of aid agencies for urgent emergency relief. The latest stance of the Australian government is that any emergency assistance must be delivered to both sides. It must assist the PNG Defence Force plan to demonstrate its goodwill towards the civilian Bougainvilleans in those areas under military control, by helping restore a hospital in an area under military control. Aid may be available to the suffering bulk of the Bougainvillean population as well, but only if it can be shown to be delivered to informal community groups rather than to the BRA. The stipulation that aid be delivered evenhandedly to both sides may prove impossible in practice, and serve only to further delay action.

These political hurdles are crippling the relief effort. The humanity of dying Bougainvilleans has become lost behind the political exigencies of Australia's geostrategic policy. So acute is the Australian fear of being seen in any way to countenance secession that the Health Minister of the Solomon Islands has had much difficulty in obtaining a sympathetic hearing for his plea for assistance in financing his hospital in Gizo, because some of the patients are ill Bougainvilleans, who have crossed an invisible international boundary to seek urgent treatment. Gizo, in the Western province of Solomon Islands, is 150 kilometers from Bougainville.

#### Bougainville, Bangladesh and the Kurds

Australia's unwillingness to respond humanely contrasts with recent responses to

the natural disaster in Bangladesh and the human disaster of the Kurds. It has so far prevented any Australian assessment of the humanitarian needs of the islanders, and an official denial that the island is in fact a disaster area. After several months of inconclusive talk, the best prospect is that, while there is to be no direct Australian response to official PNG requests for Australian assistance, the Australian government may assist Red Cross and other non government aid agencies with, at most, \$350,000 by the end of June, with further \$250,000 in the 1991/92 financial year. Even if this entire sum does materialise, it falls far short of the needs of an island described by Australian Catholic Relief as appearing like the post-nuclear ruin depicted in the Mad Max movies.

#### Military muscle flexing

A major consequence of the prolongation of the Bougainville crisis is the enhanced position of the military in PNG politics. PNG Defence Minister Benais Sabumei, in presenting his department's annual report to the PNG parliament in early May commented that: "I must say the Bougainville crisis was a blessing in disguise for the PNGDF where we have recognized our weaknesses and areas we should improve on." The Australian Government concurs fully in wishing to strengthen the capacities of both the PNG Defence Force and police to be more effective in combatting internal insurrections by PNG citizens. Spending by Australia under the Defence Cooperation Program has escalated from \$19 million a year only two years ago to over \$50 million a year, almost entirely due to the disguised blessings of Bougainville.

The ongoing repercussions of the Bougainville crisis also showed in the increased leverage PNG can now exercise in its determination to be rid of tiresome Australian restrictions on the end uses of weapons systems supplied by Australia. Australia's Defence Minister, Senator Robert Ray, is in a vice. On one hand, he wants to boost the capacities of the PNG Defence Force, which was so unable to exert military control over the Bougainvilleans, who in 1989 and 1990 united against what they felt to be a foreign invasion. Australia also wants to maintain the traditional Australian preponderance of supply to PNG, yet tell the

world that everyone is welcome to sell weapons to PNG. At the same time, Australian exports are constrained by the regulations, enshrined in the Custom Act, which limit the use of Australian weapons. It was these regulations which continue to cause embarrassment, whenever Australian media bring up the use of Australian helicopters as gunships to indiscriminately fire at Bougainvillean villagers at the height of the fighting which Amnesty International later criticised.

In order to avoid future embarrassment, and in order to be able to compete as a weapons supplier, at a time when PNG, flush with revenues from new gold mines, is about to turn to the US, Spain, France and Indonesia for military hardware, Australia would rather drop its conditions. This is what Defence Minister Robert Ray was reported as having done, while in Port Moresby in early May. Then, on his return to Canberra, he announced that for major items the conditions will remain. The major items he instanced were helicopters and field guns. It is not clear what else is covered. This retraction caused considerable annoyance in PNG. Once again, PNG leaders felt Australia treats its former colony as if it were still a child.

Australia has invested a half billion dollars in PNG defence since Independence in 1975, and many military observers express disquiet as to whether the investment has achieved the desired returns. So far the answer appears to be to escalate the spending even further, as it remains a major premise of Australia's defence strategy that any threat to Australia can only come through - not from - PNG or Indonesia. It is this assumption which stiffens Australian resolve to ensure, at all costs, that PNG remains a single nation.

The growing confidence within the PNG military that it can run its own agenda, whether it has the full backing of the PNG cabinet or not, was dramatically shown when, in mid April, in the midst of implementation of the Honiara Declaration, a military landing party blew up the key bridge at Manatai, in central Bougainville. This action, which drew no remonstrance from abroad, effectively cut the road linking the main port and town of Bougainville to the large populations in the north, thus depriving them of the medical supplies coming into port in limited amounts.

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At the same time, 300 soldiers advanced the PNG Defence Force line of control beyond Buka, in northern Bougainville, by taking the major coconut plantations at Soraken and Bonis.

As has happened before, these adventures occurred while Prime Minister Namaliu was out of the country. On his return from China he retroactively sanctioned these renewed assertions of military power. Observers in Port Moresby suggest he had little option, so close to a parliamentary session and another test of his majority. The capture of a foothold on the main island had long been planned, as the first step in Operation Bung Wan Taim (union). However, further implementation is on hold, pending the outcome of parliamentary numbers counting.

Bougainvillean readiness to continue dealing with PNG has not been impaired. In early May, Provincial Affairs Minister FR John Momis was able to announce in some detail his negotiations with traditional chiefs and BRA commanders, all pledging their support for implementing the peace agreement signed in Honiara. In the past few months, doubt as to the readiness of the BRA to abide by the Honiara Declaration has been the main reason given in Port Moresby and Canberra to do little to implement the Declaration. Now there is to be a fresh round of negotiations in July, which may start dealing with the primary issue, the status of the island in relation to PNG.

The landing of the troops was justified on the grounds that it was requested by the traditional chiefs of the area. No evidence of such a desire was presented, and a fortnight later, Fr Momis pointedly produced a petition signed by people in the same area, saying they feared a return of the PNG Defence Force.

The same justification was given for the military seizure of Buka in September 1990, only a month after PNG and Bougainvilleans had negotiated the Endeavour Accord aboard a New Zealand warship. It has become a feature of PNG politics that, on all sides, military or political action is justified by referring to traditional chiefs, although PNG's democratic constitution accords no status to the traditional role of chiefs or village big men.

Those who have been accorded official standing did denounce the military landing. Fr Momis, the PNG minister in charge

of implementation of the Honiara Declaration declared it illegal. Patrick Itta, a senior member of the Task Force established by the Honiara Declaration to actually arrange the delivery of services to Bougainville, issued a public statement accusing the PNG government of breaching the Honiara Declaration.

PNG's chronic vacillation, between negotiation and further military operations, is now endemic. In effect, a twin track policy is in effect, pursuing both negotiation and military control, each undermining the effectiveness of the other.

The result is an everpresent danger of chronic civil war, which neither side could win or lose. The losers would be the civilians in the middle.

**Bougainville Information Service** distributes this regular comprehensive coverage of Bougainville to 800 governments, aid agencies, churches, human rights organizations, ecology groups, researchers and individuals around the world. BIS is supported by churches, aid agencies and philanthropic foundations. Your support is welcome. BIS has functioned since May 1990, and its first annual report is available on request.

BIS does not support secession, or any other solution, other than to ask that solutions be in the hands of the peoples affected. BIS is open to the views of all Bougainvilleans, and welcomes contributions.

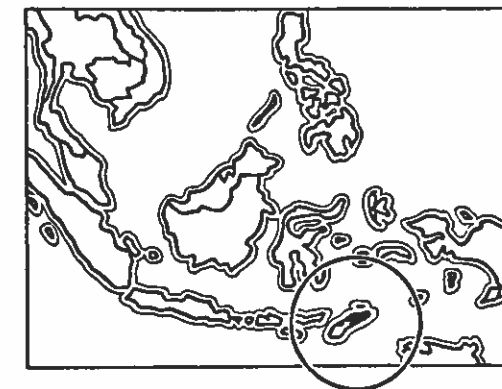
Source: *Bougainville Information Service; Pacific News Bulletin* □

## INDIGENOUS WOMEN ON THE MOVE

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\$ 10,00

# East Timor: Back in The News again



*East Timor, South East Asia*

After 16 long years, the spotlight is back on East Timor once again. UN Secretary General Mr. Perez de Cuellar, recently announced that the UN still stands by the resolution No 1515, passed by the UN Security Council in 1975. The resolution calls, "on all states to respect the territorial integrity of East Timor as well as the inalienable right of its people for self-determination". According to Mr. Van Gysel, who met the UN Secretary General recently, Mr. de Cuellar will devote much of his time in the coming months to East Timor.

Mr. Gysel led an international delegation of parliamentarians and submitted a memorandum demanding that the UN sit down at the negotiating table with Indonesia and the resistance leaders to resolve the issue of East Timor.

### The Kuwait Factor

The current interest of the UN on East Timor is reportedly due to the role the UN (was forced) played during the recent crisis in Kuwait. East Timor's annexation by Indonesia in 1975 is "a carbon copy of the Kuwait case." The UN has so far maintained a low profile on the issue. In 1982, the UN general Assembly voted 50 votes to 46 to ask the Secretary General to, "initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem".

The other lesser known fact is that of oil in the Timor Sea. In December, 1989, (in violation of international laws) Australia signed a treaty (The Timor Gap Treaty) with Indonesia for the joint exploration of oil and gas deposits in the 60,000 square miles of sea bed stretch of sea between Australia and East Timor. It is estimated that the area contains one of the world's

largest deposits of oil.

Australia has been conscious of the huge oil reserves off East Timor for quite some time now and had initiated talks with the Portuguese government in 1972. In 1976 Australia began negotiations with Indonesia to establish the sea boundary and two years later Australia gave 'de jure' recognition to Indonesia's invasion of East Timor, as the preliminary to finalising the sea bed accord for exploiting the off-shore oil. The Timor Gap Treaty violates international law as Portugal is technically the administrative power in the eyes of the United Nations.

The Portuguese Ambassador in Canberra said that his government has asked the International Court to accept "the rights of the East Timorese people to self-determination, the integrity and unity of its territory ... and its permanent sovereignty over natural resources and wealth". The Ambassador also announced Portuguese right to take action against Australia as the administrative power of the territory.

### Popular Resistance in East Timor

Apart from oil and that UN officially stands by the demands of the East Timorese for independence, the fact that popular resistance within the island continues to spread, despite the relentless army operations in the last 15 years to crush resistance also contributes to the mounting pressure on the UN to intervene in the issue.

East Timor became independent on 28 November, 1975 after a brief civil war following the withdrawal of Portugal as the colonial power. A government led by the Revolutionary Front for an Independent East Timor (FRETILIN) came to power, but soon Indonesia invaded and

occupied East Timor. For the last 16 years since the invasion of East Timor in December, 1975, East Timor is a province of Indonesia occupied and ruled by the military.

In the resistance struggle against this forced occupation, the army has launched a series of assaults that have resulted in the death of more than 200,000 Timorese people. An Annihilation Campaign from September 1977 to March 1979 killing thousands of innocent people, destroying Maubere agricultural systems and causing widespread food shortages, acute famine and disease. In 1986 an operation called 'Operas Kikis' (Operation Extinction) was launched. The main objective of this operation was to carry out reprisals on innocent civilians following attacks by resistance forces. Indonesian territorial army has a presence of 10,000 to 15,000 in the area, but during operations like in 1988, the strength increases to as many as 25,000 combat troops to carry out uninterrupted operations. Since March 1990, the presence of army is reported to be nearly 40,000 Indonesian troops and 6000 local conscripts.

This combined with the transmigration programme which proposes to shift five million Javanese people to settle in the island, virtually means the annihilation of the Maubere people and their culture. In the words of the General Benny Murdani, the Indonesian Minister for Defense, "There is no such thing as a Timorese Patriot, there is only an Indonesian patriot. There is no such thing as an East Timorese nation, there is only an Indonesian nation."

The resistance movement led by the Revolutionary Front for an Independent East Timor (FRETILIN) is still alive. In the last few years the resistance which was





East Timorese village at the foot at a wooded hillside. Photo: Elaine Briere

confined to the mountains has surfaced again in the towns as well.

Last year young people took advantage of an open air mass in Dili to voice their rejection of Indonesian rule. Slogans like 'Long Live East Timor and Long Live Xanana' were raised openly. Reporters present at the site say that more than five thousand people participated in these protests.

Early last year students took advantage of a visit by the UN Ambassador to demonstrate openly and appeal for independence. Such activities, which were rare occurrences in the past shows that people are willing to risk police detention and torture to voice their anger. This goes a long way in indicating the ground swell of popular feelings against the annexation by Indonesia.

Even in the mountains important changes have taken place within the FRETILIN. In 1981, at its first Congress FRETILIN declared itself as a Marxist-Leninist Party, but in the second Congress this was reversed and favoring the FRETILIN as a broad-based mass front

and finally in 1986 led to the convergence of FRETILIN and the more conservative 'Uniao Democratica Timorese (UDT)'. In addition 'Maubermism', became the official philosophy of the FRETILIN which was adopted as a part of its programme on education, health and self-defense. In 1989, the National Council for Maubere Resistance (CRNN) was formed with broad national membership and the FALINTIL was transformed into a national army.

Xanana Gusmao, one of the most enduring resistance leaders of the East Timorese resistance, has been active for the last 16 years in the liberation struggle, since he joined FRETILIN in 1964. He is one of the two surviving members of the old central committee and has single handedly charted the course of the struggle for the last few years from his mountain hide-out.

In a recent interview, (by an Australian journalist who was smuggled into the mountains to meet with Xanana) he appealed to the Indonesian President Suharto, "to initiate a cease-fire and talk

about settlement without preconditions under the UN auspices". He conceded that his forces were out-gunned and outnumbered by the government forces and that a military victory is out of the question, but appeared to be keen on opening up new fronts by promoting political struggle away from the interior.

But in the final analysis, it is oil off the Timor coast that seems to be the crucial factor in the emerging political scenario in East Timor. According to Noam Chomsky the background to the tragedy of East Timor lies in the post war planning of the world economy by the USA. In 1975, it was resolved in such a way as to enable the region to fulfill its major function as a source of raw materials and a market for Japan and Western Europe. Much more than the issue of physical, cultural and moral extermination of small peoples, and their right to self-determination, the politics of vital resources like oil will play their role in the future of East Timor.

Sources: Reports appearing in PNB and Tapol. □

# Indigenous Expulsions in the Highlands of Chiapas

By Oliver Tickell



Chiapas, Mexico

It is Christmas day in Mitontic, an Indian village in the highlands of Chiapas, Mexico. No mass is celebrated, as only one practising catholic is allowed in the church at a time. But this year, another festivity has been arranged. Nine women from the outlying parishes of Alamul and Canaluntic are led out into the main square, where they are forced to kneel down and raise their huipils, embroidered blouses, to bare their backs.

A man violently beats the womens' naked backs with a 3ft long leather whip made from a bull's penis, slit into seperate strands woven with wire. Another man takes over while the first, exhausted, kicks a woman who called out for mercy. There is no one to help the women – their husbands are away working in the coffee plantations of the Sierra Madre Sur or the sugar estates of the tropical lowlands, and two of the women are widows. Next, two men are kicked and beaten all over their bodies. Then their heads are shaved.

The final step is one that has been re-

peated many times in the highlands of Chiapas. The eleven people and their children are run out of town, followed by a violent rabble. Their homes, fields, supplies of food, belongings and livestock are all abandoned; but they feel lucky to escape with their lives. They know of two men, Vincente Mendez Mendez and Augustin Velasco Hernandez, who disappeared – or, to use the chilling Latin American phrase, were disappeared -after imprisonment in the municipal jail 1988 and 1989.

In search of justice the victims of this violent and humiliating attack go to Armando Montoya Camaras, the Director of the Coordination of Indigenous Affairs (CAI) in San Cristobal. This is the official state government body responsible for the 67 indigenous municipalities of Chiapas. Camaras sends them to the agent of the justice department attached to CAI, who is too busy to see them. Could they come back the week after next?

Chiapas, an area roughly the size of Costa

Rica, is a geopolitical anomaly. During the colonial era it was part of the province of Guatemala, but was taken over by Mexico following independence. Although still part of Mexico – the poorest and least developed part – it remains an extension of Guatemala. The geography, climate and people form a continuum that the frontier does little to disguise. And the similarity goes further: the exploitative economic structures, the poverty, the violence and human rights abuses of its southern neighbour also find a home in Chiapas, Mexico's own little Central America.

There was no gold in Chiapas to excite the Spanish conquistadors. The riches of the region lay in the land and in the Indian labour required to work it, something which remains largely true today. The appalling exploitation of the early years was denounced to the Spanish Crown by Fray Bartolome de las Casas, but with little immediate result. Yet de las Casas is fondly remembered in the name of the city at the centre of the Chiapas highlands, San Cristobal de las Casas. He is also commemorated in the Bartolome de las Casas Centre for Human Rights, which runs a small office in the Bishopric of San Cristobal.

Martin de la Cruz Lopez Mova, who works at the centre, estimates the number of expelled at 15,000 since the problem started in 1974. Apparently, the expulsions are carried out for Religious reasons – evangelical Indians are a popular target. But as he explained, "although the pretext for expulsion is usually a change of religion or the refusal of a religious cargo, the real reasons have far more to do with money and politics".

The expulsions began in Chamula, a municipality just outside San Cristobal, with clearly political motives. In 1973, the official candidate – that of the PRI, the Party of Institutional Revolution, which has had an unbroken run of power in Mexico for over 70 years – met with a resounding defeat in Chamula's municipal elections. In the election, which took place by acclamation rather than ballot, PAN (Partida de Acción Nacional) candidate Domingo Diaz Lopez won by an estimated 3000 votes to 900.

According to a witness of the event, "One of the CAI's jobs is to make sure the indigenous vote stays with the PRI. So they sent in two strong men, Pablo



Ramirez and Angel Robles, to install the PRI candidate, Augustin Lopez Hernandez. Robles, supported by state police, was threatening anyone who objected with a pistol".

"Then five busses full of students from Tuxtla (the state capital) arrived to install the winner, and occupied the municipal buildings; but Robles and the police kicked them out. The priest escaped in his pickup truck with Lopez in the back. Both the rear tyres were hit by bullets, but the priest just carried on driving and managed to get away".

"The expulsions began in November 1974, Hernandez ordered everyone in Chamula to come to San Juan, saying that a conspiracy of evangelicals and PAN supporters wanted to burn down the church of San Juan and take over the government. That day, 2,000 people were expelled from 72 parishes, and 250 or 300 people were put in jail for 3 days, in indescribable conditions. They were packed in together with room only to stand up, without toilets, and many of them had been wounded by guards and soldiers. Afterwards, they had to find new places to live. Some of the expulsees were evangelicals, but mostly they were political opponents; others were just people the caciques (local bosses) had a grudge against."

The effectiveness of 14 years of expulsions in controlling political dissent may be seen in the elections of 7 July 1988. Out of a registered electorate of 13,050, 12,315 voted in a 94% turnout - even though the road to Chamula was blocked by rocks and municipal police threatening anyone who tried to enter with instant arrest. Even more extraordinary was the result: every single vote had been cast for PRI, at each of the four levels of government under contest.

The election had followed unseemly wrangles between the Chamula authorities and the State Governor, who had been pressuring them to stop the expulsions. In a letter to the Governor, printed in the San Cristobal newspaper *El Tiempo*, the Chamula president Mariano Lopez Lopez stated, "if the government does not help us in this matter and suspend all accusations regarding the expulsions, no votes will be cast in Chamula". All proceedings were dropped.

Many expulsions are still overtly political, for example in Zinacantan, where the

Party of Democratic Revolution (PRD) has established a small power base. The authorities take the view that all PRD supporters are evangelicals bent on the destruction of their way of life. One of their victims, PRD leader Mariano Perez Perez was forced to leave after accusations of evangelism and a campaign of harassment in which his water was cut off and the path to his home repeatedly blocked. More recently a PRD meeting was broken up at gunpoint for being evangelical, and the leaders were jailed.

Protestant evangelism, which has been winning thousands of converts in Chiapas, is a real threat to Indian culture. But it is significant that evangelism made little impact in Chamula until after the 1973 election. Abstention from alcohol became a means of protest and a way of getting back at the caciques, who controlled the highly profitable trade in posh, a crude form of distilled cane alcohol. The evangelical churches successfully identified themselves with the abstention movement and provided an ideology to accompany it.

The copious use of alcohol is a fundamental part of the traditional Chamula way of life, or so at any rate the caciques maintain. According to Chamula President Santos Jimenez, "the people do not want any restriction on the sale of posh, because this would undermine our traditions". In fact, the real traditional drink of the Chiapas highlands is the now unobtainable chicha, a nutritious, yeasty broth brewed from maize. But the use of posh is compulsory in most religious rituals, and at fiesta time consumption is prodigious with hundreds of people stumbling around drunk for days on end.

The posh trade generates sizable incomes for the caciques who dominate it, and who exploit the debts acquired by drinking for further profit. The other side of the coin is the alcoholism, domestic violence, malnutrition, landlessness, forced labour and chronic underdevelopment that afflicts most indigenous communities.

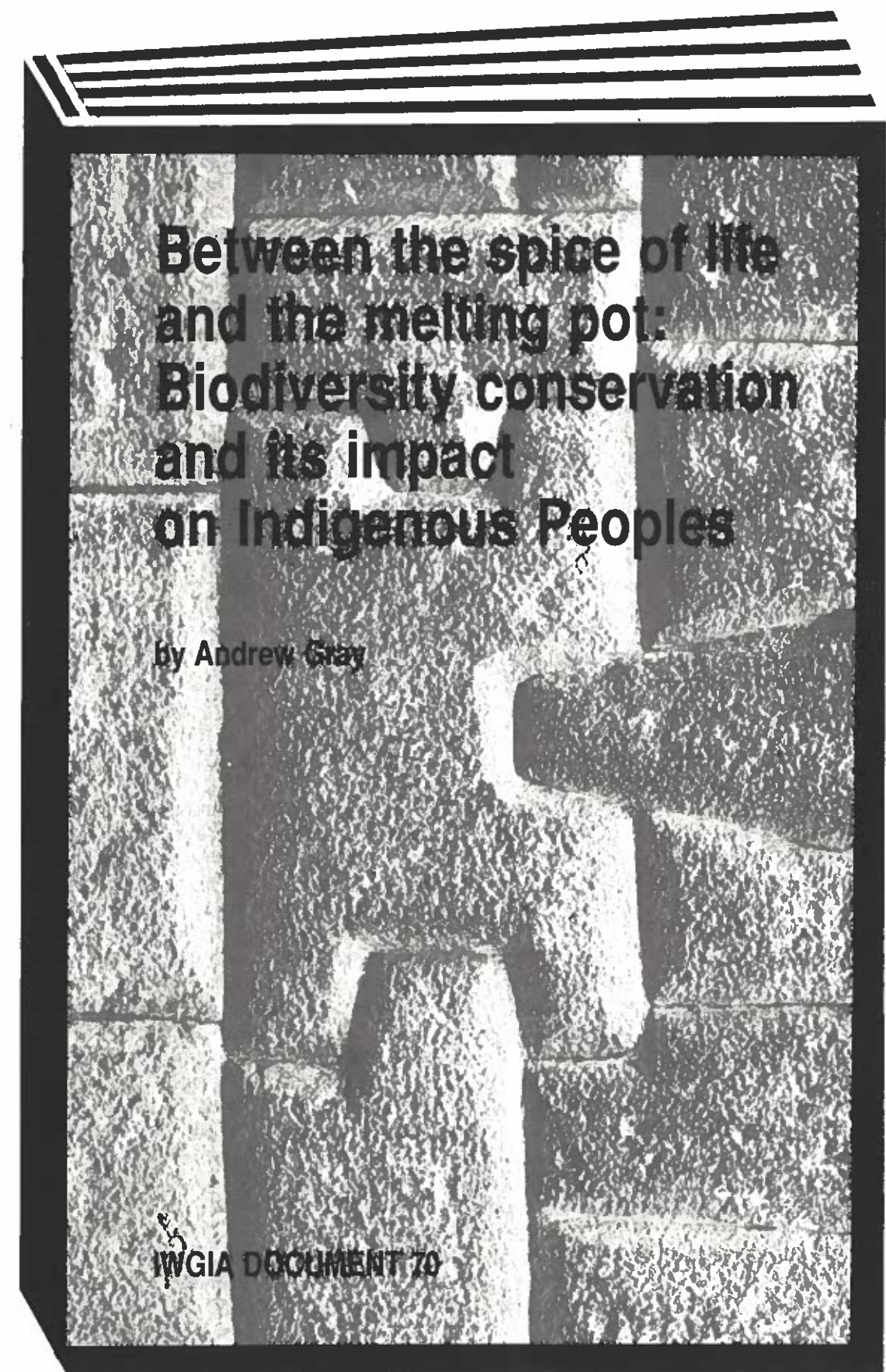
Many evangelicals are certain that their opposition to alcohol is the most important reason that the caciques do not tolerate them. "If we don't drink", one man explained, "other people see that we are happier and better off. We want to spend our money on our families and communities, but the caciques want it all for themselves".

