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IWGIA - International Work Group for Indigenous Affairs - is an independent, international organisation which deals with the oppression of indigenous peoples.

IWGIA publishes the IWGIA Documentation Series in English with summaries in Spanish. The IWGIA Newsletter will be published four times a year: in March, June, October and December. The Documentation and Research Department welcomes suggestions and contributions to the Newsletter. The Newsletter is published in English and from 1979, a version in Spanish has also been produced for distribution among Indian organisations in South America. This Spanish version is not included in the ordinary subscription rates, but can be purchased separately.

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Cover: January 14, 1981, Police carry away demonstrators protesting at the re-start of construction work on the Alta-Kautokeino project.
(Photo: Morten Brun, from Alta Pictures).

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CONTENTS
World Council of Indigenous Peoples: Third Assembly..... 3
Council of South American Indians: First Anniversary.... 7
Lars Persson - An Appreciation of a Life
by Helge Kleivan.............................................. 10
Australia: Church Group Fights Amax over Noonkanbah... 14
Australia: Law Reform Commission Inquiry into
Aboriginal Law.................................................... 15
Australia: Queensland to Abolish Aboriginal Reserves... 18
Australia: Campaign to Boycott Commonwealth Games 1982 20
Australia: Yipirinya School - An Alternative Education 21
Bangladesh: Tribals Fight for Land in Chittagong Hill Tracts..................................................... 29
Brazil: The Carajás Project - A New Expansion Phase... 45
Brazil: Union of Indigenous Nations Formed............ 47
Brazil: Prospectors Invade Yanomami Territory.......... 49
Canada: The James Bay Agreement under Fire.......... 50
Canada: New Oil and Gas Bill Threatens Native Rights... 55
Canada: Meeting Discusses Inuit Language Development.. 59
Colombia: CRIC Holds 6th Congress despite Police Repression..................................................... 61
Norway: Sami Rights and the Alta-Kautokeino Case..... 63
Panama: Church Holds Forum on the Plight of the
Guaymi People.................................................... 77
Peru: Agro Yanahua - The Amuesha Co-operative....... 78
USA: Oil Thefts from Indian Reservation............... 79
West Irian: Indonesian Subjugation of a Hostage
Population......................................................... 81
4th Russell Tribunal: Summary of Selected Cases........ 83
IWGIA Press Releases and Protests.......................... 91
WORLD COUNCIL OF INDIGENOUS PEOPLES: THIRD GENERAL ASSEMBLY

Indigenous delegates from twenty countries and indigenous observers from four additional countries met at the Australian National University in Canberra from April 27th to May 2nd for the third General Assembly of the World Council of Indigenous Peoples. The founding President, Mr. George Manuel of Canada, could not attend. He was undergoing heart surgery in Vancouver and had been told by his doctors not to travel. His speech to the assembly, read in his absence, stressed his concern with the revival of an indigenous ideology stressing the role of religion, language and the law.

"We leave our children at a very small age at the mercy of white institutions, white teachers, white principals and white guidance councillors" said George Manuel. "The white institutions have their own goal and, in principle, that goal conflicts with the indigenous goal of self-determination. That's where the failure begins and ends, that is what is helping to destroy our nations... We have been brainwashed by the educational institutions of the white man into believing that our own values were dirty, ugly and unfit to be taught... To strengthen and implement our ideology we must bring our religions back to life. Our ideology and religions respect all life ... The second important fact
of our ideology is our languages. We have to revive our languages...if a nation wants to survive, they must preserve and strengthen their languages. The third part of our indigenous ideology is our laws. We cannot live by other nations' law, and still expect to survive as indigenous peoples of indigenous nations with an indigenous cultural identity. That's why we are slowly dying as nations of people. That's why we are slowly becoming assimilated, that's why we are slowly becoming absorbed into the institutions of the white man. It will continue until we ourselves decide to revive and implement our indigenous laws. Our laws have to be brought back to life among our nations of indigenous peoples throughout the world, as the fundamental bases of our ideology”.

The General Assembly was hosted by the National Aboriginal Conference of Australia, a body established by direct elections as an advisory body to the central government. The closest parallel organization, in structure, would be the Finnish Sami Parliament. The National Aboriginal Conference was originally established by the Labour Government in Australia in 1973, but had ceased to function within two years. It was re-established in its present form after the present Liberal-Country Party government came to power in 1975. Another group of Aborigines held an "Aboriginal Forum" parallel to the General Assembly and sought direct representation in the World Council meetings. This challenge to the representativeness of the National Aboriginal Conference appeared to be resolved during the time of the Assembly with co-operation being established between the two groups.