Or as an expelled Presbyterian told me, "when we believe in the word of God we do not drink. They won't tolerate this - they say it destroys their traditions. If you fall ill, the healers in the church demand candles, 3 or 4 chickens to heal you, and posh, beer, and money as well. Sometimes they might cure you, but rarely. Mostly they don't cure you at all. But the authorities, the caciques, sell all these things and hold a monopoly. Once you have heard the word of God, you don't buy them any more, so they expel you".

Catholics often fare little better than evangelical christians. While most of the expelled are accused of "failure to profess the catholic religion", others are expelled precisely for professing the catholic religion. The 11 people beaten in Mitontic on Christmas day are a case in point., although catholicism is the official religion there. As a padre explained to me, "our work in the diocese is to open people's eyes to the exploitation they are suffering, and give them control over their own destiny - the last thing the caciques want. It makes the catholic church in San Cristobal highly political; this is why it is suffering so much repression."

Chamula is a religious oddity. Following the unfulfilled demands of catholic bishop Samuel Ruiz Garcia that the Chamulas stop the expulsions, the priest was recalled from Chamula in 1987, leaving no one to perform vital rituals and sacraments. The Chamulas resolved the crisis by finding an alternative priest, Augustin Garcia, the self-styled "orthodox" bishop of Chiapas. The Greek Orthodox Church of Mexico City claims no knowledge of Garcia - himself a victim of expulsion - from a catholic seminary school. But he was good enough for the Chamulas, who officially converted to his Church.

This was the ideal solution: Garcia came once a month to perform rituals, without subjecting his audience to unwelcome moralizing sermons, and without interfering in their rather peculiar religious practices. But things are less rosy for the true catholics, like 60 year old Manuel Ruiz Collazo from Chilinjoeltic in the eastern part of Chamula. "I am a traditional catholic," he told me, "once I even took on a religious cargo, as Martoma for the fiesta of the Virgin of Guadalupe. But now there is no mass at San Juan, and they do not teach the word of God. Also, it is a long



IWGIA document no. 70, US\$ 7.50



way to go, over an hour by car, and expensive. So why should I go there? I go to church nearby at Las Piedrecitas or at La Caridad in San Cristobal."

"They came to my house at 3 am on 27 November and took me to the municipal building at San Juan Chamula. I was taken before the President, who made me drink two cups of posh to show I was not evangelical. He accused me of reading the Bible, and said, 'you will be expelled, like everyone who professes religion'. Then I was jailed for three days, with my family."

"They gave us until 15 January to leave saying that if we had not gone, they would destroy our house. But I have lived here all my life. I'm not going to leave - there is no other land or house to go to. And why should we? What crime have I committed, am I a murderer or a thief? My only crime is that I have heard the word of God. And what of my family, my wife, sons and daughters - it is their house too. So we shall stay here."

The expulsion order was in clear breach of the law and Constitution. The State Governor, Patrocinio Garrido, had announced on 23 October that no more expulsions would be tolerated. And the CAI Director had said on 14 August that "the government will not permit any more expulsions for whatever reason. We will not continue with dialogue and reconciliation, but if the expulsors persist the competent authorities will apply the full force of law". I went to the CAI offices in San Cristobal to find out what action they proposed taking about Colazzo and his family.

The slightly nervous Enrique Manzur of CAI's Defensoria de Etnias explained to me, "the government of Chiapas does not permit expulsions: the process of expulsion is illegal. In the case of expulsion our job is to conciliate so that their return is permitted... No, there is no maximum time for this conciliation to take effect. It make take a few days, or it could be more".

"About the case of 27 Dec. in Chamula, we must pursue the process of conciliation to see the truth of the matter. If the paper is as you describe, citing religious reasons for expulsion, it is completely illegal. If the expulsion proceeds with municipal police this is a crime and a legal process will take place...No, there is no question that the state police will protect anyone. Before this, the case must be investigated. Before the state can act the case must be legally

proven. If the case is proved, it is up to the Department of Justice to follow up and assess the damages and remedies."

"No, we don't know how many people have been expelled - there are no official data... And no, we have kept no figures of the number of expulsees returning after conciliation: it is difficult to approximate as we have no official data. But I think the cases are very few".

Later, another man joined us: "It is a question of human rights", he said. "We will use the full force of the law to resolve this problem. We have nothing to hide. We are pleased that people are interested in these things. My name? Never mind my name. We are all together here in CAI".

According to Martin de la Cruz Lopez Moya of the Centre for Human Rights, "the state authorities have shown themselves unable to stop the problem or even reduce it. In spite of the Governor's assertions that the problem has been overcome, the conflict continues to sharpen".

Even given political will in government, religious or political expulsions can be disguised. For example the allocation of religious cargos, offices involving the financial, organizational and spiritual responsibility for a particular saint's fiesta, is one of the caciques' ways of maintaining control. Anyone challenging the caciques economically will be given one cargo after another until they are bankrupted, as happened to one Chamula who tried to set up his own trucking concern in competition with that of the caciques.

Juan Gomez Castellanos, leader of the community of expulsees at Betania explained, "If they think you have accepted the word of God, rather than expelling you they might give you a cargo for a big fiesta, which means spending up to M\$ 6 million (L1.000 with typical daily wages L1 per day). But we just don't have that kind of money. The only way to pay is to spend ten or twenty years working on a finca, (one of the huge plantations that dominate the Chiapas economy) for between M\$37K and M\$45K a month. And all this time to escape from this debt. For many people getting a cargo is the same as being expelled. Only the caciques can call it voluntary".

Or as another man told me, "In Chamula, in November 1989, an evangelical was ordered to build a primary school using his own money. He was expelled for

his failure to carry out an obligation to the community. Another common trick is to plant marijuana on evangelical leaders, then call the police. Three evangelicals are in Cerro Hueco jail in Tuxtla for this reason".

The roots of the power of the caciques in the indigenous municipalities of Chiapas dates back to the 1930's and the indigenist policies of President Lazaro Cardenas. As a way of promoting development in Chamula, he trained a group of young Chamulas in the Spanish language and basic administrative skills. They became "promotores", agents of reform and development, and the official link between their communities and the state and federal governments. In 1938 the government announced that it would only deal with bilingual Municipal Presidents, strengthening further the promotores' hand.

The promotores gradually came to dominate Chamula's administration, and developed numerous commercial opportunities. It was not long before people like Salvador Lopez Castellanos, now in his eighties, came to hold a monopoly on transport, alcohol and soft drinks, and lend out their surplus money at interest rates of 10% a month. But their remained another level of authority with which they had yet to come to terms.

The traditional way to prestige and authority in Chamula and other Indian communities is through the performance of religious cargos. Consequently, the newcomers were seen to have usurped their positions and aroused resentment among the traditional elders. But this conflict was resolved when the promotores themselves began to take on religious cargos, using profits from their business activities. As the elders died, they replaced them, and came to dominate both official and traditional authority. By the mid-1950's, the process was complete. A new generation of government-trained bilingual caciques had a firm grip on power in Chamula, and beyond.

For example, they established and controlled the Union of Peasant Workers (UPW), which replaced the old system of "enganche", whereby Indians from the highlands were recruited by means of force, debt and trickery to work on the fincas. The UPW, which gained 25,000 members between 1937 and 1940, brought

about immediate improvements in work conditions, but soon became a new system of enganche, and a very profitable one for its bosses. All indian labour from the highlands was recruited through the UPW, not only for farms but also for work on the road building and other developments schemes in the highlands. The UPW is known as the union that hasn't bargained for its members' pay or conditions for fifty years.

The policy of imposing trained bilinguals was extended in the 1960's to other indigenous municipalities. The Instituto Nacional Indigenista (INI) had a policy of placing ladino (non-indian) teachers in schools, but they were resisted by the population, frustrating INI's long term objective of creating a single Mexican culture. So they began to train bilingual teachers from the communities. One man told me, "These teachers, trained by the government to have a very different mentality to ordinary people, have taken enormous power and set themselves up as caciques. The use the rallying cry of tradition to maintain their control, like in Mitontic, where the President and other officials are local headmasters."

The religion of Chiapas' Indians bears little resemblance to our version of christianity. The church of San Juan Chamula, the spiritual centre of the Chamula people, is dark and resonant with the murmurings of prayers and incantations, the air thick with incense smoke. Open to tourists for a small fee, it provides a fascinating opportunity to witness rituals of healing and propitiation, performed by the many curanderos - traditional healers - that work there.

Bottles of posh and Pepsi Cola (the Chamula caciques lost the Coca Cola franchise in the 1970's), used as sentimental offerings, litter the pine needle strewn floor, and hundreds of candles are arranged around the healers and before the shrines of saints along the walls. Even when seen close up, the scene is curiously inscrutable, a convincing reminder of the otherness of the Indian universe.

The religion of the Chamulas and other Chiapan Indians, centred around the veneration of saints, fiestas held in their honour, and ancient healing practices, is of vital importance to them. As researcher Robert Wasserstrom put it. "Indian religion is a complex of symbols, customs,

practices and traditions which define their relationship with God, nature and the universe. It supports a historical experience and a daily reality which distinguishes the Indian and defines a unique ethnic identity". But as he adds, "these same symbols can serve as instruments of oppression, as in Chamula".

It is easy to see how religious interference from outsiders leads to defensive reactions. Many evangelicals have scant respect for the Indians' religions. "Their traditional worship of saints are really just a form of paganism in which God and Jesus do not figure", one missionary told me. "It is associated with poverty, misery, drunkenness and ignorance, and often witchcraft. Once they break out of it and learn a true faith they have no desire to go back to it".

The catholic church has a very different approach to its work in the Indian communities. "There is an effort in the diocese to revive the positive aspects of indigenous culture and revalue that culture", the padre explained. "The evangelicals confront traditional religion head on, preaching against idolatry, and undermining the Indians' view of the universe. But our task is first to learn from the Indians, to find out about their beliefs and practices, and to seek out what is positive and emphasize those positive values. For example, this means showing how the saints they venerate embody Christian virtues and provide a model for our own lives, and recognizing the value of their fiestas as a celebration of life in abundance in every aspect, not just spiritual".

In the evangelical communities I visited the people seemed to be delighted to be free of the burden of tradition and obligation - if oppressed by their acute poverty. Yet they spoke Tzotzil, wore traditional clothes, ate beans and tortillas, and remained to all appearances Chamulas, or Zinacantecs, true to their origins. Regardless of the motives of the original missionaries, the converted Indians have now adopted the evangelical religions as their own. As the padre told me, "we can no longer maintain that the Indians of Chiapas are of a single faith. There are thousands who want to step outside the strictures of customs and traditions, and this is a choice they should be free to make".

The importance of religious customs

and traditions - and the fiestas in particular - is most marked in the poorest communities. In Chamula an estimated 30-40% of men have to work outside on the fincas for long periods; in Mitontic, one of the poorest municipalities, it may reach 80-90%. For them the affirmation of identity through religion and fiestas is a necessary antidote to the dehumanizing conditions on the fincas. One man told me, "people are earning \$2 a day for working from dawn till dusk, with just two plates of beans and tortillas to eat. The cattle sheds are in better condition than those for people. One worker I met had been there for 24 years to pay off his debt".

But ironically the observance for these traditions is often precisely what makes life in their communities economically untenable. The huge cost, not only of cargos, but of regular religious observances and the compulsory consumption of alcohol, is a permanent drain on resources. Debts so acquired, accumulating at 10% a month, force them into selling their land - to the caciques of course - and working for long periods on the fincas. All this nicely serves the economic interest of the caciques, of the ladino merchants of San Cristobal, and of the finca owners, who are supplied with cheap Indian labour on their coffee and sugar plantations. Small wonder that the government allows the expulsions that maintain this system to continue, all the more so while it yields its reliable harvest of PRI votes at every election.

"The social structure remains cast in a 16th C model with Indians and ladinos firmly differentiated", Rene Bustamente Villanueva wrote in 1977. "Indians often own just enough land for a living space, ensuring they must labour elsewhere... San Cristobal is a parasitic city, living off the labour of Indians and exploitative commercial interactions". His words are just as apt today. In Guatemala, El Salvador and Honduras, similar social and economic structures are maintained by death squads, military force and occasional massacres, which rightly meet with worldwide condemnation. In Chiapas, the indigenous leaders themselves are implicated, enforcing and profiting from the oppression and exploitation of their own people.

With Mexico's new President Salinas de Gortari there is a mood of reform in the PRI and in the country. The centre for



Human Rights in San Cristobal has denounced the expulsions to the President and to the National Commission for Human Rights; their reaction will show whether or not the PRI's stated desire to reform is any more than a public relations exercise. But meanwhile, the spotlight of international scrutiny can only benefit actual and potential victims.

### Expulsions in Chiapas- Notes

#### The sequence- from 1988

10 Sept, Chamula: Chamula authorities announce decision within 8 days on the 23 expelled families, but make it clear that "They can only return if they change their religion".

10 Sept; 3 families expelled and 32 left "Voluntarily" from Tzequentic, Zinacantan, following the screening of an evangelical film in a private house in Granadilla on 8 Sept. All are jailed for 3 days. Owners of film and projector have to pay \$250K for return of equipment, all present fined \$50K, as well as other suspected evangelicals not present. Granadillans pay up and remain, and agree to accept all religious cargos, while those from Tzequentic leave. Fine approved by CAI.

The 3 expelled families are accused of "Not living in the community" despite receipts from "ejido" 32 "voluntaries" unable to live in peace, in constant fear of raids and harassment.

Meeting held from 7-10 pm; minutes before end, house broken into and 4 people violently arrested; another 40 arrested during the night. One home, also a shop, looted of soft drinks and beer. Mayor says, "detained for failing to obtain permission from the authorities to hold a religious meeting".

2 October: Open warfare breaks out between PRD and PRI in Zinacantan, after PRD meeting threatened in Tzequentic. Municipal agent threatens PRD man with pistol, PRD supporter jailed.

11 October: 88 families expelled from Mitontic plead for intervention of CAI.

14 October: Domingo Lopez Angel (DLA) of Consejo de Representantes

Indigenas de los Altos de Chiapas (CRIACH) denounces expulsion of 6 men, 5 women, 2 children, from Yaaltem, given till 20 October.

18 October: A further 5 women jailed in the school one day and given 3 days to leave. 3 appeared in San Crisobal, but 2 old women disappeared. Of the 3, 2 separated from husbands, still in Yaaltem.

20 October: Yaaltem, Chamula: 18 evangelicals expelled by rural authorities. This followed imprisonment of 13 people on 7 Oct for 9 hours in the school. After release, the women were bothered by a group of men led by cacique Domingo Lopez Perez. Three women had been violated, and one managed to escape her aggressors.

23 October: State Governor announces: "we will tolerate no more expulsions". Same day, Tzequentic authorities refuse the expelled of 10 Sept permission to return, by upholding \$50K fine and other unreasonable conditions. Consejo Indigena upholds right of expulsees to claim belongings and harvest crops, only.

24 October: Mitontic: Man arrested for murder committed in 1971, of woman with whom he had been drinking posh, within weeks of converting to an evangelical religion.

1 Nov: 11 Chamula families expelled for professing Catholicism as opposed to Orthodox, jailed for 2 days. Going to church in San Andres Larrainzar, true Catholic church.

23 Nov: Chamula man arrested for growing marijuana.

4 Dec: AM launches project to translate the human rights provisions of the Constitution into 9 indigenous languages. Jose Perez says, "Government has been evasive in attending to the problems of expulsions in Chiapas".

On 5 January the expelled issued a statement calling on the state government and the Justice Dept. to take energetic measures against those responsible, named as Jorge Lopez Diaz, Victorio Rodriguez, the Municipal Judge, Juan Mendez Velasco,

and the Mayor, Domingo Perez Lopez, and charge them with crimes of violence. The statement read on, "If the CIA does not give us justice, nor the state authorities in Tuxtla, we will then decide what measures to take to return to our lands without fear of being lynched as we nearly were on Christmas day.

On the 28th they arrived at CAI and saw AMC, who sent them to see a doctor. The agent of the Justice Dept. (Ministerio Publico) explained to them that he was very busy - could they return on 7th January?

25 Dec, Chalam, Mitontic: Comisionados arrived at 6am to arrest 9 women and 2 men from Alamul and Canalumtic, and took them to the school saying, "we don't want any catholics or protestants around here". They were jailed in the school for four hours with 23 children. The women were all without the protection of their husbands: 2 of them were widows, and the others' husbands were away working on fincas. They were all then taken to San Miguel Mitontic and kept incarcerated all day long.

Another 5 Presbyterians were arrested in Chib Uc'um, who had earlier returned following their expulsions in 1989. Kept jailed in Canalumtic with Catholics.

At 6 pm they were presented before a "court" of the village authorities and some of the people, which declared them "guilty". The women were forced to kneel down and raise their huipils, baring their backs, and were then beaten violently on the back by several men with a 3 ft long slit and wired leather whip made from a bull's penis. Some were kicked. The men were also beaten, and had their heads shaved. Late at night they were run out of town leaving all their goods behind. Some fled to Tenejapa others to San Cristobal.

27 Dec: Chilimjovecticc, Chamula: Manuel Ruiz Collaro and household of seven jailed for 3 days and 2 nights for being Catholic. Seen to go to church at local catholic church of Las Piedrecitas, and found reading bible.

15 jan: Deadline expires for Manuel Ruiz Collazo and other Chimiljoveltic expulsees. They remain but no action taken.

# ARCTIC ENVIRONMENT INDIGENOUS PERSPECTIVES





The Fray Bartolome de las Casas Centro de Derechos Humanos is at 5 de Febrero No. 6, 29200 San Cristobal de las Casas, Chiapas, Mexico. They are working not only for the rights of the Indian expulsees, but for the many other victims of human rights abuses throughout the state of Chiapas. □

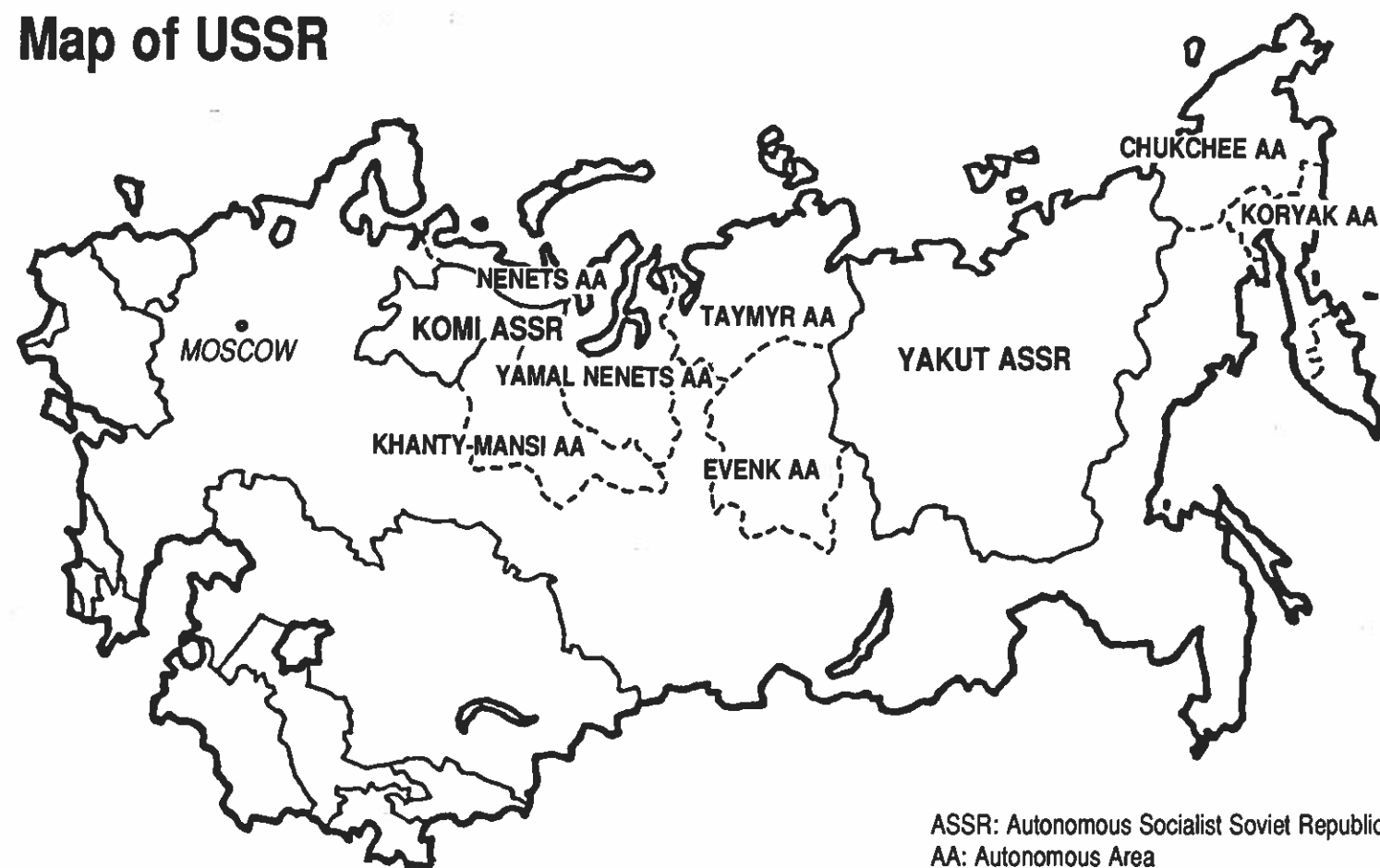
## IWGIA Documents on North America

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



# The Association of Small Peoples of the Northern Soviet Union: Convention of the 26

## Map of USSR



### Introduction

In March, 1990, the Association of 26 Small Peoples of the Soviet North was founded in Moscow (see IWGIA Document 67, 1990: Indigenous People of the Soviet North). This was the first step taken by representatives of Soviet Arctic and Subarctic ethnic minorities to establish a forum, where urgent issues of the difficult position of the Northern Soviet indigenous peoples, preservation of their culture and

language, identity and tradition could be discussed and measures agreed upon to improve economic and social conditions.

An attempt to further the political realization of the efforts of the Association was the passing of a "Convention of the 26 Small Peoples of the Soviet North", defining generally the political aims of the ethnic groups involved. This happened in October 1990, and the political document was later put before the governments of

the USSR and Russia for confirmation. IWGIA Newsletter reprint the document in extenso.

### The Document

We, the representatives of 26 peoples of the northern Soviet Union, meeting in Council on 16 October 1990 in the city of Yakutsk, declare that our peoples are at the moment on the verge of extinction.

The peoples of the north endured the



hardships of colonial policy and emerged optimistic on the shores of resurgence. But their expectations have been cruelly dashed. Our peoples have come up against the reluctance and inability of the State to deal with their problems. Today they are suffering the tragic consequences of the thoughtless industrial conquest of the areas where they live. Vast areas of the historical habitat of the peoples of the north, from the Kola Peninsula to Chukotka, Kamchatka, Sakhalin and the Amur are the major suppliers of raw materials for the country. The billions of tonnes of oil and cubic metres of gas, the hundreds of millions of cubic metres of timber, the thousands of tonnes of gold and other non-ferrous metals and the vast quantities of diamonds and pelts extracted from the ancestral lands of the peoples of the north have brought them no benefit, but have proved to be a genuine misfortune for them. Moreover, these peoples are being mercilessly driven away from their national livelihoods by the pushy immigrant population; by decision of local party and Soviet organs, they have been moved to industrial towns, ocean ports, regional centres and large settlements where they have been subjected to forced social, political and cultural assimilation. Their cultural and linguistic roots and way of life have been left in ruins. In this way the peoples of the north have become outcasts in their own land.

Unless the processes now in motion are reversed, the peoples of the north are threatened with extinction in the near future. Urgent steps are needed to ensure their survival, preservation in modern society and development in a changing world.

The Council of the Association of 26 Small Peoples of the Northern Soviet Union hereby adopts this convention and invites the Supreme Soviet of RSFSR to:

1. Ratify the Indigenous and Tribal Peoples Convention (Geneva, 1989) adopted by the General Conference of the International Labour Organisation, which calls for the preservation of the individuality, culture, customs and traditions of indigenous peoples, and acknowledgement of their ownership of their land and of the special status of the indigenous population while maintaining full equality of rights with other population groups.



Vladimir Sangi, President of the «Association of the Small Peoples of the Soviet North». Photo: Jens Dahl

2. Accord the legal status of States to the Association of the Peoples of the north and regional organizations of peoples not yet having national State entities.
3. To pass an act on "the small peoples of the northern USSR" in accordance with the Act of the USSR "on the free national development of citizens of the USSR living outside their national State entities or having no such entities within the USSR."
4. To incorporate into the new constitution of the RSFSR individual articles reflecting the rights and interests of the peoples of the north as follows:
  - State parks and reservations where traditional uses of nature will enjoy priority shall be established in the areas where the peoples of the north have historically lived;
  - the peoples of the north shall be granted exclusive rights of ownership over their ancestral lands and the continental shelf off their shores, including all biological and other resources and minerals; the land shall be made over for the community/clan and individual use of the peoples of the north; clan councils (Soviets) shall be re-established;

- in order to ensure the representation of all small peoples of the north in Soviets at all levels, there shall be introduced a category of special national electoral constituencies along ethnic lines;
  - to protect the interests of the 26 small peoples of the north at the State level, the areas where these peoples live shall have parliamentary self-government with republican status.
5. To set aside not less than 12 per cent of the annual revenues of enterprises owned and operated by ministries, government departments and other organizations functioning in the far north, areas assimilated thereto, and areas where the peoples of the north have historically lived and carried on their economic activities, in order to build up a fund for the social development of the peoples of the north within the framework of the Association of Small Peoples of the North and regional associations.
  6. The Government of the USSR, the Government of RSFSR, the councils of Peoples Deputies, ministries and government departments of the USSR and RSFSR; enterprises and organizations shall establish, within the framework of the Association of Small Peoples of the Northern Soviet Union, an all-Russia fund for the survival of the peoples of the north.
  7. Exempt the Association of Small Peoples of the Northern Soviet Union and regional associations of those peoples, and any organizations and enterprises they may establish, from all forms of taxation.

(Signed) V.M. SANGI  
for the Council of the Association  
President of the Association of Small  
Peoples of the Northern Soviet Union  
19 October 1990 □

# The Nuuk Conclusions and Recommendations

## - on Indigenous Autonomy and Self-Government

The United Nations Meeting of Experts, meeting at Nuuk, Greenland, 24-28 September 1991, recognizes that indigenous peoples are historically self-governing with their own languages, cultures, laws and traditions.

The Meeting of Experts shares the view that indigenous peoples constitute distinct peoples and societies, with the rights of autonomy, self-government, and self-identification.

The Meeting of Experts recognizes that serious problems faced by indigenous peoples are specific for each country and region of the world and there cannot be a single and uniform solution for them. On this basis the meeting adopts the following conclusions and recommendations to be implemented with due consideration to the specificity of each situation, without detracting from the established minimum standards set out in international instruments on human rights:

I.

1. Self-determination of peoples is a precondition for freedom, justice, and peace both within States and in the international community.

2. 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. This right will be implemented with due consideration to other basic principles of international law. An integral part of this is the inherent and

fundamental right of autonomy and self-government.

3. For indigenous peoples, autonomy and self-government are prerequisites for achieving equality, human dignity, freedom from discrimination and the full enjoyment of all human rights.

4. 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 or indigenous societies and cultures. Where appropriate the foregoing should not be interpreted as restricting the development of self-government and self-management arrangements not tied to indigenous territory and resources.

5. Autonomy and self-government of indigenous peoples is beneficial to the protection of the natural environment and the maintenance of ecological balance which helps to ensure sustainable development.

6. Self-government, self-administration and self-management of indigenous peoples constitute elements of political autonomy. The realization of this right should not pose a threat to the territorial integrity of the State.

7. Indigenous autonomies and self-governments must, within their jurisdiction, assure the full respect of all human rights and

fundamental freedoms and popular participation in the conduct of public affairs.

8. Autonomy and self-government can be built on treaties, constitutional recognition or statutory provisions recognizing indigenous rights. It is further necessary for the treaties, conventions and other constructive arrangements entered into in various historical circumstances to be honoured, in so far as such instruments establish and confirm the institutional and territorial basis for guaranteeing the right of indigenous peoples to autonomy and self-government.

9. Autonomy and self-government are essential for the survival and further development of indigenous peoples and are a basis for international cooperation and bilateral and multilateral legal arrangements.

10. Indigenous peoples have the right to be different, to consider themselves as different and to be considered and respected as such, as recognized in the 1978 Declaration on Race and Racial Prejudice.

11. Within States, autonomy and self-government for indigenous peoples contribute to peaceful and equitable political, cultural, spiritual, social and economic development.

12. Subject to the freely expressed desire of the indigenous peoples concerned, autonomy and self-government include, *inter alia*, jurisdiction over or active and effective participation in decision-making on



the matters concerning their land, resources, environment, development, justice, education, information, communications, culture, religion, health, housing, social welfare, trade, traditional economic systems, including hunting, fishing, herding, trapping, gathering, and other economic and management activities, as well as the right to guaranteed financial arrangements and, where applicable, taxation for financing these functions.

13. Autonomy and self-government arrangements are to be faithfully respected. They may only be amended by a new agreement between the parties to the original agreement or in accordance with established constitutional or legal procedures.

14. Arrangements should be made for the prevention of potential conflicts of competence. An effective, independent and impartial mechanism for solving disputes between the self-government and the State should be established by constitutional provisions or by law. Equal representation of the self-government in this mechanism should be guaranteed.

15. Where autonomies and self-governments are affected by matters outside their jurisdiction, including actions taken by the regional and local governments of federated states, they should be closely involved in the planning stages of these activities and their consent should be obtained by States before these activities are implemented.

II.

16. The Meeting of Experts recommends that States should undertake, if they have not already done so, regular periodic reviews together with indigenous peoples through their own organizations, of the obstacles to autonomy and self-government and take the measures agreed upon to overcome them and to promote fully significant processes of construction of autonomy or self-government.

17. The Meeting of Experts recommends that where State borders pose obstacles to the free movement, trade and communications among members of indigenous autonomies and self-governments, States

must undertake arrangements to eliminate these obstacles.

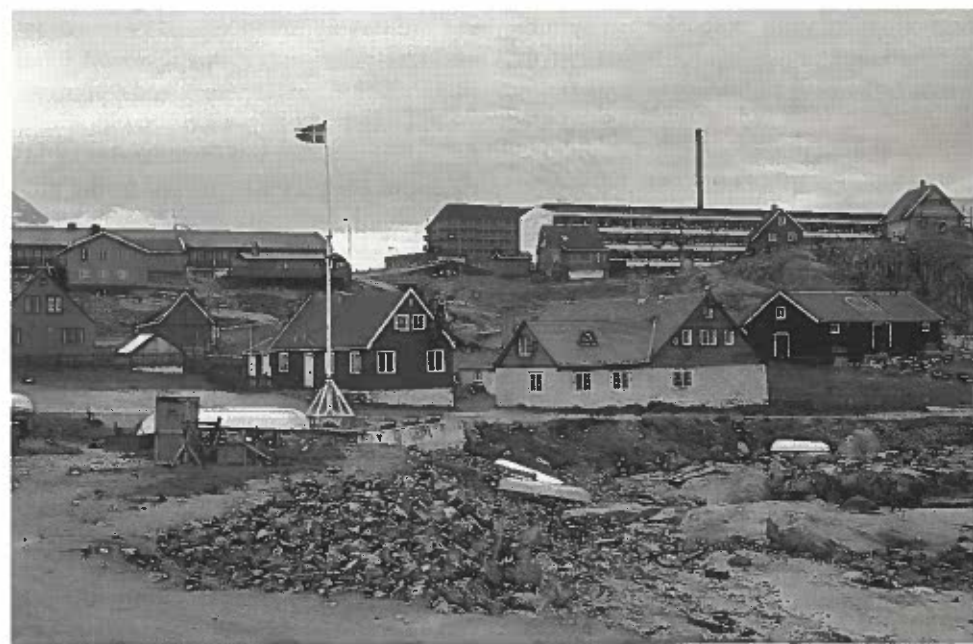
18. The Meeting of Experts furthermore recommends that States should consider favourably the ratification of international instruments relevant to the situation of indigenous peoples, including the International Conventions on Economic, Social and Cultural Rights and on Civil and Political Rights, and the ILO Convention 169.

19. The Meeting of Experts recommends that States should cooperate by providing the means for training necessary to assist indigenous peoples in the exercise of autonomy and self-government.

20. The Meeting of Experts invites governments to support, by providing adequate resources, the United Nations Centre on Human Rights and the International Labour Office with the publication and distribution of a manual on autonomy and self-government (see Annex).

21. The Meeting of Experts recommends that existing advisory and technical assistance programmes within the United Nations system should be used and enlarged, if need be, to finance training for indigenous peoples and autonomous and self-governmental institutions.

*View from Nuuk, Greenland.  
Photo: Jens Dahl*



22. The Meeting of Experts recommends that the question of the rights of indigenous peoples and the protection thereof shall be dealt with on a permanent basis within the United Nations. The Meeting recommends to the Commission on Human Rights to consider the possibility of establishing international monitoring mechanism to deal with indigenous peoples.

23. The Meeting of Experts recommends that the conclusions and recommendations of the Meeting be considered among the themes for inclusion in the 1993 International Year for the World's Indigenous People.

24. The Meeting of Experts requests the Secretary-General to give the widest possible distribution to the report, recommendations and working papers of this Meeting, including the distribution of the report and recommendations to the General Assembly at its 47th session, the Commission on Human Rights at its 48th session, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its 44th session, and the Working Group on Indigenous Populations at its 10th session, Governments and competent international, inter-governmental and non-governmental and regional organizations and other international fora; and that the present report, recommendations and working papers be issued as a United Nations publication.

# Why are the Guaraní Kaiowá killing themselves?

By Georg Grumberg



What has drawn attention to the suicides among the Pai Indians in Paraguay is that there is a greater incidence in those villages where missionary work is being carried out. Out of the 38 Pai villages, suicides are taking place in three-quarters of those which are influenced by the work of the Alemana Pionera Mission for Native Paraguayans in Pytypuku and Piraymi and the New Tribes Mission or Misión de las Nuevas Tribus in the village of Pirary. The chain of suicides in the last eight years among the Pai people of Paraguay are therefore taking place in communities where there is significant social imbalance and where social and religious malaise prevails as a result of the external influence of the activities of evangelical missionary churches and organizations.

The only exception to this occurred in the village of Tajy where seven persons died because of a deep internal crisis - a case of sibling rivalry - the "paje vai" spell was invoked against a leader who was considered harmful and who acted against the wishes of his people...

## From Montoya

Montoya, a Peruvian Jesuit priest, who worked with the Guaraní in the 17th century has documented a series of deaths by hanging. It is the only known historical record of the suicides among the Guaraní people. The suicides occur in times of depression which they call "Vy'ae'y". "Vy'a" means "I am happy, I have zest for life" and is an affirmation of life. "Vy'ae" means the absence of the joy of living. This is the depressed state one observes in the potential suicide victims.

It is usually a condition one notices among teenagers and newlyweds, and the "cure" for this depression in an individual is to share joy in one's daily life and collective merriment, through a ritual dance - "el kangui". The kangui has two meanings: literally it is the "chicha", the fermented drink derived from corn and which has a low alcoholic content; it is also a concept, a festive occasion where one enjoys the company of others, drinking, eating, it is the ultimate form of revelry. When one speaks of kangui, these are the two things which are referred to. This partly explains the alcoholism among the Guaraní. The kangui, regarded as a cure for depression, leads one directly to alcohol. Many people who get depressed take "cachaca", unrelated to the kangui as a festivity. It would be mockery of the kangui to take cachaca and to get drunk because in the Guaraní way of thinking, the consumption of alcohol is conceptually linked to this festive social event. That is the explanation of the search for this "cure", alcohol, at those precise times of great pressure.

The act of hanging is almost always the same and follows a certain pattern. It happens at an unexpected moment, with a total lack of drama. They hang themselves in rather small trees because they have to be kneeling and they have to exert a bit of effort to succeed in killing themselves.

For instance, in the case of Eulálio in the village of Tajy. For a long time he had been depressed, but not too seriously so no one was expecting anything. Then one day, just before midday, he said to his wife "I am going to the bushes" (to use the "toilet"). And so it went, he left to go out,

not far from the house. He left and did not come back. After a while his wife began to cry. She found her husband twenty metres away from the house, hanging from a tree, kneeling with a rather strong rope around his neck.

So it is not an impulsive decision one makes in an instant. The decision to take one's life is completely clear and deliberate. When asked why so and so committed suicide, the question is not understood. They say "omanose vointe", he wanted to die. That is the only reason and there is no need for explanations.

The death wish is a culturally important fact of life for a Guaraní, it is an option of life, not of death. For a Christian it would be of death because it ends everything. We neither know our after-life destiny, nor whether we are going to heaven or to hell, it is a terrible threat. But for a Pai who identifies himself with his "teko", with his religion, passing on to the other side after death is an act which involves everyone because it depends on the understanding of others. I have already witnessed several deaths of old men and women who, along with their families, have decided to die, everyone waits calmly for it to happen.

But it seems to be something which is much criticized. The following comment is usually made: "He would like to die? Why doesn't he wait? He is going to die anyway, there's no need to be in such a hurry, wait a bit!" Or, "Right now? His wife is going to cry because she needs to have a husband!". Thus, the inner dialogue of the Pai people is not one of fear or personal criticism. It is more in the vein of, "What inconsideration, what a rush!".



Cases of mentally disturbed persons are isolated. Passing to the other side is considered a possible solution. It is not a concept of "blame" or of guilt in the Guaraní scheme of religious thinking.

In the Guaraní thinking, death on this earth means the transition to the famous "world without sin", "Yvy miarañ". Its characterization varies according to the religious interpretation of each Guaraní group and even each person. In all the shamanist religions there is greater freedom of theological interpretation than in the written religions. Therefore, for example, if someone becomes a shaman he can describe a new "world without sins". I have once heard a Guaraní shaman say "The great world without sins! There is going to be radio, television, we are going to eat cooked meat...from cans!"

### Chain Suicides

Up to now I have only mentioned individual cases. Now I would like to go on to those cases related to chain suicides which are different. I have not witnessed chain suicides in the three communities but I have information on how this process is carried out. In practice it begins with a death which could be considered an individual case. Shortly thereafter there are more cases among the friends of the dead, usually within the same age group.

All the Tupi-Guaraní societies have a distinct internal social organization arranged according to age groupings. Vertically it is by age group, horizontally, "o tekohá". It is an established plan for all the Tupi-Guaraní societies. The age group has great importance in the social structure.

Normally it is another person of the same age group, the young, the teenagers, sometimes direct relatives of the person who go on to kill themselves in the same way. Then the whole group, "o tekohá", enters a state of crisis because it is no longer considered to be an individual crisis. "Tavyja" is the term to describe this collective state. It comes from "tavy" a word used colloquially to mean nonsense, a mistake, something apart from common sense. For example, if I shot at a monkey three times without hitting it I could say "xe tavyte!" (How silly, what a mistake, what a failure!). The suffix "ju" has the connotation "golden, glorious, religious". When a community enters the state of "tavyju", everyone is in crisis.

Once a religious leader in a community was telling me about an outbreak of tavyju which occurred years before but in spite of so much time having passed, he began to sweat and tremble...It was clearly as a result of the outbreak which was almost like a disease epidemic at the time.

There are many ways of overcoming this. For the moment the main method is to call a meeting within the community especially of the young people and to hold a ritual as a counterattack against the disease which is spiritual, of the soul, and which affects several souls like a threat to



▨ PAI-TAVYTERĀ  
▨ AVA-KATU-ETÚ  
▨ MBYA

the group. In order to achieve this one needs to confront it collectively, dancing and thinking deeply about the situation. They seek out helping spirits. All the shamanist mechanisms are brought into play to fight this evil.

But there is also another more sensitive possibility which is difficult for us to understand and that is "paje vaí" (black magic, witchcraft). For example, if I am a Pa'i (shaman), or "nandenu" (spiritual father) of a community and if through a revelation, in my capacity as a shaman, I find out that the cause is a curse cast by someone, I am obliged to fight the person who invoked the paje vaí with force. This can lead to murder. As such this needs to be interpreted in a different manner. Some could say "é paje vaí" (it was good, it was a necessary execution). But certainly others would say "No, that's a lie! It was not paje vaí! Then this can unleash great distur-

bances. For this reason, a responsible pa'i has to be very careful how he uses this interpretation because it can initiate a series of endless acts of revenge. The Pai people themselves say that if a community gets into this predicament, it can take years to clear up the matter. Such was the case of a Pa'i who had two sons who were killed and said that the best thing to do was to abandon the tekohá entirely, start another and perhaps to return later after three years or so.

These are the internal interpretations I got. So we can understand the difficulty of restructuring a community for solving such problems when one considers the restricted and overpopulated indigenous sites where there is no possibility of moving elsewhere to escape this chain of death-murder which is going on.

### The analysis of Kaioiwá sequence suicide: minimal space

In my analysis I have identified four main causes for the suicides.

The first one is a question of living space. In every society there is a minimal space requirement. For example, the Japanese need one square metre of space; a Canadian needs a square kilometre if he is to retain his sanity. The Pai people are in the middle. They need a reasonable amount of space to feel comfortable. One needs only to visit a Pai village to see that the front patio forms part of his territory. A Pai could not imagine having a house without an open patio in front of it. The porch is a part of the house and has to be big enough to stage the ritual dances and for watching the sunrise. So if this unit of living space is very small, people can not hold these ceremonies which adjust the balance within the society.

In the quest for well-being, "tekopará" to the Guaranís, it is necessary to have constant group therapy. There is permanent need for a moderator to regulate the way in which they live together. These moderators are the nanderu, the "yvytaja", the Pa'is, the moruvixa, who are the political leaders and they maintain harmony within the community. These communities function solely on the basis of consensus. Within the Pai political system, there is no other way than constant therapy to maintain consensus. Without a minimum living space to enact the adequate forms of obtaining consensus,

things go wrong.

Whenever there is a great concentration of people there are two ways out: either one continues being a Guaraní in a bad situation or one converts to being white, to idiots, to officials of the FUNAI. The latter case is probably the best alternative, psychologically and personally, but within the community one is under a lot of pressure.

This is exactly what happened in Dou-rados, Caarapó and Amamháí, some of the Kaiowá regions of Brazil from which some of the suicide epidemics originated. These places are the three largest settlements of the Pai people. They are a marginal suburban people. There is a great sense of social imbalance regarding their culture.

### They die as Guaraní

The second cause of chain suicides is the lack of prospects which can be observed among the youth. They are under stress to decide between being Guaraní, but without room for being such, and being white, but without accepting it or having the requirements for being white. I believe they kill themselves in order to remain Guaraní. If I were a Guaraní and yet could not be one, but if I could die being Guaraní, I would prefer to die as a Guaraní in order to continue my existence religiously and culturally. As a person, I can be like a living dead, crossing over to the side of the white man. I could be a pilot with the FAB, but I would be dead as far as culture is concerned in my society. Therefore the adolescent who is at the point of making the decision "What will I do with my life?" is in a situation of crisis. And if he is not able to continue living as a Guaraní, but wishes to remain a Guaraní, the only logical solution is to kill himself. This is where I understand the lack of drama in the matter: it is a question of a very rational decision which has to do with space and culture.

### Historical Heroism

The third cause has to do with the historical Guaraní hero. In Guaraní culture, especially in times of war, the historical lead character is crucial, also having great importance in historical mythology. It concerns the following: in wartime I can only be a leader who teaches others how to be heroes.

Likewise for most of the Pai people the

current situation is considered as being one of conflict. There is a dearth of cultural channels open to the heroic protagonist to justify his existence in his community. So the step to life after death is considered an heroic act, that is what I have heard among the Pai youth. The older folk do not agree, according to them, in front of us they always criticised this attitude, deeming it anti-social. The gist of the older people's criticisms of the young people is that "It is very easy to kill oneself, this is not what one wants." But the young men, among themselves are, to a great extent, admirers of their colleagues who kill themselves saying, "Such-and-such was brave, he dared."



Mbyá Guaraní man, Paraguay.  
Photo: Miguel Chase-Sardi

### The struggle against "Satanism" and the restructuring therapies of the Pai people

The fourth and main cause of the chain suicides is the influence of the missions. In the case of Paraguay the evangelists eloquently promote the idea that shamanist religious practices are literally satanic, including those practices aimed at social rearrangement in the case of the suicides. The missionaries' position is that it is a sin to kill oneself, that it is the "influence of the devil", that the blame rests with the "possessed" shamans. I think they even say that the fault is not with the person

himself but with the "devil" who is inside of him. Consequently as you cannot kill evil people because it would be un-Christian, the only solution, according to the missionaries, is to draw an absolute dividing line. For example, in Pyypuku there are five families which have joined the missions, they say: "We are humble Christians, we are minorities and we are with Christ and who is with Christ will not be lost because we are sure to have a place in heaven. But our brothers are being taken up with demons. The only way to defend ourselves is to pray and to separate ourselves entirely from the others so as not to let evil penetrate this small community of Christian heroes." They cannot dance, drink "kangui", partake in the rituals, smoke (and smoking forms part of the shamanist ceremonies of the Mbya-Guaraní), and they are blessed for their lack of contact with material possessions and with divine salvation. You can imagine what this means in a society which functions on the basis of consensus. It is like a cyst, an open wound, losing a leg, because nothing works. All of this is taking place in a state of tremendous social degradation; any serious problem could have been settled collectively, but because of the lack of communication with five families, this possibility no longer exists. Neither can they be ignored. If someone does not collaborate, the entire group suffers. Logic would dictate that these families be expelled but the missionaries do not allow this to happen. Here political and financial power comes into play, the presence of the missionaries prevents expulsion from the group. This is because the missionaries intentionally want the families to remain there so that the whole community can be converted to the faith. It is a deliberate conflict imposed by the missionaries. They should be aware that the disharmony created by the Christians among them intensifies alcoholism and the rate of suicide, but they consider these social problems, demonic madness...They believe that this is the price for salvation, one has to go through this in order to form part of the purified Christian community later on. So they allow people to kill themselves for the purification of their five families.

The role of the missionaries in the suicide among Guaranís is a critical one. There is no other explanation for the fact that out of 38 Guaraní communities in



Paraguay, missionary activities are going on in three of the four communities which have this problem of chain suicides.

#### Prospects

Generally in Paraguay one could say that the communities are all right. You could not say that there is a lack of land or of space for rituals. On the contrary every two years the "mitapypy" (the piercing of children's lips) is routinely carried out and this serves as a strong marriage of culture and religion. Those to be initiated undergo three weeks of intensive training in dance and religion. There is also no decline in ethnic, cultural and religious identity. Nevertheless the problem is that these teenagers who have not passed through the period of struggle for land do not have the feeling of victory which the older people have. The oldest members succeeded in retaining 50 thousand hectares for 38

communities, rebuilding the land of the Pai people.

The young people however who have not experienced this have a more positive relationship with the Paraguayan and Brazilian people and no longer entertain the ideal of a lifestyle based on agriculture and the life of Pai rituals as being satisfying. There is a tendency among the young people to seek jobs as drivers or anything which involves mechanical or manual skills. Guaranís have always concerned themselves with developing these skills. This is what is called "katupyry", manual skills which the Guaranís always try to nurture. New careers, new prospects for material and professional improvement are needed which are compatible with this search for the development of the Pai katupyry and at the same time provides a response to the desire for professional prospects, of a life which does not conflict

with the overall picture of traditional culture. In the eyes of a Paraguayan, the thinking of the Pai is viewed as such: "In order to re-establish balance, we have to offer more knowledge like the katupyry because we already have other kinds of knowledge and when we have a lot of it, things will go well".

We arrive at the conclusion that it is important to enlarge space in order to live as a Guaraní, at one with the land, continuing the "Pai-tavytera" project advising the communities. Life in a society can lead to depressing situations which everyone experiences at least once in a lifetime. What we are looking for within this social space is the balancing effect of consensus, religious and cultural reaffirmation and war against the undoubtedly damaging influence of the missions. □

## 5 IWGIA DOCUMENTS



**52.THE MAASAI  
AND THE STATE \$ 4.00**

**58.SELF DETERMINATION  
AND INDIGENOUS  
PEOPLES \$ 7.20**

**61.TOURISM:  
MANUFACTURING  
THE EXOTIC \$ 11.60**

**66.INDIGENOUS WOMEN  
ON THE MOVE \$ 10.00**

**67.INDIGENOUS PEOPLES  
OF THE SOVIET NORTH \$ 6.00**

# Interview with Ariel Araújo

## - Alternate Coordinator of the Mocovi Centre "Ialek l'ava"

By Alejandro Parellada



Argentina,  
South America

*On the 5th of July, Ariel Araujo, alternate coordinator of the Centro Mocoví (Mocoví Centre) "Ialek L'ava", visited Copenhagen. In an interview with IWGIA, Araujo confirmed that this was the first time that a representative of the Mocoví Centre had travelled to Europe to make contact with various organizations which could spread the word on the condition of the indigenous Argentinians in general and of those living along the coast in particular. The interview with Araujo follows.*

*What is the current situation of the Mocoví people?*

We could start out by saying that the Mocoví people have been at war with the Argentinian state from as far back as the beginning of this century. The last great massacre of the Mocovís, carried out by the Argentinian army in 1911, is known as the "Masacre de San Javier" (Saint Xavier Massacre). Two hundred indigenous people were killed and their land confiscated. This occurred in the vicinity of San Javier in Santa Fé province.