An initial draft of an International Covenant on Indigenous Rights had been prepared for discussion at the Assembly. The Assembly agreed with the need for increased recognition in international law of the special rights of indigenous peoples and instructed the World Council to hold workshops on the draft covenant in each of the regions before the next General Assembly.

The structure of the World Council was slightly changed. There will continue to be five regional representatives on the Executive Council, but now the President and two Vice-Presidents will be chosen by the General Assembly from among the five regional representatives. The new President is José Carlos Morales from Costa Rica. The Vice-Presidents are Melillan Painenal of Chile and Aslak Nils Sara of Norway. The two additional regional representatives are Reginald Birch of Australia and Ralph Eleuska from Alaska. The secretariat will remain at the University of Lethbridge in Alberta, Canada. It was agreed that continuity was necessary for the secretariat and that no move should occur.

It was agreed that the question of criteria for new members should be studied. Indigenous observers from Japan, Thailand, India and Guyana were permitted to address the assembly on the final day.
The Executive Council meeting on Saturday, May 3rd, made plans for World Council activity in relation to various international conferences occurring in 1981. The Executive Council will hold its next meeting in Anchorage, Alaska, during the week of October 11th, at the time of the annual meetings of the National Congress of American Indians.

The new WCIP officials

President: José Carlos Morales is an agricultural expert from Costa Rica. He is General Secretary of the Consejo Regional de Pueblos Indígenas de Centro America, Mexico y Panamá (CORPI).
Vice President: Melillan Painemal is the Treasurer of the Mapuche Cultural Centre in Chile.
Vice President: Aslak Nils Sara is Director of the Sami Institute, Kautokeino, Norway.

IWGIA telegram to 3rd General Assembly

International Work Group for Indigenous Affairs (IWGIA) greets the 3rd General Assembly of the World Council of Indigenous Peoples in solidarity with the struggle for indigenous freedom now. We support your fight against racism, physical and cultural extermination; your struggle to secure political, economic and social rights; and the aim of self-determination for all indigenous peoples throughout the world.

COUNCIL OF SOUTH AMERICAN INDIANS: FIRST ANNIVERSARY

The Executive Council of the Council of South American Indians (CISA) issued the following declaration on March 3, 1981, the first anniversary of its foundation:

Our Cause

For almost 500 years, we the Indian peoples and nations of America have been invaded and occupied by a barbarous European colonisation; during these years, the colonisers have tried to destroy our culture, languages and customs, alienating our voice and appropriating our territories. 489 years of GENOCIDE AND ETHNOCIDE and spoliation which threatened our peoples with extinction. Today, we are still on our feet; being reborn as the hope of the future in the length and breadth of the whole continent, in pursuit of our conclusive and true liberation.

Our situation today

In South America, the "independent nation states" which broke the ties with the European Empires did not signify any achievement of liberty for us; on the contrary, it meant treachery and a greater subjugation, plunder and slavery on the part of the creole classes, step-children of the west, who formed their "nations" by treading on us, dividing our peoples, "legalising" the theft of all our basic resources and even our own lives. These new creole governing classes who imposed on us political and cultural structures in imitation of the European step-mother, brought a new imperialism to subjugate and exploit us more, thus perpetuating Indian America as nothing more than an appendage of the western culture. The Empires of England, Germany, France etc. were those that pushed them and today, it is the imperialism or Yanqui capitalism of the United States which supports this
fatal abuse of our peoples.

The Neo-Fascism of "Latin America"

During the last decade, the sons of Europe are in possession of South America. Pinochet in Chile, a clearly fascist regime, represses and persecutes the Mapuche Indian People, wishes to make them disappear as a culture and has passed a Law to divide and alienate their communal lands. In Argentina, Paraguay, Brazil, Colombia, the Indian peoples are continually being robbed of their lands by the large landowners and multi-national corporations with the official support of the governments. Banzer in Bolivia, during his bloody dictatorship, signed an agreement with CIME (Inter-Governmental Committee for European Migration) in order to re-settle 150,000 white families from the racist states of former-Rhodesia, South Africa and Namibia on Indian lands in Bolivia’s eastern zone with the argument of “improving the race” and “dragging Bolivia out of its backwardness”. And recently, two governments from this “Spanish America” have allowed their friends, the powerful multinational corporations, to let loose a “frontier war” between brother peoples. The Shuar People, also called Aguaruna, Guambisa and “Jivaros” have been falsely divided into two opposing camps and forced to suffer the confrontation between brothers in the Cordillera de Condor on their own lands which have belonged to them from time immemorial.