The San Javier Massacre was a shock to our political structure, causing massive migration to other parts of Santa Fé province. Thereafter, in the 30's, 40's and 50's, pressure from the police and foreign corporations generated a very great wave of migration from the north to the south of Santa Fé province. Many families have settled in suburban communities of be-

tween 4 to 5 thousand inhabitants and today about 20,000 indigenous Mocovís live in the entire Santa Fé region. Migration has also caused the gradual loss of the language; there are already one or two generations who do not speak the Mocoví language but there is a strong movement afoot to save our language. This process of recapturing one's identity is not only Argentinian but extends across Latin America. It is a matter of restoring political and religious institutions. In the case of the Mocovís, we are trying to maintain our traditional religion in spite of the influence of certain Christian churches. I am referring particularly to some of the evangelical churches from the United States, but their activities receive limited response in light of the trend of the Mocovís to revive their traditional religion.

But in my opinion the issue of land is the most serious problem now facing our people because when we do not have legal possession of land it is difficult to plan our future and our development.

The majority of our communities are located on private lands where there is the constant risk of being dislodged as happened last year in the Reconquista area of the "La Lola" community. A group was transferred from one area to another because they were on land belonging to a Catholic organization. This whole scenario makes land the most important question to be resolved.

In 1853 the Mocovís and other groups shared 8 million hectares of land in Santa Fé. Now we have nothing. Nevertheless

we have begun to study historical documents in recent years and we have found numerous treaties between the Government of Santa Fé, the Government of the country and the Mocoví people. Laws which should have allocated land to the Mocovís in the last century have never been complied with. We are interested in the State fulfilling its pledges to the Mocoví people. This would be a significant first step.

In the area of legislation, last year the Santa Fé province where I live passed Law number 10.375, a law of the province whereby the province agreed to adhere to the national legislation regarding indigenous communities. Up to 1985 the government of the Santa Fé province denied the existence of indigenous people in the province.

*Don't you think that one of the problems of Argentina is the non-recognition of indigenous communities in the country?*

That is true. In Argentina a large sector of the population and government denies an indigenous existence and considers their cultural base to be in Europe. I believe Argentina is the most Europeanized country in Latin America and this complicates our situation. For many years Argentinian foreign policy touted the non-existence of indigenous people in its territory. Five or six years ago it was quite common to hear our ambassadors at the Commission on Human Rights at the United Nations in Geneva say that there were no indigenous



people in Argentina. But it is only since we have started making international appearances that we are starting to "exist" again. According to the official history of Argentina, the indigenous people were exterminated at the beginning of the century. In reality today we are more than one and a half million living in Argentina.

The official doctrine says that the indigenous people are part of the country's past, not the present, much less the future. A part of the political struggle of our organizations is to change this way of thinking among the public and the society at large, and to affirm our presence; to say that we are different people but that the State of Argentina needs to recognize us as such. That is why we intend to fight the situation within the legislation of the country with a view to future constitutional reform. In Argentina our legal status is that which is set out in article 67 of the Constitution wherein it declares that the Argentinian state should maintain peaceful treaties with the Indians and promote their conversion to Catholicism. This is the depth of the law regarding us, so that in principle we are in a state of war against the State, in keeping with the spirit of the Constitution.

*Are the indigenous people now recognized as part of the State?*

Now we are, but this has only come about through our pressure and constant public presence and our contact with the government. All in all, there is no official recognition. In Santa Fé alone there is a law for indigenous communities but there is no explicit recognition of the existence of indigenous people as such. In the national census, for example, no specific reference is made to one's ethnic origin. For this reason it is very difficult to identify who is indigenous in Argentina.

*What are your current relations with the government of the country?*

The political sector continues to consider us marginal groups having little electoral potential, groups which require hand-outs for their survival. There is no reason to plan seriously for them, much less to give them the means to achieve political or administrative autonomy. This is the situation we need to reverse.



*Is there any official body which deals with indigenous affairs?*

There is a law, number 23.302, the law of indigenous communities, which was approved by Parliament in 1985. The government under the leadership of President Raúl Alfonsín paved the way for its implementation four years later. Since then there has been a change of government and the current President Menem does not seem to have any intention of putting this national law into effect. The previous government had wanted to create a National Institute of Indigenous Affairs but up to now this has not been established. There is only a department within the Ministry of Social Action which deals with indigenous matters.

*What relations do you have with other indigenous communities in Argentina?*

Since 1986 the Mocoví Centre in Santa Fé and the Guaraní organization have been in close contact, a process which other organizations of indigenous people, like the Chacos and the Tobas, have joined. Then we have expanded our cooperation with other indigenous groups in the country but it is in the coastal region where we are working in the greatest unity. We hope to intensify this process of unification.

In addition, the Mapuches in the south of Argentina are progressing with a unifi-

cation process. Down there one finds the oldest organized groups like the Organización Mapuche Neuquina which is a very solid organization in Neuquén. In the long term we believe it will be necessary to form a national representative organization because we think at the moment Argentina is not counting on a national indigenous organization.

*And on the Latin American level?*

The Guaraní are working with Brazil and Paraguay. In the last two years our organizations have been making contact with other indigenous organizations in Latin America. There are two events which the indigenous organizations will have to discuss to coordinate our actions, namely, the Conference on the Environment in Rio de Janeiro and the Commemoration of 500 years of Colonization. We have not had any collaboration in Argentina as yet, but before the end of the year the Mocoví Centre and the Guaraní plan to meet with the various indigenous organizations in Argentina, especially with those from the interior, in order to coordinate our activities relating to these two subjects.

With regard to the 1992 Conference, there are several preparatory meetings being held on the Latin American level together with other sectors such as environmental groups, human rights organizations and some trade unions. This year we have participated in two meetings involving other Latin American countries. In one such meeting held in Las Leñas in Mendoza, there were delegates from all the countries (in Latin America) including representatives from some companies. Out of the 400 participants only 4 of us were indigenous, but in spite of being few, our thoughts were incorporated in the final declaration. We discussed various basic issues relating to the environment and development. We think Latin America should search for appropriate models of development, sustainable development which does not destroy the environment. We believe the indigenous models of development should be taken into account because our people have developed our own economic models which are not as destructive as those of the West. The indigenous models should be studied and expanded.

*The Mocoví centre works along with the Guaraní. Could you tell us something about the situation of the Guaraní Indians in Argentina?*

To my understanding the situation of the Guaraní people in the province of Misiones is the most critical in the country in relation to human rights and indigenous rights. In 1986 the Guaraní communities of Misiones got together to debate a legislative proposal and to present it to the provincial government. After much negotiation the Parliament of Misiones approved this law in 1987. This law, number 2435, decreed many fundamental issues of importance to the people.

In the first article it sets out institutional recognition of the Guaraní as a people and it practically grants them semi-autonomy within the State. Secondly, it provides for the restitution of certain territories to the Guaraní nation. This is of utmost importance, the restitution of ancestral lands. It provides for the setting up of a board to handle indigenous affairs, but with the participation of a Council of Indian representatives with broad powers. According to this law, this Council could veto a decision made by the government affecting indigenous communities. It also created an agenda for social, cultural and economic programmes, development programmes, health and housing. Finally it provided that judicial power should take into account the norms of customary (Common Law) rights. It was a very advanced legislation for Argentina. Unfortunately there was a change of administration in the province in 1987. The new governor implemented a policy which is absolutely contrary to the law and to indigenous interests, a segregationist policy. Peronism within the Parliament opposes the sanction of this law. In 1988 the governor ordered the suspension of all the programmes of social assistance in the middle of winter. More than 35 children and old people died as a result of malnutrition because of this. Lorenzo Ramos and other Guaraní leaders called it sneaky genocide.

In 1988 governmental action intensified against the interests of the indigenous population. In March 1989 a gathering decided to stage a public demonstration in Posadas, the capital of the province, demanding the application of the aboriginal

law. The governor refused to meet with the group but after 10 days of demonstration he agreed to sign an agreement which promised to uphold the legislation and to hand over the lands. Regrettably months passed without the government fulfilling its obligation. In September the same year, on their own initiative, the Guaraní presented a draft law for the restitution of lands before Parliament with a view to the return of 140 thousand hectares to the Guaraní nation as an act of historic reparation. The parliamentary commissions only approved 15 thousand hectares. Before the Parliament had given its approval, the governor announced that he would veto this law and this prompted a second public demonstration outside the government offices urging the governor to approve the restitution of lands law and to apply the standing aboriginal law. Ten



*Ariel Araújo from the Mocoví, Argentina, on his visit to Copenhagen, July 1991. Photo: Alejandro Parellada*

days later the governor passed the law relating to the lands but not the one on aborigines, still refusing to meet with the indigenous groups.

The Guaraní leaders remained outside the building without being received by the authorities. The governor then started to make racist statements trying to incite ethnic conflicts. He claimed that if lands were handed over to the indigenous people there would be war between the latter and those of European ancestry, but that was not true because in general relations are good between indigenous people and the other ethnic groups. The demonstration was called off because it was impossible to sustain it for such a long time and because at that time there was a change of membership in the Parliament. In December on the day of the swearing-in of the new deputies a draft law was issued revok-

ing the aboriginal law and replacing it with another. Curiously, in 15 days, record time for Argentina, the parliamentary commissions gave the nod of approval for this new law and in light of the new situation, a fresh set of demonstrations and hunger strikes erupted. The new law relating to the aborigines was opposite to the previous one and in practice this new law was declaring a principle of "apartheid" in Argentina because each community was to be converted into a ghetto in which the State would plan the lives of the indigenous people. During this entire period of mobilization there reigned police pressure, death threats against the indigenous leaders and press censorship. With the approval of the new law, in 1990, the government is taking segregationist positions. In May 1990, with the excuse that it was setting up a tourist resort near to the Iguazú waterfalls, the police expelled an indigenous community, burned down the settlement and destroyed their crops. The people were loaded into a truck and hurled into a garbage dump in the city of Puerto Iguazú.

The government is urging private companies to settle on the 15 thousand hectares which were approved by Parliament. These companies are basically logging enterprises.

The Guaraní have started to take some retaliatory actions primarily for the burning of houses, but justice in Argentina is controlled by political power and this makes it very difficult to progress along these lines.

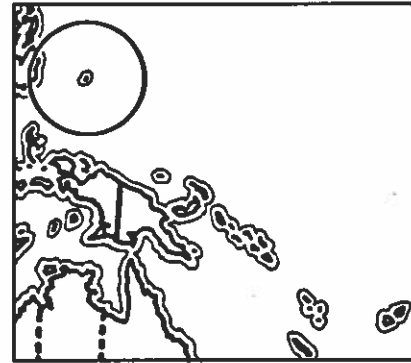
*How do you envisage the future of the indigenous people in Argentina?*

I envisage greater independence, greater autonomy relative to the society as a whole and greater preservation of our cultural identity. I hope it will be like that. I think that is where the future lies. There is a tendency towards a strengthening of cultural identity among nations. The crisis which has evolved in Eastern Europe and currently in Yugoslavia shows that people need greater cultural identity, greater independence and autonomy. I believe that humanity is experiencing the fourth renewal as we approach the end of the century. I believe it is a very strong and solid trend which can challenge any system, communist or capitalist. □



# Palau Trusteeship Council Petition

By Meikam Weera



Belau,  
Western Pacific

We would like to thank you Mr. President and the distinguished members of the Trusteeship Council for the opportunity to present this petition today. My name is Meikam Weera. I represent *Otil a Beluad*, a group of Palauan citizens concerned about the future of Palau. Accompanying me are Seba Cosby, and Anne Simon from the Center for Constitutional Rights.

We are grateful to the United Nations for its role in ending Palau's colonial status 44 years ago, and to the Trusteeship Council for its continuing concern for our country. We appreciate the democratic system brought to Palau by the Administering Authority (USA). We would like to take this opportunity particularly to express our gratitude to Morris Udal, who has recently resigned from the United States House of Representatives, for helping us to believe in this system of democracy. It is our firm commitment to democratic ideals that brings me here today.

Since the last session of the Trusteeship Council, the Security Council has acted to terminate the trusteeship status of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Commonwealth of the Northern Marianas. The trusteeship for Palau remains in place, yet we realise that this trusteeship will not continue forever. *We are as anxious as the Administering Authority to terminate our trusteeship. However, termination must be on a firm ground that provides adequately for Palau's future; it should not occur prematurely, without consideration of the problems that hasty termination could create for Palau.*

We know that many people, including some officials of the Administering Au-

thority, believe that the process of agreeing on a future status for Palau has been the opposite of "hasty". However, *we believe that the actions of the Administering Authority over the past ten years in presenting the current Compact of Free Association as the only option for our future status has stunted and distorted our perceptions of our choices.* The Compact proposal has been rejected in seven referenda, under three different Palau governments. *Each time, it has failed to attain the 75% majority mandated by our Constitution, which was overwhelmingly adopted by our citizens. We believe, as we have learned from the Administration Authority, that adherence to constitutional requirements is one of the most fundamental attributes of a responsible democratic system; we are proud that, despite many obstacles, our country has continued to uphold its constitutional mandates.*

We respect the views of the majority of Palauans who at various times have voted for the Compact proposal. However, we also recognise that many people voted for the Compact out of fear, intimidation, or ignorance of what the Compact actually provided. We hope that this Council will encourage the Administering Authority to recognise that Palau needs time to heal after the difficult and divisive events of the last ten years.

We are concerned that the recent Secretary's Order 3142, which alters the relationship of the Administering Authority to the Palau government, will not create the opportunity for healing. *We still do not fully understand what this Secretary's Order means for Palau, but we do know that it moves away from the self-reliant future*

*that is the goal of the trusteeship system. As written, this Order creates the framework for direct rule from Washington on many issues, despite the existence of Palau's constitutional government.* We would like to bring to the Council's attention several provisions of the order.

First, the Order allows the United States Assistant Secretary of the Interior to appoint two very important officials of the Palau government- the special prosecutor and the public auditor. Although the Order makes some attempt to limit the circumstances in which this power may be exercised, the limitations are vague and weak, compared to the importance of the power granted to the Assistant Secretary of the Interior.

Second, several provisions of the Order give the Assistant Secretary of the Interior extensive power over financial transactions of both the national and the state governments in Palau. We are concerned that the order provides almost no standards for the assistant secretary's use of this vital power, which can be readily abused. This lack of standards is of concern to us not only because it fails to help the Palau government improve its fiscal management; if there are no standards to aspire to, and to compare with the government's performance, how are Palau officials going to learn how to evaluate and improve their administration? *We do not want our government to be deprived of the opportunity to manage its own affairs; if help is needed, help should be offered- not control.*

*We would also like to express our concern that the Order requires our government to receive prior approval from the United States Department of State for all*

*communications with United Nations agencies other than this Council, as well as communications with all other International organisations. As Palau seeks to build a strong foundation for its future, the Administering Authority should encourage Palau to make use of the expertise on development and environmental issues found in United Nations agencies, and should facilitate contact with International organisations. Wouldn't it be most honourable for the Administering Authority and this Council to work closely together to ensure Palau's final steps toward self-government by introducing Palauan citizens and their leaders to all United Nations agencies available to assist them with economic and environmental development and social and cultural preservation?*

Our immediate concern now in Palau is the drafting of a master national development plan, as directed in the Secretary's Order. We are pleased to note the Order's requirement that no construction may be undertaken on any of the Rock Islands without prior legislative approval in Palau, which is the first formal recognition by the United States Interior Department that Palau's environment is very fragile and needs careful and sensitive protection. However, we fear that the Order's lack of standards for the development plan will lead to chaos and environmental damage in Palau. We need well-defined and attainable standards for both environmental protection and economic development. Instead, we see the Secretary's Order giving very detailed attention to financial matters and virtually disregarding our most valuable resource, our environment.

We understand that we are very dependent on financial aid from the Administering Authority, and that this makes us vulnerable to both economic and political pressures. We want to build a healthy and sustainable future, which reflects the cultural integrity of Palau and allows us to integrate what we have learned from the past, what we are experiencing now, and what we must conserve for the future. In order to accomplish this, *we must break away from this dependency, in which the Administering Authority merely pours millions of dollars into the Palauan economy by means of annual grants. This system ignores and neglects our continuing need for basic infrastructure improvements necessary for an economically independent*

*future, such as a reliable water supply and an adequate road system through Babeldaob, the largest island in Palau. We also need to give attention to our rich ocean resources, which, if made a top priority and properly developed, could be a foundation for our economy. These necessary infrastructure projects should be completed, and the master national development plan should be completed, implemented, and functioning well, before the Trusteeship is terminated.*

As central as these development issues are, we must note our concern about an important issue raised in a recent cable sent by the United States State Department representative in Palau to the United States embassies throughout the Pacific. Virtually buried among a number of ill-informed comments in the cable was the valid point that "the only real U.S. strategic interest in Palau is that of strategic denial, i.e. ensuring that no other power establishes military bases here..." *This is also our goal - "the "strategic denial" of other countries" military power in our country, as well as the prevention of the militarisation of Palau by the United States.* We fear that military presence -- any military presence -- in our islands would invite foreign aggression, just as the Japanese military presence in our islands before World War II led to extremely destructive military actions. We were made victims of a war we did not create. Even today, marine life in areas affected by World War II is dead forever.

We hear today of displaced individuals, families, refugees, homeless children around the world because of war and insensitive acts of governments. We ask for the liberty to create our own path, to chart our own course while we have this choice under the United Nations Trusteeship system; that is, under our democratic constitution and international law.

We say this not to defy the Administering Authority, but to help insure a future status of economic independence with mutual benefits. *The status of commonwealth does not appear to provide that opportunity, since it puts us at risk of becoming a minority in our own country. Nor do we want the status of a territory, because we do not want to be in servitude to other nations. We do not want our land to be someone else's "contingency plan"*

## We ask the Trusteeship Council:

1. *Not to recommend termination of the trusteeship Agreement for Palau until Palau is ready at its own pace to seek termination.*
2. *To review Secretary's Order 3142, issued by the Secretary of the interior of the Administering Authority, in order to assure that it is consistent with all the obligations of the Administering Authority, including its obligations to foster political institutions and promote development toward self-government or independence.*
3. *To recommend that the Administering Authority waive or change the requirement in Secretary's Order 3142 that the United States Department of State approve all communications from Palau to any agency or organisation of the United Nations. We urge the Council and the Administering Authority to pay special attention to communications with those agencies concerned with environmental protection and development planning, so that the expertise not only of the Administering Authority, but also of the United Nations, will be utilised in the Palau master national development plan.*
4. *To assure that Palau becomes and remains an active participant in all aspects of the process of attaining real independence and self-sufficiency, including consideration of developing a new status; we believe that the United Nations, and in particular this Council, can and must assist us to find a system that can avoid direct foreign economic, political, and military control over our land and our lives.*

*Source: Pacific News Bulletin, August 1991.* □



# YEARBOOK 1990

IWGIA



IWGIA yearbook 1990, US\$ 10

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### Brazil: The Demarcation of Yanomami Lands

In a few days the time runs out for the Brazilian government to decide upon the demarcation of Yanomami territory. FUNAI (the National Foundation for the Indian) has named a clearly defined area of 9.4 million hectares.

The last eight months have been marked by the deaths of indigenous from malaria, tuberculosis and venereal diseases in the Yanomami area, apart from three clashes between »Garimpeiros,« gold miners, and agents of the Federal Police and of FUNAI.

On the 30th of September last, the President of FUNAI revealed that there are 500 gold miners in the Yanomami area.

On the other hand, Venezuela transformed the 83,000 km<sup>2</sup> of the Yanomami territory into a preservation area. The Venezuelan President, Carlos Andres Perez signed, in the first fortnight of September, two decrees which turn the area where 14,000 Yanomami live, in Venezuela, into a National Park and a Reserve of the Biosphere. Perez guaranteed that »religious proselitising, colonisation and mining would be eliminated from the Yanomami area.«

Source: *Aconteceu* 4-10-91 □

### Cameroun: the Uncertain Future of Baka Pygmies

The future of the Baka pygmies of Cameroun is threatened, as the World Bank considers providing a \$30 million loan to finance the infrastructure for logging 3,5 million acres of primary rainforest area that has been a homeland for this semi-nomadic indigenous tribe.

The area has also a wealth of wildlife which includes such large mammals as elephants, forest buffaloes, and gorillas.

During the rainy season the pygmies spend most of their time moving through the forests; and during the dry seasons spend time in their villages.

The Baka Pygmies have no land titles. The Cameroun Government requires that for forest land to qualify for title deeds it would have to be converted to agricultural land first.

The World Bank loan would finance logging in the south where the primary forests are still relatively intact. The proposed 600 kilometer logging road will be carved through the primary forest, a part of which the Government has promised to set aside for conservation. Like in many other cases elsewhere in Africa the pygmies will have no right to enter or use the conservation area.

Their future is threatened by logging and agricultural expansion into their homelands. They have no place and their future is threatened.

Sources: *Rain Forest News*, June, 1991. □

### Izvestiya, 4th of March 1991:

At a meeting of the Tyumen Territorial (Oblastnoj) Council it was decided to establish areas of priority land use, and these areas were designated and defined.

A year ago *Izvestiya* for the first time wrote about the possibility of future zones of priority land use in the Yamalo-Nenetsky region (Okrug), the Khanty-Mansiisk region (Okrug), and the adjoining Uvat district.

The necessity of establishing such »special zones« was never questioned in the territory (oblast). The intention was to create Northern areas, where the indigenous population could work in their traditional occupations; reindeer-herding, hunting and fishing. This would imply no admittance for drilling brigades, timber-felling brigades, gas-industry workers, geologists or builders.

The Small Peoples of the North will thus have the possibility of living quietly, working and developing.

I think it is one of the most important decisions made hitherto by the Territorial (Oblastnoj) Council,« says A. Filippov, working at a reindeer collective farm at

Saranpaul. »Now the claims of the indigenous peoples have gained juridical power. I believe that the special zones will become not only places of social revival for the Northern peoples, but also places that will raise the economic potential of our multinational territory (Oblast).« □

### PREPCOM: Proposal of the Inter-Tribal Committee in Geneva

The Inter-Tribal Committee »500 years of Resistance«, which includes indigenous leaders from Brazil, Panama and Bolivia, prepared the »Indigenous Statement on the Environment and Development«, a document which was presented before the Third Session of the PrepCom (Preparatory Committee of the United Nations Conference on Environment and Development) in Geneva, from August 12 to September 4.

The document proposes that the United Nations Organization should recommend that member governments take the following into account during the coming preparatory meetings for UNCED-92:

- a) The formulation of policies affecting the Indigenous Peoples should include the participation and co-ordination of its members in all aspects of decision making, both at the national and international level.
- b) In order to guarantee respect of our self-determination and our system of organization, governments should recognize and apply the policies of human, territorial, cultural and spiritual rights.
- c) Governments should guarantee and support the re-appraisal of our technology and economic models which allow us to create new formulas of balanced exploitations of the resources of our main cultures.
- d) The processes of reforestation should respect the natural habitat of the spe-



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cies living there, its biodiversity and the environment.

- e) Priority should be given to studies which promote the indigenous practice of using nature as a lesson in environmental education. For example: the prevention of fires which lead to soil erosion; the substitution of pesticides through the use of aromatic and medicinal plants.
- f) In promoting self-sustainable development, the new seeds of the indigenous populations relating to their interchange with the society at large should be taken into consideration, such as the utilization of surplus products.
- g) Educational systems should recognize and develop the indigenous and environmental culture by means of exchange between the populations, taking into account all pluricultural and linguistic aspects, and acknowledging the value of indigenous science.
- h) There is a need for the strengthening of the rights of the indigenous peoples over their intellectual property, the biodiversity of the areas they occupy, along with its scientific, technical and economic uses.

Sources: *Informe Jurídico*, August 1991. □

## CSCE-CHD:

### Statement from the Parallel CSCE-CHD Meeting in Moscow 1991

*At the Conference on the Human Dimension in the CSCE process a meeting was organized by the Inuit Circumpolar Conference, the Nordic Saami Council, the Association of Ind. Peoples of the Soviet North, and IWGIA. The three indigenous organizations, adopted the following statement:*

We, the representatives of Indigenous Peoples' organisations of the Circumpolar

Region, being the Inuit Circumpolar Conference, the Nordic Saami Council and the USSR Association of Northern Indigenous Peoples have made the following statement:

Affirming that the indigenous peoples as well as all other peoples have the right to self-determination and by their free will have the right to determine their relationships with the states founded on their lands.

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

Recognizing that indigenous peoples have collective as well as individual rights to land and resources and to develop their particular cultures.

Requiring that no land must be set aside, disposed of or expropriated without the consent of the indigenous people.

Requiring all governments to respect indigenous peoples' territorial rights including rights to renewable, non-renewable and sub-surface resources.

Requiring that indigenous people must not be subject to any form of forced or involuntary assimilation or integration.

Noting that adequate resources must be made available by the governments to meet the real social, health, economic and educational needs of indigenous peoples.

Confirming that indigenous people should not be an object for any form of discrimination.

Appealing to all Circumpolar states to follow and effectively realise all international agreements concerning indigenous peoples.

Urging the governments of the Circumpolar states to actively promote the rights

of indigenous peoples in the drafting of an International Declaration of Indigenous Peoples now being prepared by the United Nations.

Urging all governments to incorporate the rights of indigenous peoples as adopted in this statement into the CSCE process.

Urging all governments to actively support indigenous participation in the UNCED process and to support them by all necessary economic means.

Considering the new spirit of cooperation initiated by the CSCE process.

We, the participants in this meeting in Moscow are confident, that all governments in the future will take all necessary steps to fasten the cooperation between indigenous peoples as well as those between the states.