The resurgence of Indian movements

The Indian peoples of the world are aware of all this. In South America, the Indian Council is the body which unites them through the exchange of information and experience both concerning organisations and forms of struggle towards liberation; and also through the defence of their lands and the recovery of their own culture and civilisation. As Indian peoples, we represent the collectivist option for the societies of the future; the practice of communal life has always been with us as an essence, as a spirit. In this way, it determines our forms of organisation in Ayllus or Callpulis, our collectivist forms of work as in the ayni and the minka, and the extensive system of barter in which goods and products are exchanged in the thousands of fairs which survive today in all the community zones.

In countries such as Bolivia, Peru, Equador, Guatemala, Mexico where Indian peoples constitute the majority, not only are we together and allied, but we are the only real hope for a true Socialism in the future because as Indians we form the vast majority of the workers, peasants, miners and many of the intellectuals, all dedicated to liberation. Any real revolution must be initiated by us, by our race, our essence, and with our strength to assure victory.

I shall return and I shall be millions.

Lima, Peru, March 3, 1981,

Executive Council
The first President of IWGIA, the Swedish anthropologist, author and film-maker, Lars Persson, died after a traffic accident in South Africa on January 26, 1981, only two days before he was due to return to Sweden after four months of field work. He was buried in the town of Lamotte near Cape Town.

Although Lars Persson was only 46 at the time of his tragic death, his extraordinary work discipline, his intensive involvement in everything he did, and his sense of duty towards his fellow-men, generated more results than ordinarily produced over the full span of a life-time even by the most active individual.

Already as a young student Lars Persson began his long series of field trips to South America, the experiences of which he shared with countless readers in many countries through 6 documentary books, one novel, many articles and pamphlets, documentary films for TV and radio programmes.

His efforts to document Indian cultures and the ceaseless violation of all the basic rights of the Indians, focused especially on the Indians of Colombia. The last South American project he was involved in, was helping a Colombian Indian group set up a radio station, which was financed by SIDA, the international aid organization of the Swedish government. When he died, he was in fact planning another trip to Colombia, to solve the last problems connected with this project.

Lars Persson had a deep aversion to the false romanticism that for so long has been characteristic of books dealing with Indians, and which had inhibited an understanding of the conditions leading to their oppression.

With empathy and insight, he strove to demonstrate why racism and oppression still occur so widely today. Through his works we understand how even the best intentions emerging in the political history of South America have been derailed through corruption and abuse of power to the detriment of those placed lowest in the social hierarchy of colonial society.

After having published his first book, "The Mountain of the Motilone" (1967), he was one of the most active in the group of scholars who established IWGIA, - The International Work Group for Indigenous Affairs in August 1968. At the meeting of founding members, my proposal to name Lars Persson the first Chairman of our ad hoc work group was accepted. At the same meeting, I was named the first Secretary General of this work group. We worked closely together during the first difficult years, when we tried to overcome the constant lack of money through an exhausting effort to try to influence governments as well as public opinion.

In 1969 we managed to convince the Ministries of Foreign Affairs of the five Nordic countries to send their representatives to a series of joint meetings in Copenhagen, in which we exposed the plight of the indigenous peoples. Lars Persson strongly urged these democratic governments to initiate action within the United Nations. He was particularly disappointed with the attitude of his own government, which was overly hesitant in the initiation of international action for the protection of indigenous peoples. I vividly remember when he criticised his government for being more concerned to protect its trade interests in countries like Brazil, than with the protection of the human rights of indigenous groups.

It was during these meetings that we finally realized that there was little hope of any significant governmental effort in aid of the oppressed. To the present day, I am convinced that our conclusion drawn from the Copenhagen meetings has been fully justified: all governments - including the most democratic ones - would rather produce words than actions, in order to minimize their political costs, as long as there is no strong public opinion that can put sufficient pressure on them. - It was a bitter but important lesson to learn. For that reason we began to concentrate more and more on the production and dissemination of reli-
able documentation focusing on the current state of affairs among indigenous peoples.

At this time - the early 1970s - our little group was enlarged, first with Peter Aaby, and later with Inese Andersen and a group of other devoted Danish students. Our preoccupation with UN initiatives faded away, in favour of trying to help indigenous peoples more directly in their own struggle to set up a world organization.

Although Lars Persson lived in southern Sweden, he frequently visited the secretariat of IWGIA located in Copenhagen. His relations with IWGIA were characterized by loyalty, and by an openness that was so typical of him. None of us would ever dream of "forgetting" to inform the others of plans or actions. What seems impossible for bureaucracies with considerable resources at their disposal, was quite possible during these first few years of IWGIA's existence, because what mattered were its critically important aims and objectives in this effort.

From the middle of the 1970s Lars Persson turned his attention to South Africa. After several periods of field work studying the racist regime, he published the book "Abantu" in 1978. It created a great debate in Sweden, where the establishment was unable to understand Lars Persson's provocative statements on racial issues, based on comparisons of his South American and South African experiences.

Through his devoted work for IWGIA, and through his books and films, Lars Persson enlightened public opinion by drawing attention to the appalling oppression against indigenous peoples in so many parts of the world. Despite the total ignorance and bigotry he often confronted, he never lost his firm belief in the importance of public opinion at home and abroad. He saw informed opinion as the crucial factor in the struggle for human rights. Those of us who had the privilege of working together with this luminous person, will always be inspired by his constructive approach to the possibility of changing this world.

Like the honest little boy in Hans Christian Andersen's fairytale "The Emperor's New Clothes", Lars Persson had the courage to tell the world what he saw! He was never afraid to pay the price of speaking his mind.

With the death of Lars Persson the struggle against racism, abuse and hypocrisy has lost one of its staunchest champions. We have lost an irreplaceable friend. Our warmest thoughts go to his wife and his three sons.

Helge Kleivan
Copenhagen University

Lars Persson (on the right) in Arhauco, northern Colombia in 1972 with Bengt Arne Runnerström.

(Photograph: Bengt Arne Runnerström)
AUSTRALIA: CHURCH GROUP FIGHTS AMAX OVER NOONKANBAH

At its annual meeting in May, the US mining giant, Amax Inc. can expect some questions about its handling of Aboriginal land rights during its exploration in the Noonkanbah region of Western Australia (see the report in IWGIA Newsletter, No 25/26, March, 1981). The Australian Council of Churches, the Anglican Church in Canada and two Roman Catholic religious orders in the US have bought shares in Amax and have filed a long censure motion which will have to be discussed at the multi-national’s annual meeting. The international censure motion has been co-ordinated by the Interfaith Centre on Corporate Responsibility, a New York-based coalition of about 170 Catholic orders and 17 Protestant denominations which hold about 6 billion dollars worth of stocks and bonds between them. The Centre sees its members as "a voice of conscience" in corporate decision-making. The planned Amax action is the first time religious activists connected with the Centre have been directly involved in an Australian issue. It was picked up at the behest of the Australian Council of Churches.

The resolution to be presented to the Amax annual general meeting traces the history of the Noonkanbah incident and calls on Amax not to participate "in any mining or prospecting on Aboriginal sacred sites in Australia without the written permission of the Aboriginal communities who are caretakers of such sites and then only after coming to an agreement with the Aboriginal people upon the preservation and protection of the Aboriginal way of life, culture and tradition".

(Sources: Financial Review (Australia), February 12; The National Times, March 29/ April 4).
is a clash of moral values involving important questions of human rights. Could Australian law accept these punishments when capital punishment and corporal punishment have been abolished in most of Australia? On the other hand, it might be just as cruel to sentence a tribal Aborigine to imprisonment. He might prefer quicker, physical punishment.

iv) Some marriage rules such as polygamy and young girls being promised in marriage to older men without their consent might be regarded as discriminating against women by modern Australian standards.

v) Challenges to traditional authority by younger Aborigines.

vi) Customary law is unable to cope with a number of factors, the most significant of which is alcohol.

The Commission proposed to recognise Aboriginal customary law mainly be extending the existing law. The Commission suggested that recognition might be granted by:

i) Allowing courts to have regard for Aboriginal customary law when dealing with Aborigines charged with criminal offences.

ii) Altering the laws of evidence to recognise the special problems confronting Aborigines when giving evidence. Sometimes the names of certain people or dead people cannot be mentioned.

iii) Make certain breaches of Aboriginal law offences under Australian law. Protection for sacred sites and sacred objects could be extended under criminal law.

iv) In the civil law, courts could have regard to tribal marriages. It would affect such things as the payment of damages to the spouse of a deceased Aborigine under workers' compensation legislation. It would apply in the area of social welfare and the adoption of children.

Some of these matters have already received recognition in some parts of Australia but there was a need for this to be extended to the whole country. The Commission has put forward the view that recognition should not extend to harsh punishments. In addition, the Commission has put forward two alternative schemes to enable Aboriginal communities to maintain law and order themselves. The first scheme seeks to use traditional authority structures. The second is an Aboriginal court with limited powers similar to those exercised by justices of the peace in the general Australian community.