Signatories: *Vladimir M. Sangi, Leif Halonen, Ingmar Egede.* □

## Chittagong Hill Tracts:

### Letter from the Vice-President of the European Parliament, Wilfried Telkaemper, to the Prime Minister of Bangladesh

European Parliament  
Vice-President  
Wilfried Telkaemper  
97-113, rue Belliard  
MAE 726  
1070 Brussels / Belgium

Prime Minister  
Mrs. Begum Khaleda Zia  
Prime Minister's Office  
Dhaka/BANGLADESH

Dear Mrs. Prime Minister,  
as a member of the Chittagong Hill Tracts Commission I visited Bangladesh in De-

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ember 1990. The intention of this Human Rights Committee was to investigate allegations concerning human rights abuses by the army and Bengali settlers against the tribal population living in the Chittagong Hill Tracts. Our commission published a report with the title »Life is not ours«, in which we have described the results of our findings and have voiced our deep concern about grave human rights violations in the Chittagong Hill Tracts.

Now I was informed that the distribution of this report in Bangladesh causes problems for people who are engaged in human rights affairs. Mr. S.M. Shaheedullah and Mr. Rashedur Rahman Tara of the Bangladesh Nagarik Committee were intimidated and interrogated by Mr. Tabibur Rahman of the Special Branch Police and simultaneously 960 reprinted copies of our report »Life is not ours« were seized.

As far as I know the report of our Chittagong Hill Tracts Commission has not been banned in Bangladesh and therefore the reprinting and the distribution of the report is not illegal. Please be aware of the fact that the trip of our Commission was completely legal and was organised with the help of the Bangladesh authorities. But even if the distribution of the report is illegal, this would constitute a grave violation of the basic human rights of free expression and free access to any information.

Therefore I like to protest strongly against the intimidation and interrogation to the above mentioned Mr. Shaheedullah and Mr. Tara. I ask you to take the measures you find appropriate to prevent the Special Branch police and other Bangladeshi authorities from intimidating and interrogating Bangladeshi citizens because of this report.

If our report of the Chittagong Hill Tracts Commission is banned in any form, please let me know.

My colleagues in the Commission urge you and your government to stop the human rights violations in the Chittagong Hill Tracts and in connection with the distribution of our report. This report so far has received high consideration in European countries and the EC. I am sure

that the national governments and the European Commission are keeping a close eye on the human rights situation in Bangladesh and will take decisions regarding the relations to your country in the light of this situation.

Sincerely Yours,

Wilfried Telkaemper □

## Indigenous Rights as a major part of a New Grassroot Movement.

From the 9th to the 12th of October the Alliance of Northern People for Environment and Development, which represents over 8,000 grassroots organisations, met in San Sebastian, Spain. The alliance has been made as a part of the alternative UNCED (the United Nations Conference on Environment and Development) process, and counts as their members grassroots organisations and NGO's from all of the ECE region (Europe, USSR, Canada and the USA). At the meeting in San Sebastian the alliance formally received both its name and statutes. Furthermore at the meeting a Political Framework was agreed which shall be the common basis and identity for the alliance.

The Political Framework has some important aspects which directly emphasise indigenous rights:

»- a recognition of indigenous peoples rights to life, land, culture, self-determination and sovereignty. This also contains the right to use the renewable and non-renewable resources in a sustainable way for social, cultural and economic ends.«

The recognition of indigenous peoples rights to sovereignty and self-determination is essentially wider than those suggestions, concerning indigenous people, made by the nation states for the Preparatory Committee for UNCED. Canada, New Zealand, Australia and Denmark have recommended the Preparatory Committee to pay special attention to the indig-

enous peoples unique status and role in an environmental and development context. The intimate connection between development and self-determination and sovereignty is on the other hand not mentioned. One can therefore only hope that the 8,000 grassroots organisations, who now have agreed to a Political Framework emphasising the indigenous peoples rights to self-determination, also will do their best to ensure that the nation states will take these rights into the UNCED process.

Most of the new members of the alliance are environmental groups. It is therefore a positive surprise that they are speaking of the indigenous peoples right to use renewable and non-renewable resources for economic ends. This indicates as a matter of fact a recognition of the Arctic peoples right to the hunting and trapping of seals, whales and fur-bearing animals for export. It is not because there should be anything peculiar in exporting, but as everyone knows the environmental movements have for years tried to ruin the arctic hunters basis for existence by destroying the market for their products. Those environmental organisations who have been most active in the Arctic recognise mostly only hunting and trapping if the purpose is for direct consumption. Following this philosophy it is not the sustainable basis that is important but the self-consumption. The new alliance makes it clear that they emphasise sustainability. It should be noted that the environmental organisations who for years have been a threat to the Arctic peoples are not represented in the new alliance. If they should apply for membership then they have to accept the Political Framework.

Another aspect in the Political Framework could also be valid for indigenous peoples:

»- fairly rewarding local populations for all benefits derived from their knowledge and resources. This includes ongoing royalties.« □



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## Troops stop medicines reaching Bougainville

By Mary-Louise O'Callaghan

The Papua New Guinea Defence Force is barring medicines, Vaccines and International Red Cross Staff from reaching Bougainville's main island, where up to 12,000 children are believed to be in danger from preventable diseases.

Australian aid agencies are also being prevented from implementing relief and restoration programs, although the Papua New Guinea Government granted them permission to enter Bougainville more than six months ago.

In the latest incident, last Sunday, desperately needed immunisation vaccines for the 6000 babies born since the island was blockaded nearly 18 months ago, were off-loaded en route to the island by the Papua New Guinea Defence Force.

International Red Cross officials confirmed that this was the second time that Papua New Guinea security forces based on Buka Island had removed and destroyed measles vaccination kits destined for the main island, where doctors believe an outbreak of the disease is imminent.

The Pacific delegate for the International Red Cross, Mr Xiaohua Wang, told »The Age« that the organisation was now considering aborting its \$ 300,000 emergency relief program for Bougainville because almost all the funds had been spent.

We are very unhappy with the situation at the moment because our operations are at a standstill, while the situation on Bougainville has become worse and worse.«

The Red Cross has had three medical delegates and medicines worth \$ 60,000 on stand-by in Rabaul for six months.

Mr Wang said that by denying access to Bougainville, the Namallu Government was effectively ignoring the mandate granted to the International Red Cross by Papua New Guinea when it signed the Principles and Rules of the Red Cross and the Red Crescent Disaster Relief.

The Australian Government which has provided \$ 250,000 to Australian aid agen-

cies for Bougainville relief work, has also been pressing the PNG Government on the issue of access which has been under an on-again, off-again blockade since secessionist rebels made a unilateral declaration of independence in May last year.

The Papua New Guinea Prime Minister, Mr Namallu, his department and the Defence Force were not available for comment on the issue.

But last month the Cabinet is believed to have approved, but not announced, a new policy on non-Government organisations which bars them from any areas of the country not under national Government Control.

Last week, further talks with Bougainville leaders were postponed indefinitely.

The provincial secretary for the North Solomons Province, Mr John Siau, told »The Age« that Bougainville was »over-supplied« with medicines.

He said that, on the main island, 25 health centres were operating and more than 157 teachers were receiving salaries.

But Red Cross and Australian aid officials said that while some medicines were being provided to Buka Island by the Papua New Guinea authorities, only a trickle of medicines was reaching the northern and southern tips of the main island.

There has been no supply in central, where most of the population is and where people have been hit worst by the blockade«, Mr Wang said.

The director of Australian Catholic Relief, Mr Denis Tamplin, also confirmed that very few medicines were reaching central Bougainville.

Mr Tamplin said that an Australian-funded pharmacist who had been waiting in Rabaul for three months had not been allowed on to the island.

A big concern of the agencies is the lack of immunisation for the estimated 12,000 children aged under five on the island.

The last complete immunisation of children was in 1989.

A report prepared for the International Red Cross by Dr Charles Laubal in the island's capital, Arawa, last month, warned that Bougainville could soon face

a measles epidemic.

The disease usually occurs in three-year cycles on the island. The last outbreak was in 1987 and 1988.

Mr Wang said the Red Cross would decide in the next fortnight about the future of the Bougainville program.

The Australian Government donated \$ 100,000 to the Red Cross Bougainville Fund, the EC gave \$ 100,000 and the New Zealand Government donated \$ NZ 60,000.

Source: »The Age«  
Monday the 14 October 1991

□

## 'LIFE IS NOT OURS'



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## Reports and Statements from United Nations Working Group on Indigenous Populations:

# UNWGIP 9. Session GENEVA 1991

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# Mining Threat

By Kirstie Parker

*The large Aboriginal delegation has come to Geneva with an axe to grind. Back in Australia, Aboriginal lands are under threat from mining, as Kirstie Parker reports from Cairns, Queensland.*

June 1991 was an historic month for Aborigines in Australia. It was when Coronation Hill, in the Northern Territory's Kakadu National Park, was won.

As the traditional home of about 300 Jawoyn Aborigines, the area had for years been at the centre of a controversial gold mining proposal.

But, on June 18, 1991, the Federal Cabinet made the decision to ban mining in the area. The decision was seen by Aborigines as an important sign of respect by a Labor government – which in the same month backed away from fresh moves to establish national land rights laws.

Prior to the decision, the prominent Darwin-based Northern Land Council, acting on behalf of anti-mining Jawoyn people, wrote to the Prime Minister, Bob Hawke, "It will become a symbol of your government's respect for our religious beliefs and our sacred places, or a symbol of your contempt for Aboriginal people."

The Coronation Hill debate was watched by mining and business interests who regarded it as a litmus test of the government's commitment to development. There were warnings of international ramifications, that faith in Australia as a resource-rich country where business investment brought lucrative rewards would diminish.

It will be some time before those predictions can be fully tested. Meanwhile Aborigines ask the question "How long before the next Coronation Hill?"

There are plenty of possibilities. Currently, Aborigines in Western Australia's Pilbara region are locked into disputes with mining companies wishing to set up bauxite and iron ore operations.

With their history of total disregard for the needs of Aboriginal communities, it is little wonder that mining companies encounter reluctance to negotiate. The memories of elders are still clear. They remain adamant that to retain Aboriginal

land is to retain Aboriginal culture. Knowledge of that culture is regarded as an education – and necessity – for life.

The Northern Land Council, after negotiations with Coronation Hill's joint venturers eventually pulled back from discussions – telling the government they were sick of talking. Perhaps the move towards greater consultation has come too late – and still offers too little reward.

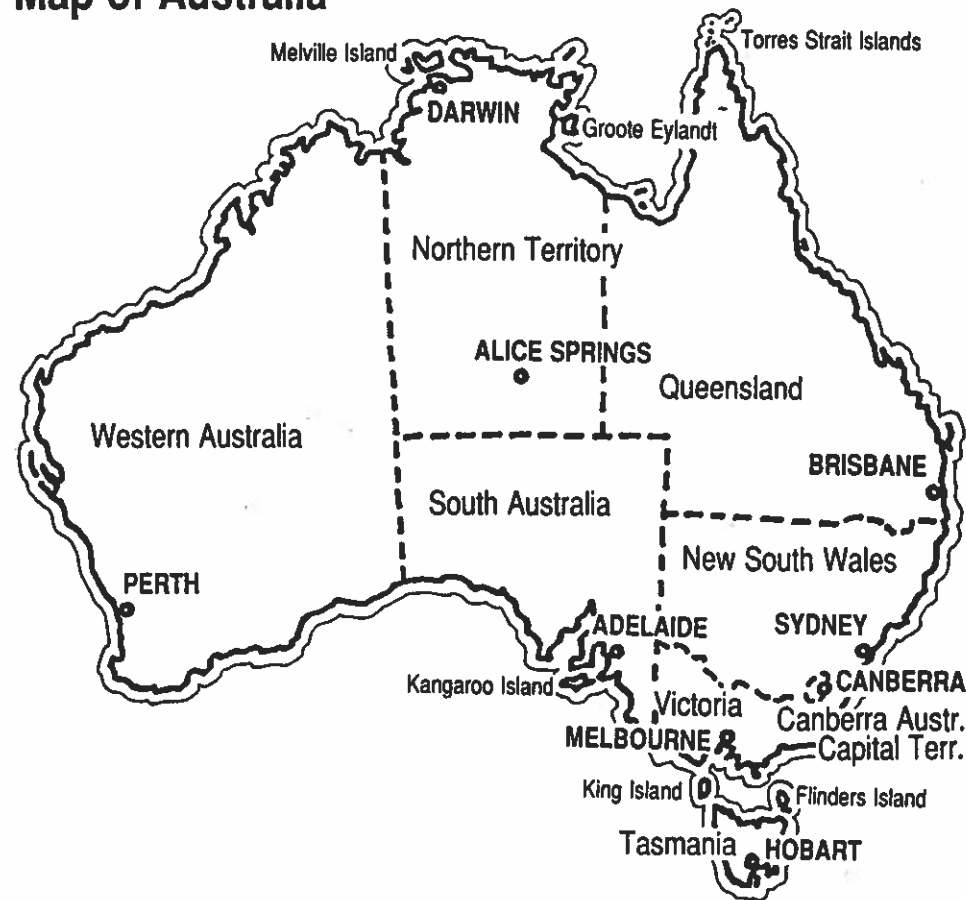
Most mining operations in Australia are

some jobs in the mining industry (or even want them), attempts or offers to help them reach those standards in well-funded mining-town schools remain stilted.

Financial gains from compromise with mining companies (e.g., royalties) can be tempting for those who know poverty only too well. Such compromise in Australia is fraught with problems.

The decision on Coronation Hill came after a report by the Resources Assess-

## Map of Australia



located in remote, northern regions previously inhabited almost exclusively by Aborigines. Since the 1950s ("the second invasion") those companies have generally failed to adequately utilise willing local Aborigines as employees, preferring instead to recruit from other regions. Employment programs are limited. While it is true that some Aborigines may not have the educational requirements for

ment Commission. It concluded that mining activity would not affect the sensitive South Alligator River catchment area at Kakadu. But it would seriously offend the Jawoyn people's beliefs that the area is home to the mythical dreamtime creature "Bula".

Later, a consultant who acted for Newcrest Mining, John Moriarty, wrote for the Australian Bulletin magazine suggesting

the Jawoyn people were not permitted to "engage independently in an effective negotiation process."

One Jawoyn man, Andy Andrews, wrote to Prime Minister Hawke stating: "My people want jobs and a future for our families. Jawoyn continue to support mining. Tell me what I am supposed to say to the 140 job applicants and our Jawoyn employees if the mine is stopped. Coronation Hill project gave these people hope and a chance to learn and work and have some dignity." The letter was accompanied by a petition of support for the mine, apparently signed by 92 Jawoyn people.

Such clear divisions have marked many of the negotiations between mining companies and Aborigines and can be extremely damaging to the latter.

During the Coronation Hill debate, the term "national interest" was often banded about. A gold mine at Coronation Hill might have generated \$82 million in Australia's economy each year.

While not considered particularly large many argued that if Coronation Hill was halted on the basis of Aboriginal concerns, how many more mineral developments would suffer the same fate?

It is reasonable to surmise that public support for Aboriginal land rights has waned since the current recession really hit home. With the majority of Australians now "feeling the pinch," sympathy that existed before may have decreased.

But while Australia as a whole has only relatively recently been hit by recession, a large proportion of the aboriginal population has been dependent on welfare since the mid-1970s. Australia's current "unemployment" rate is approximately equivalent to the rate of "employed" Aborigines.

A major obstacle encountered when tackling land rights as a national issue is the lack of legislative uniformity. Attempts to establish national land rights laws were blocked after opposition from Western Australia (WA) and Queensland. Aborigines are particularly displeased with land rights policy in both of these states. In WA in 1986, the State Upper House defeated an Aboriginal land bill which would have allowed Aboriginal groups to claim only existing Aboriginal reserves, vacant crown land, and land originally granted to missions for their work with Aborigines.

The bill would not have allowed Abo-

rigines control over mining operations on their land.

Since this time, the WA government has implemented a policy in relation to reserves, missions lands and pastoral excisions, concentrating on 99-year leases for Aboriginal groups.

Recently the Queensland Parliament passed legislation granting Aborigines freehold title over existing reserves but rejected a land acquisition fund and mining royalties and exempted urban areas from land claims.

Requests by the Federal Aboriginal Affairs Minister that the Queensland Government provide limited public funding for Aboriginal communities to buy freehold land on the open market have been refused.

Although the Federal Government stepped into the Queensland argument, this does not happen often. The Federal Government has the constitutional power to override state legislation in respect to Aborigines. However, many Aborigines consider the track record for appropriate intervention by this and preceding governments to be poor. □

## 2 IWGIA DOCUMENTS ON EAST TIMOR

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# Joint Statement of the Australian Aboriginal Organizations:

Top End Aboriginal Coalition;  
Queensland Federation of Aboriginal Land Councils;  
Federation of Aboriginal Education Consultative Groups

Presented by Josie Crawshaw

## Review of Developments

Thank you for the opportunity to address the Ninth Session of the Working Group on Indigenous Peoples on the agenda item of "Review of Developments".

On behalf of the Top End Aboriginal Coalition of the Northern Territory, the Queensland Federation of Aboriginal Land Councils and The Federation of Aboriginal Education Consultative Groups of New South Wales, I present the following joint statements.

Yesterday we heard the Federal Minister Mr. Tickner present his Government's interpretation on their advancement in addressing Aboriginal and Torres Strait Islander rights to self-determination and self-management.

We would like to cite three recent developments that the Australian Government claim that Aboriginal self-determination is a reality or well advanced to becoming a reality.

The developments cover self-determination and self-management in the areas of land and resources; education and political status.

In May 1991 the Queensland Government passed The Aboriginal Land Bill. The Queensland government asserts that the Aboriginal Land Bill and I quote:

**"...will provide a scheme under which Aboriginal people can secure title to certain categories of land and can exercise control over the use and management of that land according to Aboriginal tradition"** end of quote.

(Minister for Family Services and Aboriginal and Islander Affairs second reading speech. Aboriginal Land Bill 1991 page 1)

The Queensland Federation of Land

Councils rejects this assertion. It is our opinion that the Bill violates Aboriginal Law and is regarded by Aboriginals as a contrived act to destroy Aboriginal culture whilst ENSURING non-Aboriginal land rights are recognized.

The bill is also in direct contravention of the International Convention on Civil and Political Rights (Schedule 2 part 1 Article I 1,2,3), precluding the right of Aboriginal people to determine their *political status*; and to freely pursue *economic, social and cultural development*.

In addition the Bill mocks the recommendations of the Royal Commission into Aboriginal Deaths in Custody which reported that a legacy of dispossession of land excludes Aboriginal people from economic power; and also **recognised** that Aboriginal people need a land base from which we can begin to change our social and economic position.

Specific major concerns are:

Under the Bill; approximately 95% of traditional land cannot be claimed. This land contains sacred or significant sites and there is **no** statutory land acquisition program for loss of this land **nor** provision for compensation for destruction of our heritage.

Aboriginal people did not agree to the claims process which includes an embargo on lodging claims; and notice by gazetting to other interested parties of intended claims.

The land available for claim is decided by the Governor in Council and must be gazetted **vacant Crown land**; **National park** or **Aboriginal land** held under Deed of Grant in Trust.

The Minister has power to decide who

the successful claimants are and the power to over-ride Appeals to the land claims Tribunal.

There are no existing or proposed Lands Councils. Instead, Ministerially appointed Trustees who are not necessarily traditional owners will administer the CONTROL, USE and MANAGEMENT of land.

The trustees can enter into land use agreements **without** the consent of owners and determine the period of those agreements.

Aboriginal owners do not have real ownership of natural resources on their land and this is evidenced by the lack of veto over mining and no capacity to negotiate royalties.

Hunting and gathering is only permitted on reserves thus excluding 95% of the Queensland Aboriginal population.

The cultural heritage of the Aboriginal people of Queensland is at risk under the Aboriginal and Torres Strait Islander Land Act

**and we call on the Federal Government to exercise its power to over-ride this legislation and echo the demand of our brother Mick Dodson that they not hide behind a cloak of Federalism.**

The Aboriginal people of Queensland cannot rely on the Federal Minister's hope expressed yesterday, *and I quote*

**"that the Government of Queensland will use its Aboriginal and Torres Strait Islander Acts as basis for further legislation."**

The Aboriginal people of Queensland also call on the United Nation's to investigate this breach of the International Convention on Civil and Political Rights and

assist us to gain our economic, political, cultural and social freedom.

Madam Chairperson, I now wish to address the second point of my report. You may recall that last year I reported on the development of the Federal Government's new National Aboriginal Education Policy. A policy that the Federal Government promised would provide us with the means to be fully involved in the decision making and implementation in order to remedy the appalling achievement levels of Aboriginal and Torres Strait Islander people.

I described our fears of the colonist education system that we have been subjected to. A system responsible for cultural genocide through the colonization of our minds. We claimed then that the policy would not redress the situation. To the contrary, it would accelerate the process.

I now report on the implementation of that policy that sadly confirms that our fears were valid.

Firstly the AEP is clearly no more than a series of financial and administrative arrangements where by non Aboriginal and Torres Strait Islander bureaucrats at the Federal, State and Territory level are responsible for the implementation of the policy.

The Federal Government established a National Aboriginal Employment, Education and Training Advisory Committee (NAEETC) however Aboriginal Education Consultative Groups are not represented and their involvement is by invitation only to two of the quarterly meetings at their own expense.

The process makes a mockery of Aboriginal community involvement in the decision making and implementation of the Education Policy.

Although the Foreword to the Policy recognises that the education system has failed Aboriginal people; by neglecting to accommodate their cultural needs and circumstances.

The strategies and programs by and large have been written by non-Aboriginal bureaucrats and academics who have no understanding or experience of Aboriginal cultural differences and educational needs.

It makes no provision for independent community controlled Aboriginal education providers; especially Aboriginal schools.

The policy fails to address the crucial area of Early Childhood Education sufficiently.

The Federal and State Ministers have absolute power of veto over all programs and planning.

The implementation of this policy is only a year old and yet we heard the Federal Minister state in his address yesterday that Aboriginal disadvantage and aspirations in education are going to be reconciled through yet another process- the Process of Reconciliation.

We question the validity of the Federal Government's stated commitment to advancing the plight of our people in the area of education.

We are not fooled by the words and programs designed to present a smoke screen to disguise the real agenda of assimilation/integration. Which leads me onto my final point and the most recent development in our country- the Council for Aboriginal Reconciliation.

The Top End Aboriginal Coalition reserves their position at this stage on the Reconciliation process and it's implementation except to say we share the scepticism expressed by our sister Helen Corbett from the Committee to Defend Black Rights. This scepticism is based on our early analysis of the Australian Government initiative that purports to transform relations between Aboriginal and non-Aboriginal people in Australia.

Firstly, we are of the opinion that if the Government intends to pursue the public awareness and education campaign it will be focusing on the wrong issues.

Until the non-indigenous society is prepared to examine their ethnocentrism; change their colonist practices; accept they are the root cause of our society's degradation; we cannot agree that any reconciliation is possible.

Secondly, we question the need to establish the Council for Aboriginal Reconciliation; when the Government already has in place National policies and programs they claim have been designed to address social and economic injustices. Policies such as the:

Aboriginal Employment Development Policy (1988)

National Aboriginal Education Policy (1990)

National Aboriginal Health Strategy (1991)

Thirdly, we are of the view that accept-

ance by all political parties has been achieved because of the 10 year time frame. That is; if public support for the process is not forthcoming parties can disassociate themselves and the idea of a Reconciliation will be dropped.

Madame Chairperson, we have referred to the Council of Aboriginal Reconciliation as the CAR. The CAR with the registration number 2001. We ask can we trust the car dealer? Is it a new CAR? Or are we being sold a lemon? Is it like the CAR that drove the Makarratta and the Treaty- where the engine stopped and the wheels fell off?

In conclusion Madame Chairperson, we believe that we have demonstrated that self-determination and self-management is not yet a reality for us in our country. It is why we are rigorously pursuing a Declaration that strongly addresses up front the principle of the right to self-determination for indigenous people.

We are confident Madame Chairperson, that under your expert guidance the Working Group will fulfill our aspirations. Thank you. □



# Declaration of the Asian Delegation

Madame Chairperson, distinguished members of the working group and my brothers and sisters:

On behalf of the indigenous, tribal and

aboriginal peoples of Asia, allow me to submit our common statement. We value the sessions of the working group for indigenous populations under your most effi-

cient chairmanship and we seek your continued support, and that of the working group, in our struggle for justice, and against discrimination and genocide.



First and foremost, we want to bring to your attention the denial by some Asian governments of the existence of indigenous peoples in our part of the world. This denial presents a significant obstacle to the participation of many indigenous peoples from our region in the Working Group's deliberations. The denial also seeks to withhold the benefits of the declaration from the indigenous, tribal, and aboriginal peoples of Asia. We hereby urgently request that peoples who are denied the rights to govern themselves, and are called tribal, and/or aboriginal in our region, be recognized, for the purpose of this declaration, and in accordance with I.L.O. practice, as equivalent to indigenous peoples. The right to govern themselves be recognized for indigenous peoples.

Secondly, we want to draw your attention to the fact that governments and many development agencies in our region are continuing to exert every effort to assimilate our peoples into alien cultures and value systems. In the process, they are forcing us to learn and speak alien languages, and to violate our distinct identities and cultures. In addition, development programmes that affect our people do not benefit us. In the name of development, these outside parties construct roads, cut trees, build dams, mine our lands, ravage our forests, and displace our peoples. We demand that development programmes for indigenous peoples in Asia be administered only with their full, free and informed consent and participation.

Madame Chairperson, we, the indigenous and tribal peoples of Asia, welcome the proposal to have a forthcoming session of the working group in Manila, Philippines.

We believe that a session of the working group in Asia will greatly facilitate the constructive participation of the indigenous peoples of the region in the drafting of the declaration of the rights of indigenous peoples. Asia is the home of a large number of indigenous and tribal peoples, and our participation in the work of the working group is crucial since our problems are very serious and implicate millions of us.

We believe, Madame Chairperson, that need, not cost, should dictate the location of forthcoming sessions of the working group.

## We appeal to the working group:

1. To recognize the existence of indigenous and tribal peoples in Asia, and to safeguard our fundamental rights to land and to life.
2. To support our struggle for our land rights, and for our self determination regarding our political status, and cultural and economic development.
3. To help us monitor the human rights situation in our territories and states, by sending, for example, fact finding missions to investigate and report on alleged violations.
4. To make available, along with other U.N. agencies like the I.L.O., opportunities for Asian indigenous and tribal peoples to learn about and analyse the implications of the declaration of rights of indigenous peoples, other relevant international instruments, and the U.N. process which generates them.

Thank you Madame Chairperson

## Signatories:

Representatives from:

- West Papuan Peoples' Front
- Karen National Union
- Jumma Network in Europe
- Indian Council of Indigenous and Tribal Peoples
- Alliance of Taiwan Aborigines
- National Federation of Indigenous Peoples of the Philippines (KAMP)
- Lumad-Mindanao
- Cordillea Peoples Alliance
- The Ainu Association of Hokkaido
- Asia Indigenous Peoples Pact
- Naga Peoples Movement for Human Rights
- Homeland Mission 1950 for South Moluccas
- Hmong People

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PEOPLES OF THE  
SOVIET NORTH**

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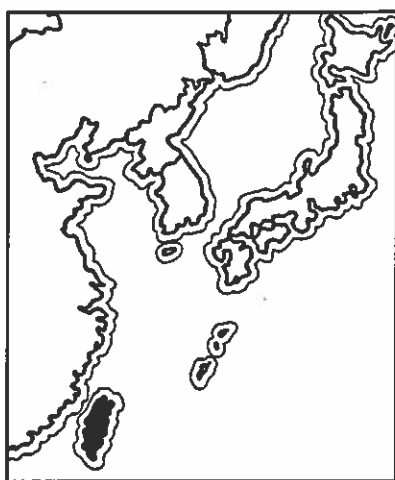
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# Report on the Human Rights Situation of Taiwan's Indigenous Peoples

Submitted by :  
Alliance of Taiwan Aborigines, I Chiang, Lava Kau



Taiwan, East Asia

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- Land Ownership and Economic Rights
- Cultural and Educational Rights
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#### I. Demographic Profile and Distribution of Taiwan's Indigenous Peoples

Taiwan's total area is 35,981 km<sup>2</sup>: 394 km in length and 144 km in width. Surrounded by the Pacific Ocean, its neighbours are

China to the west, the Philippines to the south, and Japan to the north.

Evidence from historical sites left by Taiwan's indigenous peoples testifies to a history of at least five thousand years. Before the Han people from China invaded Taiwan in 1624, communities of indigenous peoples were to be found throughout the island. Apart from the Pinpu, who lived on the Western plains and who have been entirely assimilated by the Han people- the indigenous peoples who still maintain some degree of their traditional culture lived largely in the mountains and on the Eastern plains of Taiwan. The Pinpu, according to early anthropological studies, can be divided into nine groups: Kavalan, Luilang, Taokas, Pazehe, Papora, Bobuza, Hoanya, Siraja and Ketagalan. Eleven indigenous tribes are in existence in Taiwan today, but the Han Anthropologists of Taiwan recognize only nine tribes. According to the official estimate, there were 337,342 indigenous people in Taiwan in 1989, and the breakdown by tribes shows: 129,220 Amis; 78,957 Taya; 60,434 Paiwan; 38,267 Bunun; 8,132 Puyuma; 8,007 Rukai; 4,194 Saisiat; 5,797 Tsou; and 4,335 Yami people. In addition, Taiwan anthropologists classify the Taroko people, numbering around 30,000 as Taya. Moreover, the anthropologists discount the 248 Thao people as "too few" and classify them as assimilated; the Thao people themselves, however, still identify with their own cul-

ture and ethnicity to this very day.

The overall population of Taiwan is approximately 20 million; the indigenous peoples represent 1.7% of the total population. The Han people who immigrated before 1950 were primarily Minan and Hakka people from Fuchien and Kwangtung Provinces in China. After 400 years of intermarriage with Pinpu and other indigenous peoples, many Han people have come to think of themselves as Taiwanese. The Han people who arrived after 1950 are primarily soldiers who fought for the Nationalist regime, which was defeated by the Chinese Communists during the 1949 Revolution.

### II. The History of Taiwan's Colonization

Before 1620, only indigenous peoples occupied Taiwan. What follows is a summary of the colonial governments that have ruled Taiwan from 1624 to 1991.

#### A. The Dutch and Spanish Colonial Period (1624 - 1661)

While the Han Chinese who lived along the Chinese coast had already made contact with Taiwan in the 13th century, those early contacts were sporadic, isolated, temporary, unplanned, and undertaken without government participation. They did not, therefore, constitute a decisive force of oppression; the indigenous people were still the sole masters of the island of Taiwan. In 1624 and 1626, respectively,

Holland and Spain invaded Taiwan with government-backed forces. They sought to subjugate the indigenous peoples with their superior material power and their fervor of religious indoctrination. During this time, some of the Pinpu people lost their autonomy, but the vast majority of other indigenous communities remained unaffected.

#### B. The Cheng Rule and the Manchu Colonial Period (1661 - 1895)

The son of a pirate, Cheng Chen-kong waged war against the Dutch in a struggle to lay claim to Taiwan, and his subsequent victory ensured his position as colonizer. At the same time, the Chinese rulers were non-Han Manchus, another ethnic minority within China. During Cheng's rule, his forces occupied the Western plains of Taiwan and a small part of the mountainous areas. Attempting to protect their land and tribal territorial lines, the indigenous peoples had countless conflicts with the Han, who were gradually invading the territory of the indigenous peoples and assimilating them. In 1885, without obtaining the consent of the people of Taiwan, the Manchu regime annexed Taiwan. This period witnessed the first massive influx of Han People, who took control of Taiwan's natural resources and land. However, even in 1895, the mountains and the Eastern plains were still under the effective control of the indigenous peoples

#### C. The Japanese Colonial Period (1895 - 1945)

In 1895, the Manchu government lost the Sino-Japanese War and signed the Treaty of Shimonoseki, ceding Taiwan to Japan. The Japanese government began to exploit Taiwan's economic resources through a systematic, capitalistic style of management; it was during this period that the subsistence lifestyle of the indigenous peoples began to crumble. In order to obtain control over Taiwan's forests, mineral resources, water, and tourism potential, the Japanese rulers contained the indigenous peoples in "Mountain Reservations," thus slashing the traditional territory of 2,000,000 hectares down to 24,000 hectares, to which the indigenous peoples had only utilization rights but could not claim permanent possession. In order to squash resistance from the indigenous peoples, the Japanese colonial govern-

ment launched a large number of massacres. During the "Five-Year Expedition" between 1910 and 1914, 10,000 Taroko people were massacred. In the Wushe Rebellion in 1930, the Japanese attacked six Taya villages with airplanes, cannons, machine guns, and chemical weapons, and massacred all the men, women, and children of the villages. In order to assimilate

the indigenous peoples, the Japanese government encouraged the indigenous people to use Japanese names, and forced the children to speak Japanese under their compulsory elementary school program. It was during this period that the traditional political, economic, cultural, and social systems of the indigenous peoples began to collapse.

#### D. The Nationalist (KMT) Colonial Period (1949 - present)

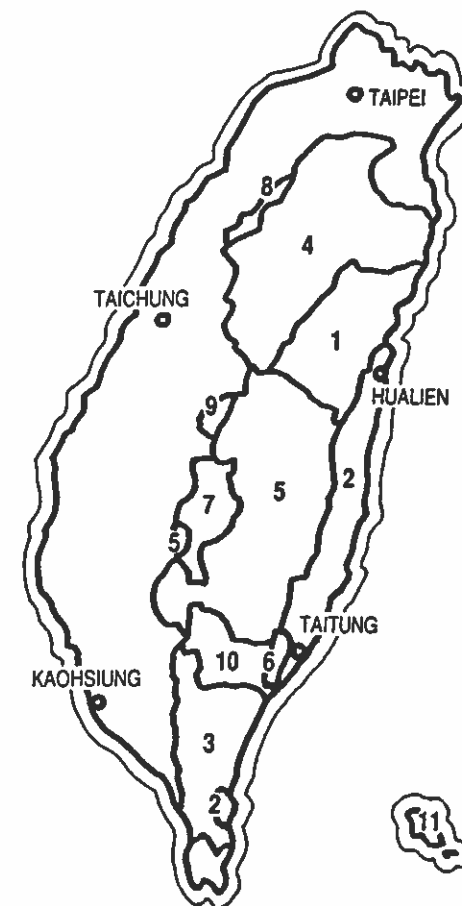
After its defeat in World War II, Japan accepted the San Francisco Treaty and its stipulation that Japan renounce its right to "Formosa and the Pescadores" on Sept. 8, 1951, ending 50 years of colonial occupation in 1949, the Nationalist (KMT) militarist regime, after its defeat by the Communist government, fled to Taiwan. In order to consolidate its rule, the Nationalist government massacred thousands of indigenous, Minan, and Hakka intellectuals in the early 1950s and imposed martial law, which was not lifted until 1987. In its policies toward the indigenous peoples, the KMT is the direct heir of its totalitarian and colonial Japanese predecessor, and indeed surpasses the latter in planning and implementing its policies. More discussion will be devoted to this subject in the next section.

After this short introduction to the history of Taiwan's colonial governments, and before proceeding, we, as members of Taiwan's indigenous peoples, have the obligation to inform the governments and indigenous peoples representatives who are attending this United Nations conference, as well as members of the United Nations, of the fact that, as the government of the People's Republic of China (PRC) has never ruled Taiwan, Taiwan belongs to the 20 million of the island-Taiwan does not belong to China.

### III. The Current Human Rights Situation of the Indigenous Peoples in Taiwan

The government that rules Taiwan today is named the "Republic of China," known as the KMT regime by both indigenous activists and the opposition party. Ever since its exile in 1949, the KMT has always advocated the military "recovery" of mainland China; the proposal of unification between Taiwan and China by peaceful negotiation is a recent development.

## Indigenous Peoples of Taiwan



1	Taroko	30.000
2	Amis	129.220
3	Paiwan	60.434
4	Tayal	48.957
5	Bunun	38.267
6	Puyuma	8.132
7	Tsou	5.797
8	Saisiat	4.194
9	Thao	248
10	Rukai	8.007
11	yami	4.335
Total Population		337.342



Decades of this goal of "recovering China" on the part of the ruling government of Taiwan has meant, then, an attitude of "passing through" toward both the people and the natural environment of Taiwan. At the same time, the PRC government has always maintained that Taiwan is Chinese territory, periodically seeking to intimidate the Taiwanese people with slogans such as "solving the Taiwan problem with force." On the other hand, the biggest opposition party in Taiwan, the Democratic Progressive Party, advocates Taiwanese independence. Taiwan's indigenous peoples, carrying on their struggle for survival, are caught in the middle of a political environment where the contenders differ in political perspective but share the same Han ethnicity.

According to the United Nations Declaration of Human Rights, no people can be denied their human rights on the basis of race and ethnicity. However, the crisis in basic human rights that the indigenous peoples have to confront in Taiwan today is different from that of the Han people. Not only do the indigenous peoples have to suffer the same oppression as the Han people, but we must also bear the persecution of the indigenous policies and Han cultural chauvinism of the present government. In other words, the deprivation of our human rights is twofold- we believe that this scheme is a familiar one for the indigenous peoples all over the world.

An exploration and assessment of the human rights situation of the Taiwanese indigenous peoples should not be undertaken by simply examining the greater context of the Taiwanese people's human rights situation; such an assessment must also take into account the inferior position to which indigenous peoples have been relegated, based on the cultural differences and economic development of their communities. The first aspect of such an assessment is already addressed in the Report on Taiwan's Current Human Rights Situation. The account which follows is grounded in the perspective of Taiwan's indigenous minorities. We sincerely hope that it will facilitate the world community's understanding of the human rights situation of Taiwan today:

#### A. Human Rights and KMT Policies

The KMT Constitution, implemented in 1947, was legislated in China and is there-

fore unsuitable for Taiwan. It contains no laws that directly describe or protect the rights of Taiwan's indigenous peoples; therefore, we have no right to self-determination and no collective rights as a group. While the KMT government was a co-signer of the Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries passed by the International Labor Organization of the UN, it has not abided by the regulations of that agreement. The basic policy of the KMT government toward the indigenous peoples is one of artificial assimilation, aiming at the complete effacement of the indigenous peoples' consciousness of their own history, culture and language. The first "Summary of Policies Toward the Mountain Brothers," issued in 1951 already stated clearly that all provisions pertaining to indigenous peoples were to be temporary and were to be gradually abolished. The formulation of basic policy from this point on has been based upon this insistence. Taiwan's government does not recognize the ethnic status of the tribes and our historical position in Taiwan; it has deprived us of our traditional right to the land and our traditional territorial sovereignty.

#### B. Political Rights

Taiwan's government has deprived the indigenous peoples of our political, cultural, economic, educational, and social autonomy. In terms of political participation, it has designed a system of "protective quotas," symbolically handing the indigenous peoples a few seats in Taiwan's legislative bodies. In the parliament, where the majority rules, the rights and welfare of the indigenous peoples are completely at the mercy of the Han majority, a fact which renders our quotas little more than political ornament. Indeed, as the Taiwanese people did not have the right to form a political party before 1988, the KMT has enjoyed decades of one-party rule among the indigenous people, a monopoly which it has maintained to this very day. Party intervention in the areas of predominantly indigenous population is highly organized and pervasive; elections at all levels always yield results that conform to the will of the Party. The parliament can give no real expression to the will of the indigenous peoples. In a word, the

rights of political participation for the indigenous peoples are manipulated by the KMT regime in specific and the Han people in general.

On April 2, 1991, Taiwan's indigenous peoples put forth our demand for autonomy as an organized group. The official answer was, however, that an autonomous region for the indigenous peoples is out of question. The administrative sector responsible for handling indigenous affairs is subordinated to the larger administrative bureaucracy. In the central government, this sector is represented with a third-level office- the Mountainous Regions Desk- under the Human Affairs Division of the Ministry of Internal Affairs, employing a total of three people and budgeted with US\$ 12 million annually. At the provincial level, there is also a third level office (expanded only in 1990), the Office for the Mountainous Regions, a subdivision of the Human Affairs Bureau. With twenty workers and headed by a person of Han descent, this office is responsible for formulating most of the policies concerning indigenous peoples. It is unreasonable to expect a Han executive to be able to transcend the values and interests of his own ethnic group; he is certainly unable to solve the indigenous people's problems and promote their interests in ways that are grounded in their perspective and compatible with their values- and yet he is entrusted with overlooking indigenous peoples' affairs. The same principle of personnel choice is to be found everywhere else in the bureaucracy. While each local government in areas of predominantly indigenous population has an Office of Mountainous Areas, the office head is almost always Han. The political unit that is most directly relevant to the indigenous peoples is the so-called "mountainous county," of which there are thirty. At first glance, it may appear that the counties can be taken as burgeoning forms of indigenous autonomy, as the KMT government ordains that the county head must be chosen through local elections. However, in reality the county heads have virtually no executive power, not to mention that candidates other than KMT nominees have little chance of winning; consequently most indigenous people who are elected are funded by the local Han and/or involved in a local Han patronage system. Even those who are elected with the genu-

ine support of the indigenous population find their powers curbed by the chairpersons of the County Representative Committee who are, again, overwhelmingly Han. Therefore, Taiwan's political system is entirely under the control of the KMT and the Han people; indigenous peoples have absolutely no voice, let alone autonomy, in such a political system.

#### C. Legal Rights

Historically, Taiwan's colonial governments have found it most expedient to subjugate the island's indigenous population with direct physical force; treaties and agreements have been virtually absent from the colonial relationship. However,



Representatives from Alliance of Taiwan Aborigines, Geneva 1991.  
Photo: Jens Dahl

when indigenous peoples have asserted their original rights, colonial governments have always been quick to negate these rights with the laws that they themselves have created. To this day, indigenous peoples have no legal status; whatever protection our rights may enjoy, have all been issued in the form of executive orders. As this process is not subject to the scrutiny of the parliament, it is never exempt from frequent and ill-considered revisions. At the same time, the attacks on indigenous peoples' rights are also launched in the form of executive orders. Many laws claim to protect the interests of indigenous peoples when, in reality, they are wielded to destroy the indigenous peoples as ethnic groups and take away our rights.

A national census that includes an accurate ethnicity count is, needless to say, of the utmost importance to the indigenous peoples; not only it is crucial to our very survival as a group, but the population count is also crucial in determining the political strength of a group in a certain locale. Such an important and fundamental human right, however, has only been delineated and protected by a provincial executive order in Taiwan whose main purpose is to assimilate the indigenous peoples. The "Identification Standards for the Mountain Natives of the Taiwan Province" divides indigenous peoples into "mountain brothers of the mountainous areas" and "moun-

the wife indigenous, the woman retains her ethnic identity and so does the man. However, if an indigenous man were to enter into a matrilineal marriage with a Han woman, he would automatically become Han. More absurd than anything else, perhaps, is the fact that an indigenous person can legally discard his or her own ethnic identity, but can never reclaim it. In addition, there are many other discriminatory and unjust regulations in the "Identification Standards"- this executive order is an important factor in the failure of the indigenous populations to grow at a normal rate.

Also, the executive order, "Regulations Regarding the Development and Management of the Reservations of Mountain Brothers in Taiwan Province," seems to provide important protection of the land ownership rights of the indigenous peoples. However, this order has proven in practice rather to affirm our loss of these rights. It declares the nationalization of our traditional territories, hunting grounds and ritual sites. The order declares the privatization of land already inhabited by individuals, but this privatization entails only rights of use and not rights of ownership- ownership management belongs to the government. Even more outrageously, this order grants any Han person who chooses to take residence in the areas of the indigenous peoples 0.03 hectare of land for construction. Both public and private industries as well as individuals can obtain the rights to develop the mineral, quarry, industrial or tourism resources located in mountain reservations if they follow the specified procedures. What this means in practice is that all the land with development potential has already been wolfed up by either the government or by Han capitalists. In 1987, the KMT government lifted martial law, and put in its place the "National Security Law," which continues to impose many restrictions upon the mountain areas inhabited by indigenous peoples. In other words, martial law continues to rule these areas. Nothing illustrates the pervasive ignorance and oppression prevalent in this legal system more accurately than the complete absence of any multicultural consideration in Han law. All the laws of Taiwan are legislated according to the values of the Han people. The common laws of the indigenous peoples are neither incorporated



into nor acknowledged by the laws of this land. The legal system, then, only serves the Han people at the expense of the indigenous peoples.

#### D. Land Ownership and Economic Rights

With a total area of only 35,981 square km and a population of 20 million, Taiwan is a country of staggering population density. Land is, therefore, one of the most precious and coveted resources in Taiwan. History reveals generations of colonial governments and immigrants who obtained land by means of force; almost no contractual arrangement or effort at obtaining the consent of the indigenous people was ever made. Even when such arrangements did take place, they inevitably were couched in a language foreign to the indigenous peoples and designed to deceive and swindle. After their ancestral lands were appropriated as national property, the indigenous peoples lost their claim to the very land on which their private homes were built. In recent years, under the current government's policy of massive development of the areas in question, demand and exploitation has occurred on several fronts: forested land has been assigned to the management of the Bureau of Forestry, land with mining potential has been claimed as national property; areas noted for their natural beauty and tourism potential have been designated national parks; and the Ministry of Defense has appropriated vast tracts of land from the indigenous peoples under the pretext of national security. The last pieces of land upon which the aborigines rely for their survival have been taken away, and their consent was never sought in the process. In order to build national parks, industrial zones, and reservoirs, the government forcibly relocated aborigine tribes such as Fushih Village of Shou-lin County, Hua-lian, in the case of the Tai Lu-ke National Park; Mei-shan Village of Tao-yuan County, Kaohsiung, in the case of the Yu-shan National Park; the ancestral graves of the Bunun tribe in Tong-pu Village, Shin-yi County, Nanto; the villages within the Hoping cement industrial district in Shou-lin County, Hua-lien; and the Hao-cha Village in Wu-tai County, Pin-tung, in the case of the Wu-tai Reservoir; to name only a few. After government policy is formulated, the indigenous people involved have absolutely no channel through which

to express their opinion, indeed lacking the very right to do so. There has been some monetary remuneration, but the amount is negligible in view of the losses sustained. In addition, land belonging to indigenous peoples was awarded to army veterans who came over from China after 1950, while other plots were designated university property. The KMT's local organizations, such as the People's Service Station in each county and the activity center of the National Salvation Group, all occupy land that belongs to indigenous people. In a word, virtually all land with development value has been occupied and exploited.

Traditionally, indigenous societies have thrived upon subsistence economies, where each tribe makes its livelihood as dictated by its geographical environment. However, under laws that were legislated in accordance with the Chinese value system, all hunting, fishing, lumbering, and agricultural activities undertaken by indigenous peoples on their own ancestral lands are now strictly forbidden. Every year indigenous peoples from various parts of the island, uninformed of or unable to obey these laws, are punished legally and often must serve 2-3 years prison sentences. Deprived of their resources and lands, indigenous peoples can no longer eke out a living in their traditional tribal villages. Large numbers of those who are capable of physical labor have flowed toward the industrial towns and cities to become laborers.

According to the official statistics in 1989, 48.8% of the indigenous people are agricultural workers, while the rest work in non-agricultural professions. In reality, however, the majority of peasants go to neighboring cities to take temporary jobs requiring intense physical labor during the off-season, as the income from their land can no longer support a household. According to a 1986 survey, the annual income of indigenous peasants is 54.3% that of Han peasants. At that time, the agricultural income of indigenous peasants was US\$1,457, their non-agricultural income was US\$2,478, total income amounting to US\$3,935. The average agricultural and non-agricultural incomes of Han peasants, on the other hand, were \$2,638 and \$4,607, respectively, yielding a total of \$7,935.

The vast majority of the indigenous peoples who become city-dwellers enter

labor-intensive jobs that require little or no technical training and tend to be low in both status and pay. The men are primarily workers in wood and steel manufacturing, truck drivers, miners, and deep-sea fishermen, while most women become electronics and textile workers. These industries are among the most labor-exploitative industries in Taiwan. Many indigenous workers frequently find that their pay is withheld without reason. They have neither labor insurance nor a pension, and are constantly threatened by unemployment. Taiwan's international image may be that of an economically prosperous and wealthy nation, boasting foreign exchange reserves of US\$80 billion dollars and an annual individual income of US\$8,000. However, these figures are, as far as "ipare" concerned, legerdemain figures that have little meaning. Indeed, Taiwan's economic development has been attained at the expense of the right of workers and of the environment; the wealth is concentrated in the hands of a few capitalists, and the gap between rich and poor is very wide.

Most urban aborigines live in illegal constructions or construction site shacks; an indigenous person cannot afford to buy a house of his/her own with their life savings. According to data from 1983, more than 35% of the aborigines are at least NT\$80,000, or US\$3,000, in debt, and the main reasons for this debt are fast rising living standards and illness. The individual annual income surveys conducted by the Taiwan government each year never isolates the income of indigenous people, which means that the official statistics entirely fail to describe the economic situation of the aborigines. In the meantime, both the international and the Taiwanese community, including the indigenous community itself, continue to be deceived by the high income figures produced by the Taiwanese government.

#### E. Cultural and Educational Rights

In 1945, the KMT regime issued "Regulations Regarding the Recovery of Ancestral Names," under which all Han people can discard the Japanese names imposed upon them by the colonial regime and reclaim their family lines. However, not only were the indigenous peoples unable to reclaim their ancestral names, but under the assimilationist policy of the Taiwan

government, they were denied even the right to register their citizen identification with their traditional names. The family organization of each indigenous people, once perfectly described by our traditional system of names, has completely disappeared. This has resulted in both differences between family names within a lineage and differences between lateral relations. This confusion in familial names leads to a corresponding chaos in familial relations; tragic incest cases constantly occur.

The KMT shows equal disregard for the cultural sites of the indigenous peoples. For example, the designated site for the new train station in Tai-tung happens to be a thousand-year-old historical site, while the sewage processing plant currently under construction in Taipei will lead to the irreversible devastation of the two-thousand-year-old Pinpu site of She-san. The cultural Gardens of the Indigenous Peoples, designed as a Museum, is being built and managed by the KMT government. It is being built upon land bought at a price far below market value from the local indigenous population, and its commercial attraction is to put existing indigenous cultures on display for tourist consumption.

For the last forty years, children have been forbidden to speak their own language in the schools, let alone learn that language as part of their education. All the textbooks for elementary and middle schools are homogenized and edited by the government, and thus are devoid of any references to the culture, history and ethnic consciousness of the indigenous peoples. Only 0.3% of the indigenous peoples had received a college education in 1989, while 5.8% of the Han population already had college degrees in 1978. Part of this discrepancy may be contributed to the fact that the qualifications of teachers in the mountainous areas are on average lower than teachers in other districts, not to mention that the facilities are far below average as well. All in all, the educational system systematically discriminates against the children of the indigenous people.

#### F. Social Rights

In 1978, the government, in a blatant deception of the Yami people of the island of Lan-yu, announced the construc-

tion of a military harbor and widely publicized the employment opportunities such a project would bring. The unsuspecting Amis joined the construction project willingly, only to find out after its completion that the project was actually a nuclear waste dump. Currently Taiwan has three nuclear plants- the construction of a fourth one is pending- and all of Taiwan's nuclear waste is dumped on Lan-yu. Since this site has reached full capacity, the government is now planning expansion of the site. The Yami however, are putting up stiff opposition, and the conflict is still unresolved. Without garnering the benefits of nuclear power, the Yami are yet tricked into shouldering the immense risk of a nuclear disaster- this is a classic case of racial discrimination and deserves international censure.

Another example of social discrimination can be found in the housing problems that urban indigenous peoples confront. While Taipei has tens of thousands of illegally constructed buildings, the government very rarely enforces construction codes. However, when indigenous peoples put up temporary housing on government-owned lots or alongside rivers, the government frequently sends out bulldozers. No corresponding interest was ever taken in the housing problems of the indigenous peoples. Due to the need to move frequently, many school-age children could not receive formal education on a stable basis.

Last of all, a significant portion of indigenous girls and young women have absolutely no human rights whatsoever. Bought and sold as child prostitutes, they are in every sense the victims of an established system of slavery with which the entire Han society is complicitous. Aged from 9 to 18, these girls are estimated to account for 20% of the child and adolescent prostitutes in Taiwan, a prosperous market that is part of the vast and ubiquitous Taiwan industry which thrives upon the sexual exploitation of women. Given hormonal shots, beaten, tortured, and repeatedly raped on a daily basis, these girls live entirely outside modern society and the rudiments of human rights by which such a society supposedly defines itself. The very survival of our ethnic groups is jeopardized as the daughters and future mothers of our race are reduced to commodities and denied their very right to

existence as human beings.

#### IV Our Expectations of the United Nations

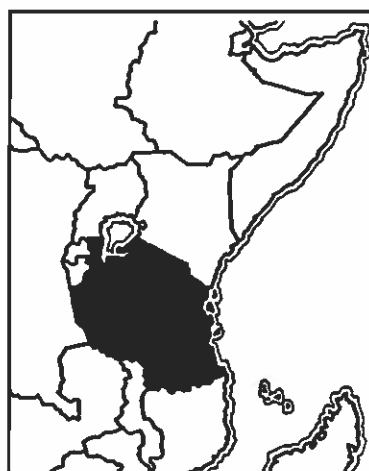
Even though Taiwan is currently not a member of the United Nations, the indigenous peoples are part of the world community. This report is aimed at providing the governments and the indigenous peoples of the world a preliminary understanding of the human rights situation of the indigenous peoples in Taiwan. This is the first time Taiwan's indigenous peoples have had the chance to report the human rights problems we confront. We have always taken a deep interest in the human rights of indigenous peoples all around the world, and we hope that this interest will prove mutual. We also sincerely hope that the United Nations and other concerned international organizations will scrutinize the human rights of Taiwan's indigenous peoples based on the principles of international justice that you uphold. All the indigenous peoples of Taiwan, including our organization, Alliance of Taiwan Aborigines, will welcome you with all our heart if you can come to Taiwan to obtain first-hand understanding of our situation. Last of all, we are very happy to have the opportunity to participate in the discussion of the draft of the International Human Rights Declaration of Indigenous Peoples, as this is a document long overdue. We look forward to its completion and hope that it will offer indigenous peoples all over the world substantial protection of our human rights. □



# The Indigenous Peoples Question in Africa

## With Specific Reference to Tanzania

By Moringe Parkipuny



Tanzania, East Africa

### Introduction

#### Madam Chairperson, Sisters and Brothers,

I bring from Africa greetings of solidarity to all, you gathered here and those at home who are with us in the agonies of Mother Earth and Indigenous peoples. Agonies which are one of the manifestations of the disgraceful and disastrous injustice endangering life in this modern global dominion. You may recall that in the year 1989 two representatives of Africa Indigenous Minority Peoples attended for the first time this forum. This is our second participation. We have learnt from your dear sisters and brothers that irrespective of the enormous dimensions of the physical and propaganda machinery of our oppressors that have impaired our unity, we are indeed one extended family with a shared plight, a unified value system, and a deeprooted determination to restore to humanity, the sanity of respecting Mother Earth and the fundamental human right to cultural diversity. Joining you in 1989 has provoked the question of whether our peoples back home have a valid identity with the global extended family of indigenous peoples. We appeal to you now to bear with us as we take your time and solicit your attention to answers to this question.

#### 1. The Colonial Roots of Marginalization

In the 1880's, European partition carved up Africa into a haphazard assortment of 48 possessions in total disregard of socio-ecological boundaries and economic vi-

ability of the territories. Borders were fixed so arbitrarily that many nationalities were sliced into several European domains. For example, Maasailand and its people were split between Germany and Britain, into three fragments assigned to the colonial states of Tanganyika, Kenya and Uganda. Secondly, these colonial creations were set up without consulting the peoples of the continent.

Indigenous African institutions at the core of peoples' self-determination were labelled primitive and rigorously attacked with the objective of total destruction, to enable the conquerors to impose their own systems.

The 1960's, the decade in which most colonies in Africa attained independence, promised great hope that the restoration of the dignity of the peoples of this continent was imminent. However, the leadership of the new states, their territorial parcels which were drawn in Europe, were determined to hold on to them without altering an inch, as if these were sacrosanct entities. Indeed one of first undertakings of the African post-colonial states founding leaders was to sanctify, in the Organization of African States, the arbitrary boundaries inherited from the era of European colonialism. It deserves to be emphasised that the highly esteemed founding fathers of independence did not consult their peoples before taking such a profound decision. Secondly the economic structures and relationships put in place in the colonial era were inherited, with only cosmetic modifications if any at all. Thirdly the malady of nationalities split by arti-

ficial boundaries drawn in Europe was retained intact. Fourthly despite, or more precisely, in view of the strength of cultural diversity in ways of living, languages, history and the identity of nationalities under their jurisdiction, the new regimes took a regimental approach to the fundamental need to foster national unity. Yet that ideal can be better realized through a process that ensures a fair deal for all.

The assault launched in the colonial period to destroy African indigenous institutions of social organization, self-determination and cultural identity was inherited by the independent states and in fact intensified, no longer in the name of empire, but of fostering national unity. African regimes rather than reacting soberly and beginning a dialogue with the citizenry, to forge remedies to the ailments, predictably produced by the malformed birth of the neo-colonial nation state with its inherent injustice, have adamantly dismissed even the most fundamental and clearly legitimate demands, as mere backward aberrations inspired by tribalistic and anti-patriotic sentiment. Needless to state that was in substance the position taken by the colonial regimes, which perceived African aspirations to self-determination, to asserting its fundamental human rights, as agitations of peoples still in the age of primitive human civilization to disrupt the law and orderly administration.

The path taken by African leaders to build nation states through attempting to obliterate cultural diversity has proven in the short post-colonial period an outright



Maasai dancers from Usangu, southwestern Tanzania. Photo: Jens Dahl



disaster. The essential task of nation state building has in consequence suffered across the continent and fallen into a quagmire of boundary disputes and endless wars of nationalities asserting their right to cultural existence. That has in turn led to diversion of scarce resources from improvement of peoples living conditions and national progress to sophisticated weaponry and even larger numbers of citizens in arms. This human tragedy of man, exacerbated by famine and mass suffering have been the consequent lot of African peoples, in their millions. The basic material needs and human rights of citizens have persistently been given secondary attention as the mishap of destruction has been accorded priority. The basic human right to cultural identity is held in ridicule and depicted as an intolerable aberration, incompatible with the cardinal goal of constructing united nation states. African peoples outside of the mainstream society are therefore rendered politically powerless as their fundamental freedoms and basic rights are violated with impunity through discrimination, prejudice, exclusion from managing changes that affect their livelihood in the name of national unity and progress.

Tanzania is reckoned to have been successful relative to other African countries in fostering the sense of national identity and unity. Tanganyika and Zanzibar won independence from Britain in 1961 and 1964 respectively. The two governments immediately formed a union, the United Republic of Tanzania. This country with more than 120 nationalities is in the rare situation in Africa, in which the overwhelming majority of people across the nation speak a common local language, Kiswahili which thus provides a vital medium of cross cultural communication.

Even in this case where the political situation was very favourable to flexibility, the stereotype approach to nation state building was adopted and at that without the mandate of the people. Despite the democratic rhetoric of the Ujamaa and Self-Reliance national policy, the state has systematically institutionalized a subtle system through which it maintains tight control on the populace. One party rule has been entrenched in the Constitution of the United Republic of Tanzania. In the framework of a monopoly of the political process, promulgated in the supreme law

of the land, the Party proceeded to intertwine with the government and armed forces. The composite three-in-one machinery prescribes and enforces country-wide uniform policies. It maintains control of the decision-making and development process, the mass media, political, social and economic association.

## 2. The African Indigenous Minorities Question

The overwhelming majority of East African peoples are Bantu speakers who earn their living from cultivation and have cultures with a great deal in common. The national culture prescribed by the state is constructed from the value systems of the mainstream population but with strong influences of European and Arab cultures. Kiswahili, the national language, which is the pivot of the prescribed culture, is predominantly Bantu and Arabic, with considerable Asian and European influence. The stereotype modern Tanzanian is conceived to be a Kiswahili speaker and ideally actively engaged in farming or at least of peasant origin.

In Tanzania, indigenous minority nationalities include the pastoral Nilotic speaking Maasai and Tatog, as well as the Hadza, Sandawe and Dorobo hunter-gatherer communities which have inhabited extensive areas of East Africa for over 3,000 years. At present they constitute only a small proportion of the total population in Tanzania, Kenya and Uganda. In each of these countries however such peoples constitute a distinctive segment of the national population, peoples who have maintained the fabric of their cultures that are very different from those of the mainstream population and the state prescribed national ideal. They are conspicuously distinct from the rest of the population in dress, language, rotational systems of resource utilization and relationship to the environment. Pastoral and hunter-gatherer peoples managed, through passive resistance, to hold on to their indigenous lifestyles, traditions and cultures, to the end of the colonial period. These are peoples who have continued in the independent African nation states period to resist assimilation impositions. They have neither converted to cultivating cash crops nor have they been obedient to the well known state policy of compulsory village settlements, which became a must for all

in rural Tanzania in the early 1970s. They have not become any more amenable to state control now than under the European colonial regimes. For that defiance they received the stigma of resisting modernization and even of being incapable of adopting "civilized" ways.

Contrary to predominant prejudices these societies are by no means static, rigid or hostile to cultural interaction and exchange. Neither have they been irrationally opposed to economic development nor uncompromising in dealing with external interests and forces. Over the years they have interacted with peoples of other cultures and repeatedly adopted changes that were inconceivable to their past generations. These peoples have accepted changes which they perceived would enhance their wellbeing. They have in the meantime recognized and tactically negotiated to win concessions, to ameliorate the impact of impositions that they were aware would be to their detriment. They have not practised blind commitment to tradition nor relapsed into embracing change as prescribed from outside, be it by the state or the prevailing mainstream society fashion at anytime.

In the 100 years since the 1890s both the colonial, and subsequently the independent African states have continually fought to obliterate the cultural identity of our peoples through policies of assimilation and alienation from the land that constitutes the basis of sustainable survival for us. This is not a generalized cultural genocide against minority peoples. In East Africa minority peoples of Asian, Arabic and European descent are free to maintain their lifestyles, languages and religions without intervention by the state. It is specifically indigenous African cultures which are well known to have firm roots in value systems, languages, lifestyles and grassroots community oriented economic systems, all profoundly different from those of the mainstream population which have actively been the target of total annihilation. They are looked down on as backward, evolutionary relics of past primitive ages and an outright disgrace to the national image.

Instead of appreciating and harnessing the potential of diversity of cultures and systems of production in building new nations, African regimes are determined to subjugate indigenous minority peoples

under their jurisdictions to ultimately bring to an end their resistance to assimilation. The values cherished by our peoples are at variance with the uniform national prescription. This gross misconception has condemned indigenous African minorities to an inhuman citizenship, peoples whose cultural heritage is dismissed and relegated to irrelevance in the making of the nation states to which they have become citizens not of their own free will but as a result of the 1884 Berlin Agreement among the European powers on the partitioning and conquest of Africa.

This is a case in point of peoples who have consistently maintained an unshaken confidence and pride in their cultures despite a relentless onslaught by the state and mainstream society awash with chauvinism, emanating from superiority derived from control of the centralized machinery of domination. But their resilient resistance to assimilation has resulted in their being marginalized in the process of development, control of resources and exercise of human rights. The primary criteria used nationwide in allocating resources to social services and economic infrastructure. Both the state and the international donor community tend to use the criteria of population densities and contribution to cash crop production in allocating development resources. Resources allocation systems based on those criteria have been one of the major causes of indigenous minorities being left out of the development process, from getting a fair share of resources allocated to development.

African indigenous minorities are an integral part of the world-wide extended family of indigenous peoples, clearly not by virtue of being the Aborigines of the continent. It is only in this last decade of the century in which Africa has been under foreign subjugation that access to trans-continental communication has awakened us to a momentous realization. We have become aware that we belong to an authentic worldwide family of peoples who- despite their far apart concrete socio-ecological environments- have maintained their ages old community values and coherent views on the universe totality in a very perverse world power configuration, dominated by the cult of reckless conquest. Secondly the strikingly common historical plight in relation to the domi-

nant powers on the land and perseverance to survive with dignity recognized by all peoples as the fundamental right to distinct cultural co-existence and as peoples maintaining sustainable lifestyles in relation to nature. The third commonality hinges on ancestral land that we relate to with profound spiritual respect and historical ties to our children at birth; to which as a community we learn to be responsible, disciplined and to uphold coherent values that link new generations firmly to our ancestors; and to which we return at death. We- in common with the rest of humanity- are determined to live in dignity, strengthened in that resolve by the awareness that we are not isolated, but indeed part of the global struggle of indigenous people to restore respect for our rights to our cultural identity and to the land of our birth. These fundamental human rights that have been blatantly violated by dominant cultures in a World endangered by the reckless drive with the arrogance of might, to plunder global natural resources and subjugate peoples.



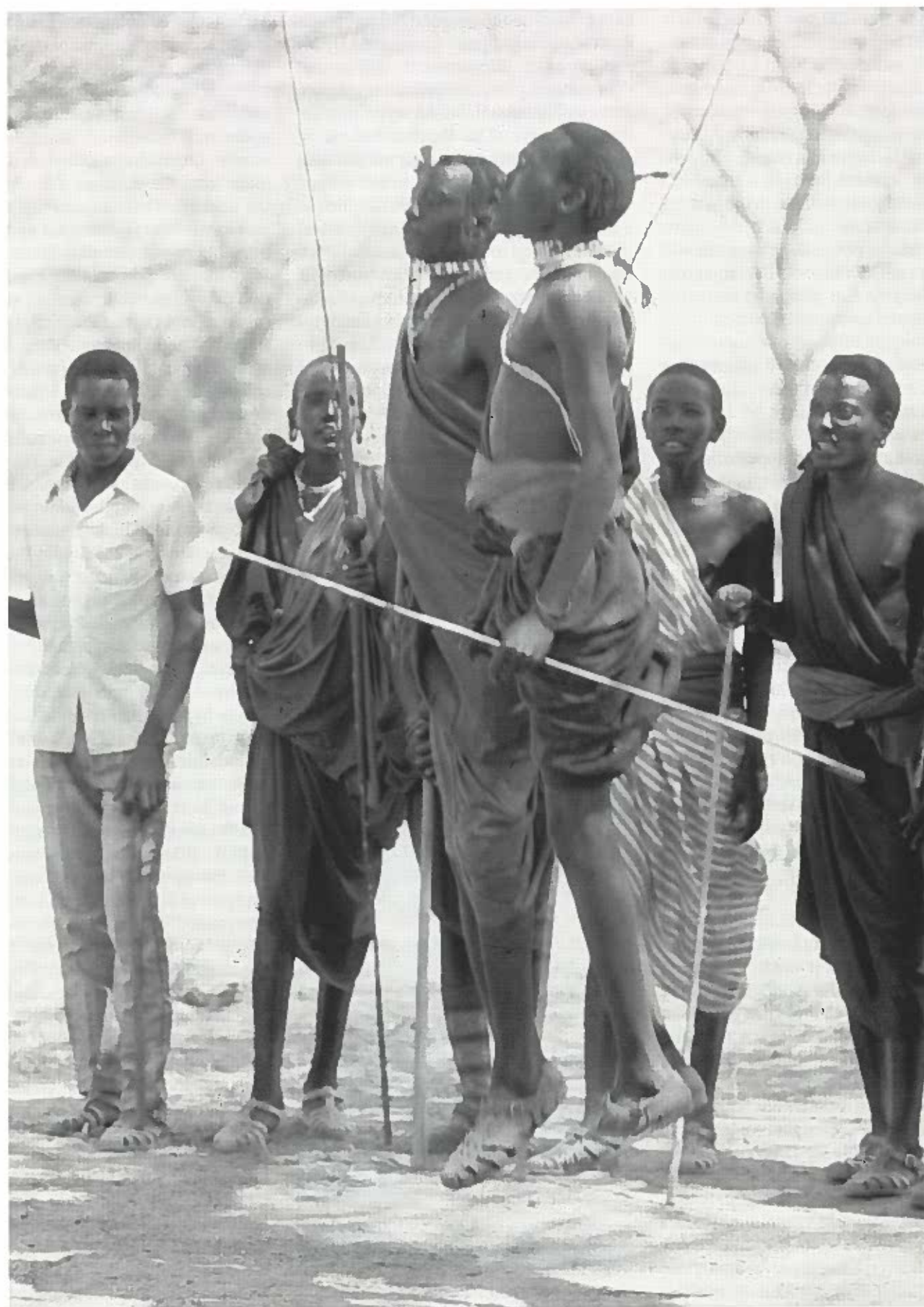
Moringe Parkipuny,  
representing KIPOC, Tanzania.  
Photo: Jens Dahl

## 3. Obstacles to Autonomous Organizing

Under these circumstances the formation of authentic grassroots organizations has been impaired by the state, which is suspicious that such institutions will encroach upon and undermine its monopoly of power. Organizations that are autonomous from the state are registered under the Societies Ordinance of 1954 which is part of the colonial legacy and has not been altered in the past three decades. And, they are not accorded legal recognition as a democratic right of citizens to organize, but only at the discretion of the state. The actual process of registration is cumbersome, lengthy and prone to political blockade. Moreover, legally existing organizations are subject to state surveillance, which may be accompanied by harassment and ultimately banning. In view of these circumstances, in which autonomous existence is at the mercy of the state, it is no wonder that genuine grassroots organizations are a rarity in Tanzania.

The state becomes even more suspicious in the case of organizations of peoples whom it has loaded with the stigma of being anti-nationalistic, and "resistant to progress," for having defied the forces deployed in attempts to assimilate them into a hypothetical national culture and development route that requires minority nationalities to discard their indigenous value systems. We went through a painstaking process, lasting three years, before finally securing formal registration of KIPOC (Organisation of Pastoral Peoples). Furthermore, we were compelled to conform to an organization structure predetermined by the Societies Ordinance. KIPOC founding members had to revise the original draft of their constitution which provided for a representative structure in keeping with pastoral peoples organizational systems. We had to conform with the prescribed individual membership system, precisely so that we would stand a chance of getting registration. Even after KIPOC had been registered we were summoned by functionaries of the ruling Party at the district level to account for KIPOC's existence, to the District standing committee that deals with security matters, to the best of our knowledge there was not even a sign of us being a threat to anybody. The summons came as real surprise to us, because we had already voluntarily shared with those officials the





Maasai dancers from Usangu, southwestern Tanzania. Photo: Jens Dahl

relevant information in all stages of the registration seeking process. This we did to solicit goodwill and to pre-empt anticipated local political intrigues. The Societies Ordinance obliges the registrar, but not those seeking registration, to consider the views of the relevant District Commissioner who heads the Central Government at that level. It is noteworthy in that regard to point out that the local elected councillors of Ngorongoro had resolutions, first to support the initiative taken to form the organization and to urge for its speedy registration.

#### 4. The Democratization Wind

The current world-wide resurgence of democratic change has touched Africa. This marks the beginning of a new phase in the predicament of the continent. The dramatic fall of autocratic regimes and the suddenly loud voices of people debating their destiny across the continent in these early hours of the 1990s are manifestations of irreversible change. To the dictators Africa is in turmoil. To others the Western multiparty democracy system is advancing to even frontier Africa in the march to complete economic, political and cultural unification of the entire World. Multiparty states will not curtail the miseries afflicting Africa. It is very obvious from the pathetic plight of minorities, that include coloured people and the native peoples of America in the United States, the proud home of that Constitution of Liberty, the most vocal advocate of the multiparty system and the unequalled world superpower, that political pluralism have not guaranteed social, economic, political or environmental peace. Moreover India, the largest western type democracy in the World, has had a multiparty system for over half a century now, without discarding its colonial legacy. It is very obvious that multiparty have not made a difference to the overwhelming majority of the peoples of the sub-continent which has some of the strongest indigenous cultures of this planet. To this very day great India has overwhelming and accentuating socio-environmental devastations.

In our viewpoint what is clear from the writing on the wall is that Africa is in momentous motion at the threshold of the 21 century. Beyond that it is not clear where we are heading. This beleaguered continent cannot afford to be hooked into

another false start. The multi- and Soviet supreme single party systems are both Western. The move from colonial domination to mono party rule in Africa was both a bitter reaction to the inhumanity of the crude phase of Western hegemony that denied the colonized peoples a voice in their destiny and a carry over of the dominant belief of the rulers of the time that African peoples were so primitively fragmented in tribes hostile to each other that they could only be made to live in harmony under one flag by the power of a strong central authority. To creep out of the horrors of the colonial legacy and swing with jubilation into the multiparty system in the framework of structures of power bestowed on Africa at independence, is outright disgraceful and dangerous.

Africa should not fail to enter into critical dialogue on its political and economic colonial legacy as a crucial aspect of the search for alternative forms of government and a new global economic order. Beyond doubt, preoccupation with the promotion of the rights of the majority and the need to consolidate national unity are vitally necessary. But these concerns should never be pursued to the exclusion of the equally essential obligation to protect the basic rights of vulnerable national cultural minorities. Pursuit of the course of the majority in a manner that involves seeking to obliterate minorities undermines the very foundation of unity among multicultural peoples and places a primary component of human rights, to cultural diversity, outside the national agenda. The reality of multicultural nation states cannot continue to be ignored and yet expect socio-environmental harmony to prevail in the land, or even to forge genuine national unity.

Among other prospects, the great political change that has dawned on Africa brings to light the suppressed question of the right of indigenous nationalities to their cultural identity. We are at the threshold of a period likely to witness qualitative progress as the peoples of Africa take control of their destiny. That is through autonomous grassroots organizing, without the fear of intimidation and harassment by the state with intent to enforce the rigid monopoly of power that it has wielded since the attainment of independence. In that context, the birth of

KIPOC is timely. We are determined to evolve this organization into a dynamic grassroots instrument with sustainable strength to motivate and give support to indigenous minority peoples in Tanzania, who are currently excluded from management of the process of change that affects them as peoples.

Madam Chairperson we invite and appeal to you to visit Africa. By doing so you will give us an immense morale boost. Madam Chairperson, Brothers and Sisters present here on behalf of your peoples and support groups it is glaringly clear from the presentations that we have shared that Mother Earth and her indigenous peoples are in gross distress. Relentless determination in unity is without doubt our greatest asset. As Nelson Mandela reminded his peoples years back, there is No Easy Way to Freedom. We Shall Overcome.

*Moringe Parkipuny, is the Executive Secretary of KIPOC; Organization of Pastoral Peoples.* □



# Statement of KIPOC, NGO for Pastoral Peoples, Northern Maasailand, Tanzania



By Shomet Naingisa

## Introduction

Madam Chairperson, honorable members of the Working Group, ladies and gentlemen, on behalf of my delegation I am very appreciative of this opportunity to address this conference for the first time.

I now turn to the presentation of my statement which focuses on the alien and ill-conceived wildlife conservation policies exercised on our land and their consequent negative impact on the rights of the indigenous Maasai people.

## Expropriation of the Wildlife Resources

Before European shooting for pleasure and pursuit of profit spread havoc on the land, in the wake of colonization which subsequently gave rise to local commercial hunting, wild and domestic animals co-existed throughout extensive areas of Africa. In East Africa massive numbers of free living creatures of diverse species continue to inhabit ecosystems that have been the common home of indigenous peoples and wildlife for thousands of years. The natural right of all creatures to unmolested existence on common resources of the land remains to this day an integral part of the belief and value systems of the indigenous minority peoples of Africa.

Among the Maasai, wild animals are cattle of the creator and a reserve to be harvested only in time of extreme loss of

livestock which then exposes the community to starvation.

Thanks to the survival of our indigenous value system and traditional resources utilization systems, pastoral lands have retained rich wildlife endowments.

There can be few places on this globe where wildlife is anywhere as plentiful and at that spread throughout the land as in Maasailand. The area accounts for more than 50% of the total population of game found in Kenya and Tanzania. The policy of the creation of exclusive wildlife and tourist preserves which was transplanted to East Africa from North America have caused the loss of vast tracts of Maasai rangelands to an extent unequalled perhaps on the entire continent of Africa.

At present nearly 80% of the game viewing tourists arriving in the two countries, (Kenya and Tanzania) visit the artificial preserves carved out of larger Maasai and wildlife ecosystems.

The arbitrary creations of preservation imposed on the land through the eviction of the indigenous people, who have protected their environment and its endowments so well that it has attained global recognition as a heritage of great value to humanity, have a precarious existence without the wildlife having access to the entire ecosystems.

Besides the arbitrary expropriation of quality rangeland, and that without compensation, the very peoples who have pro-

ected their wildlife resources so magnificently that today it constitutes a stock worthy of national and global pride are condemned to blatant deprivation and abject impoverization. The preservations "aristocracy" continually exercises a decadent policy that denies our people the right to participate in the management of the preserves and to get a share of the lucrative income that accrues from utilization of the resource of our land. The preservation legacy continues to dictate the eviction of indigenous peoples from their lands, exclusion from both the management of those areas and sharing of the earnings that accrue from resources that are historically ours, constitutes a gross violation of our basic human rights.

Absurdly, in the name of protecting wildlife, the most fundamental rights of the very people who have effectively protected the animals are totally ignored. This poses a grave danger to our cherished culture and is enforcing conditions which will lead to the elimination of wildlife, a great natural heritage of both our land and humanity.

## The Ngorongoro Conservation Area Crisis.

### The roots of expropriation and consequent impoverization and marginalization.

Despite persistent and powerful forces for eviction from Ngorongoro, the Maasai

have relentlessly held on to their land up to date. These forces claim to operate in the name of the entire world.

When Serengeti National Park, inclusive of Ngorongoro Highlands was established in 1951, the basic rights of the indigenous peoples to the land resources were recognized. However, the 1954 amendment of the National Parks Ordinance abrogated the unwritten rights of the occupancy and cultivation within the area. This profoundly curtailed the basic rights of the people to the land.

In no time, Serengeti became the focus of a major crisis involving the Maasai, the colonial administration in what was then Tanganyika and the international wildlife preservation lobby in the Western world.

The wildlife preservation interests mounted unequivocal demands for expulsion of the local Maasai from the park. The late Prof. GRZIMEK of the Frankfurt Zoological Society, went as far as demanding that Serengeti be placed directly under the U.N.O. When that failed, he offered to raise money to purchase the whole area, kick out the Maasai and then turn the land into an exclusive wildlife and tourist domain.

The British colonial authorities yielded to the massive pressure and instructed the people to vacate the Serengeti and Ngorongoro. But the Maasai flatly refused to comply. Faced with bloody and costly guerilla war, i.e. the Mau-Mau land struggle across the border in Kenya, the authorities could not risk another potentially costly native uprising in the immediate neighbourhood. The government therefore sought expert advice and thereafter negotiated a compromise solution to bring down the tension.

As the time when the Serengeti plains and not Ngorongoro Crater was the focus of wildlife preservation interest, an agreement was reached to declare the Western woodlands and a portion of the Serengeti plains a conventional national park. The Maasai accepted the compromise, to retreat to the Ngorongoro Conservation Area where they were promised a guarantee of the rights they were forfeiting permanently with the alienation of Serengeti.

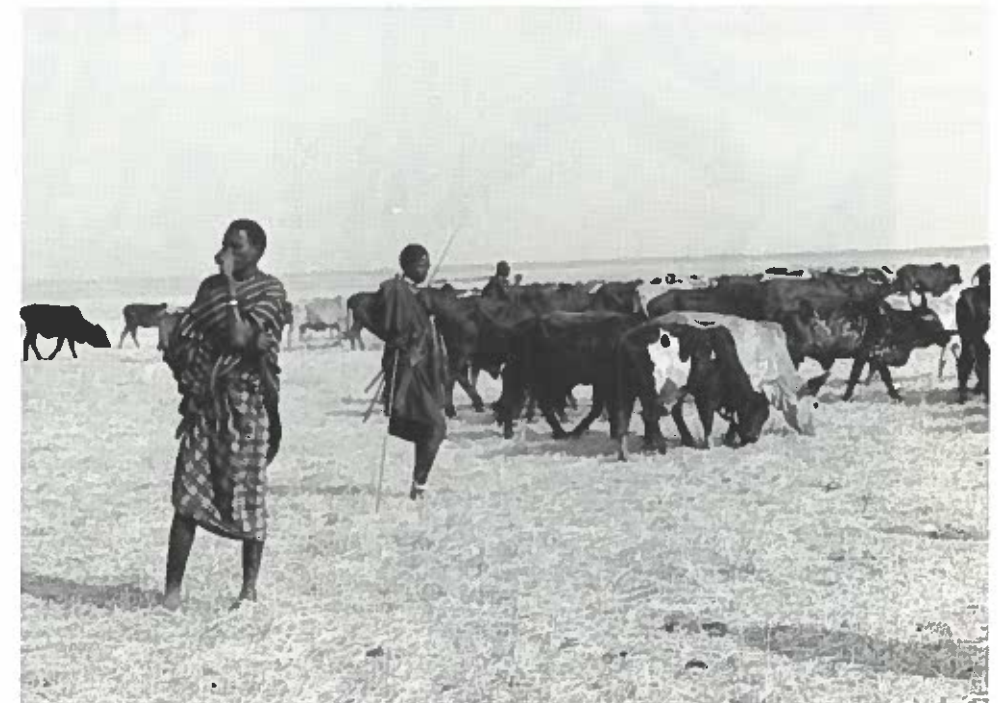
Addressing the Maasai Federal Council on August 27, 1959, Sir Richard Turnbull the British Governor of the then Tanganyika said "I should make it clear to you all that it is the intention of the government

to develop the Ngorongoro Crater in the interests of all the people who use it. At the same time the government intend to protect the game and human inhabitants of the area. But should there be any conflict between the interest of the game and human inhabitants of the area, those of the later may take precedence. The government is ready to start work in increasing the waters and improving grazing rangelands of the crater and the country around it. For your part you must take care to fulfil the agreements into which you have entered to keep the countryside in good heart. You must not destroy the forest, nor may you graze your cattle in areas which have been closed under any controlled grazing scheme; at the same time you must be certain to follow veterinary instructions designed to prevent diseases".

In 1960 several water reservoirs were constructed in Ngorongoro Conservation Area in an attempt to meet the terms of promises made by the Government. However, these water projects subsequently proved to be temporary and uncommensurable with the value of the permanent natural resources of the land which they lost to the Government. Additionally, none of the constructed reservoirs function now. Consequently, the Maasai of Ngorongoro have continued to suffer persistently from lack of reliable water supplies for domestic use and for their live-

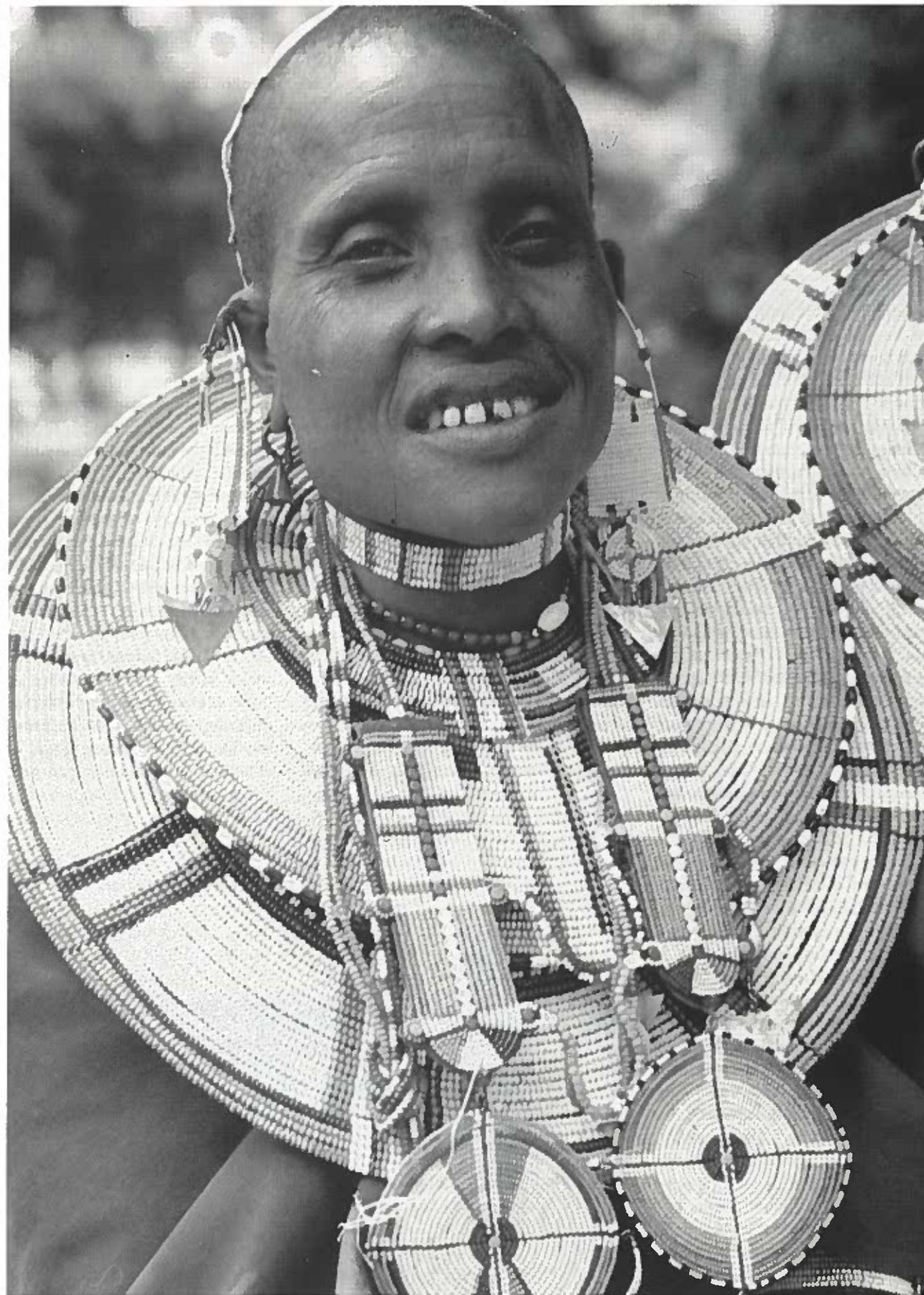
stock. On top of that, the guaranteed right of the land and priority of interest promised in 1958 and repeated by the Government of Tanganyika to the Maasai Federal Council were ignored by the authorities, as soon as the Government had securely obtained what it wanted.

Due to the inherently fragile premise by the Ngorongoro multiple land use option, the conservation area has inevitably been managed on an adhoc basis; Ngorongoro has, since its inception thirty years ago, not had a concrete official comprehensive management or development plan. The vacuum has given the conservation area administration and preservation patrons the discretion to make decisions and act conveniently, even contrary to the essence of law and justice, against those facets of the multiple land use option which, though provided for in the law, they consider anomalous in the framelog of the preservation concept of proper conservation. When the Maasai objected to the Government decision to abolish cultivation in Ngorongoro in 1974, they were promised that the branch of a trading company, whose main task would be to ensure availability of adequate grain supplies in village shops in the area, would be opened in Ngorongoro. They were at the same time promised development of a more productive livestock economy which would enable them to secure an improved quality of



Maasai men from southwestern Tanzania watching their herd. Photo: Jens Dahl





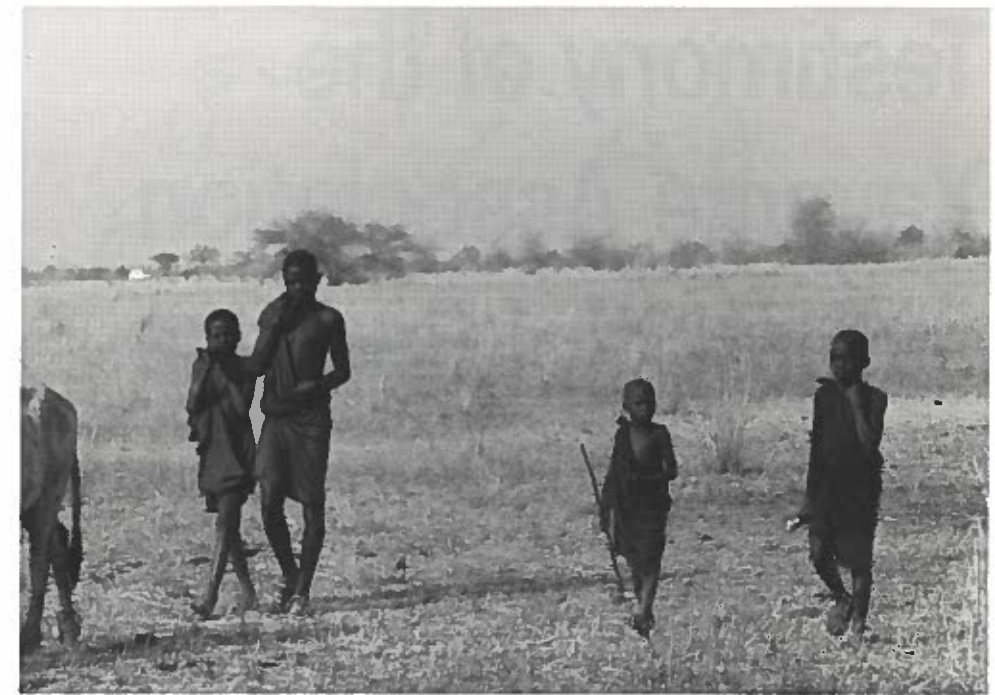
Maasai woman from Ngorongoro, Tanzania. Photo: Frans Welman

life without having to resort to cultivation.

The Maasai have been depicted in written anthropological records as living solely on milk, meat and blood. In actual fact, however, they have always supplemented those principal diet items with grain procured from neighbours in exchange for or purchased with cash earned from the sale of livestock or their products. The situation prevailing now in Ngorongoro Conservation Area is profoundly different from that pastoral ideal. The Ngorongoro Maasai have suffered a disastrous decline of their economy in the 1970–80s decade. Now less than 40% of the food requirement of the Maasai in Ngorongoro derived from livestock products, which more than 60% is procured mainly in the form of grain. This dramatic nutritional change reflects a grueling predicament of extreme impoverishment, which has compelled the Maasai in the conservation area to depend increasingly on grain. The productive and reproductive capacities of livestock in Ngorongoro have crashed. While the human population has increased from about 9000 in 1960 to an estimated 23,000 in 1988, over the same period cattle numbers have fluctuated downward around 120,000 head.

In consequence the majority of families in a community of, until recently, well-off pastoralists have fallen destitute at the hands of conservationists. In this situation the few better-off are unable to support the many relatives who cannot feed themselves. The local community system of social security has reached its limits. The poverty-stricken have at this juncture little choice but to resort to honey gathering, cultivation, even in violation of the law, trading in honey beer and too, of course, to become ready recruits in the service of trophy poachers. Women who have lost their main source of income in the form of surplus milk and a supplementary means to feed their children have to concentrate on illegal cultivation and trading in honey beer together with local spirits. That has in turn led to increased supply and consumption of alcohol to the detriment of a broad section of the community, as many individuals end up drinking without having anything to eat. Being the last in the household to eat, that is, after they have allocated everyone else food, women invariably suffer most from the shortages.

That diabolic process of impoverization



Maasai boys watching cattle in southwestern Tanzania. Photo: Jens Dahl

is still in progress. Persistently embarrassing criticism of the government, for disregarding the shameful imposed plight of the Ngorongoro Maasai, led the Ministry of Natural Resources and Tourism to appoint in 1988 a Commission. The Ngorongoro Commission was given the mandate to analyse expert specialist reports, prepared under the auspices of the International Union for Conservation of Nature and Natural Resources, and other relevant materials then submit a report with recommendations to the government on ways to resolve the outstanding crisis of the area.

In August, the Commission delivered to the Minister a new addition to the collection of reports with multiple recommendations on the Ngorongoro Conservation Area crisis. Among the many recommendations of that report the Commission emphatically appealed to the government to institute emergency measures to arrest loss of livestock and set up a relief food supply system to rescue the Ngorongoro Maasai from starvation. Two elected members of the Maasai served on this Commission. For one of them who was the member of Parliament for the district, it was the fifth Commission in Ngorongoro he got involved in, in the span of 10 years, between 1980 and 1990. So far nothing has

been done on any of the reports submitted by the five Commissions.

To compound the already delicate situation, the rains have failed this year and there is a real shortage of grain. In such a situation those who do not produce their own food are hardest hit. Cultivation remains strictly prohibited in Ngorongoro. The risk of Maasai starving to death this year in the Ngorongoro Conservation Area in the name of protecting wildlife for the world's present and future generations is very real. Where is our common future.

Shomet Naingisa is the President of KIPOC, N.G.O., for Pastoral Peoples based in Northern Maasailand in Tanzania. □



# Testimony of the Xavante Association of Pimentel Barbosa (Mato Grosso, Brazil)

By Sereburâ Xavante



Brazil, South America

My name is Sereburâ Xavante, and I am accompanied by Paulo Supretaprâ who is also from my village. We represent the Xavante de Pimentel Barbosa Association in the state of Mato Grosso, Brazil. The Association is affiliated to the Union of Indigenous Nations (UNI) of Brazil, which forms part of the Coordinated Group of Indigenous Organizations of the Amazon Basin (COICA).

To the Xavantes I am a *Rotsamari'wa*, which means, a lawyer.

Like you, Madam President, my work involves getting different groups of people with varying interests, to reach agreements and to respect them. As I am a *Rotsamari'wa* I can appreciate the difficult and important work your working group is carrying out for the benefit of the indigenous peoples of the world.

I am old and the trip here represents the first time I have taken an airplane. During the entire flight I clutched my seat because I was afraid of flying, but I wanted to come to talk with you, to pay my respects and to convey the warm greetings of the Xavante nation to all the Indigenous Nations here present.

Since the last session of your working group, the situation in Brazil has not improved, especially with respect to land rights. We, the Indigenous Nations of Brazil, want our lands to be respected as we respect the land belonging to the white people. They, on the other hand, invade our lands, pollute them with chemical fer-



Sereburâ Xavante offering the Chairman a Uibró, a Xavante symbol of mutual understanding. Photo: Alejandro Parellada

tilizers which penetrate the soil when it rains, and contaminate our rivers, destroying the fish.

The earth is our only interest in life. On it we have air to breathe and water to drink. But we want the water to be clean and we don't want poisons to be thrown

into it. We protect and preserve nature not only for our own survival, but also in order that the birds, insects and plants can continue living with us in harmony with nature.

What is the reason for attacking the Indian? To rob them of everything? What

have we done to the white man? We have occupied our lands for many generations and we have the right to continue living on them. But the white people are finishing us off. If it were left to them, there would no longer be any plant life. The white man does not respect people, but we respect them; they cannot understand that. They still have a lot to learn.

In our village we also have many problems, especially in the area of education and health. The government of Brazil is not giving us the medical attention that is due to us. Our village has no doctor or nurse, they never come.

We also have no schools in spite of the fact that we have repeatedly asked the government to furnish us with the possibility that our children can acquire a basic education compatible with our culture and our language. No attention has been paid to us.

The situation in our community is not unique. Many other indigenous communities in Brazil are suffering from these and other more serious problems. Such is the case of the Yanomami who are being annihilated. If the Brazilian government does not take immediate and drastic measures, the Yanomami Nation will disappear.

Madam President, I am old and I will definitely not be able to participate in your working group again. Therefore I would like to offer you a Xavante symbol as a souvenir. In the Xavante Nation, when two chiefs hold discussions and reach an agreement, one of the chiefs gives the other a "Uibró", a symbol of mutual understanding between two leaders. I have brought a "Uibró" for you Madam President and I hope that you will receive it in the same spirit of friendship and respect in which my people and I give it.

Thank you very much for your attention, Madam President.

Sereburâ Xavante,  
Xavante indian from Brazil.  
Photo: Alejandro Parellada



Map of Brazil





# Sandra's Story

By Pauline Comeau

*The optional protocol to the International Covenant on Civil and Political Rights allows for complaints by individuals against their governments to be heard by the 18-member UN Human Rights Committee. PAULINE COMEAU recently talked to Sandra Lovelace, from the New Brunswick Micmac, whose charge of discrimination against Canada helped to change Canadian legislation and alerted indigenous people to the possibilities offered by the procedure.*

It seemed simple enough. Divorced and living in the U.S., Sandra Lovelace decided in the late 1970's that she wanted to return home to Canada with her son.

But the Micmac Indian from New Brunswick soon discovered she no longer qualified for the rights and benefits enjoyed by other status Indians because of a 100-year-old government policy. Why? Because Sandra Lovelace had married a non-Indian and this was reason enough to disenfranchise her and any children she had.

Native women had tried to change the policy for years and decided to use Lovelace as their test case. Stalled by the government and courts, the effort moved to the UN Committee on Human Rights.

The argument: the law discriminated against Lovelace because she was a woman. Native men who married non-Indians were not disenfranchised. Their wives and children were automatically registered as status Indians and able to take advantage of all federally-funded benefits such as health care, education, and housing.

**"Bill C-31 removes some discrimination, but not all of it, and that is just not good enough."**

In 1981, the Committee ruled the policy was discriminatory, denying women and their children rights to which they were entitled. The timing was crucial. Canada was in the midst of rewriting its constitu-

tion to include, amongst other things, a Charter of Rights and Freedoms that specially referred to gender equality. Continued resistance to changing a policy that was so obviously discriminatory was becoming more difficult for the government.

In 1985, Canada finally amended the Indian Act with the passage of Bill C-31. The new law stipulated no status could be gained or lost by Indian men or women as a direct result of marriage. Women who had been struck from band lists could apply for reinstatement for themselves and their children.

"It was my understanding that the international pressure that was put on Canada and the embarrassment was the key factor in changing the discriminatory aspects of the Indian act," says Rose-Ann Morris, executive director of the Native Women's Association of Canada.

Lovelace believes the visit to the UN gave native women the opportunity to educate others about the issue. "It brought

a lot of organizations around to our thinking," she says. "At first, many didn't support us."

But the fight is not over. Six years later, native women are fighting what they call second-generation discrimination. Under Bill C-31, grandchildren of women who are re-instated and who are products of mixed marriages, are disenfranchised. The rule is that having only one grandparent who is a status Indian does not constitute enough of a blood line to qualify for status.

Ironically, Lovelace, now 42, agrees with the rule that could cut off her own grandchildren. "I think it is only fair. My child is only half Indian. If he marries a non-Indian it will dull the bloodline." However, Lovelace believes native women who want the change should fight for it.

"Some say that if there is only one Indian grandparent, then how will they learn their culture. Others feel that if you learn the language and the culture, and there is a test, then that is the measure," Morris says.

Her organization is arguing that the generation cut-off unfairly affects more women and their children than men. As a result, children and grandchildren of women who fought so hard to change the law are being treated differently than the children and grandchildren of men of the same generation.



Education is a way to protect own cultural values. Photo from school, Coral Harbour, Canada. Photo: IWGIA archives

A government spokesman said there are no plans to clear up what they admit are ongoing inequities. When asked how the government could support such discrepancies, Sandra Ginnish of Indian Affairs appeared to blame native leaders who complained about the extra financial burden they would face. "Some consideration had to be given to the points of view of the bands and the whole issue of re-establishing membership and what kind of impact that had on the bands," she said.

Studies show the Canadian government seriously underestimated the number of people who would apply for status and want to return to reserves. As a result, funding for housing and other programs has failed to keep pace with the growing population. Since 1985, more than 17,380 women and children have been reinstated under Bill C-31.

Morris says rules are applied unevenly. The date of birth and the laws in effect at the time, can disqualify an entrant. And different bands have been allowed to apply their own restrictions to the applicants as long as all reinstated Indians are treated the same. "Bill C-31 removes some discrimination, but not all of it and that is just not good enough," Morris says. □





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