The critical question of Aboriginal-police relations was touched on by the Commission. It thought that some reforms should be effected and a greater degree of uniformity achieved between the states. Another problem confronting the Commission was the variation in the force and extent of the operation of Aboriginal law. According to Mr Debelle, "Aborigines and part-Aborigines throughout Australia have adjusted in varying degrees to European contact. There is a continuing process of westernisation". Some Aborigines wish to take their place in the general Australian society. Others will seek to retain a traditional lifestyle. The object of the Commission's proposals is to provide some means for the Australian legal system to become more relevant to the needs of all Aborigines in Australia today.

Reaction from the National Aboriginal Conference

The National Aboriginal Conference set out its reaction to the inquiry by the Law Reform Commission in a motion put before the 3rd Assembly of the World Council of Indigenous Peoples in Canberra, April 27 - May 2. The NAC demanded that Aborigines have the right to define their customary laws, and warned that they would reject "definitions arrived at by white legal commissions of inquiry or any other white legal institution in Australia...We demand Aboriginal involvement and
proper consultation of all the appropriate groups and at all levels. Fundamental to this is recognition of Aboriginal customary rights in land and Aboriginal equity transactions, as well as post-colonial Aboriginal land tenure, including historical occupation, rights of residence and land rights on the basis of need and compensation...

"We resolve that the WCIP and its member organisations recognise and declare to the world the profound spiritual strength which Aboriginal life and law continues to draw from the land in Australia, and which, if denied, will result in dispossession and cultural genocide".

(Sources: Australia Law News, Jan/Feb, 1981; The Age, March 16; Canberra Times, April 30).

AUSTRALIA: QUEENSLAND TO ABOLISH ABORIGINAL RESERVES

Mr. Bjelke-Petersen, Premier of Queensland, has announced that all Aboriginal reserves are to be abolished. He did not expect that the State of Queensland would set up a system of self-governing Aboriginal communities in place of the reserves as advocated by the Federal Government. "We don't want them set aside in some country that becomes black man's country", he said. But as 'The Age' (March 18) commented: "many Aboriginals do not want to be 'just like everyone else' ... What is needed is positive discrimination; what Mr. Bjelke-Petersen proposes will remove any protection without conferring any advantages".

Queensland intends to repeal all legislation governing the aboriginal population before the end of the year. This legislation has been widely criticised as paternalistic and discriminatory; it has imposed considerable restrictions on movement and rights to personal property of Queensland Aboriginals. The Premier asserted that he wanted to repeal the legislation because of the criticism of race relations. Now that the State Government has said it will scrap the legislation, some Aborigines living traditional lives on reserves fear that their homes will be turned into tourist areas and they will have no protection. The views of the traditional people, particularly the inhabitants of Palm Island, were conveyed to the Federal Government by Mrs. Eva Geia, who is Queensland's spokesperson on the National Aboriginal Council.

The Federal Government is anxious that provision should be made for Aboriginal communities to run their own affairs and a clash between the Federal and Queensland Governments is imminent. But to many Aboriginals the Federal Government's compromise proposal of self-managing communities without freehold title to land is not good enough. Queensland's Acts certainly should be repealed but they should be replaced by proper Land Rights legislation as recommended for Northern Territory. There should be an understanding that this Land Rights legislation will be implemented in other states as well.

(Sources: The Age, March 17, 18).
Aboriginal rights activists are asking black nations to boycott the Commonwealth Games due to be held in Brisbane, Queensland, in 1982. A submission has been sent by the Foundation for Aboriginal and Islander Research Action Limited of Queensland to the Council for Sport in Africa. It asks member nations to be alerted to "the racial barriers and the racial injustices sponsored by the Queensland government against the Aboriginal people of Australia, the original and true owners of this land".

The submission goes on: "today 30,000 of the 55,000 Aboriginals in Queensland are living on reserves... The racial laws of the Queensland government are direct violations of the United Nations Charter on Human Rights. The political, social and economic discrimination generated by the Queensland government handicaps the Aboriginal people from reacting to and over-throwing the institutionalised racism... The Queensland government should now negotiate a treaty of commitment which includes full land rights to the Aboriginals. We have fought for many years to have the government hand ownership and control of Aboriginal land to the Aboriginal communities but, the response has been to abolish some reserve areas so that ownership cannot be achieved. The government plans to meet any further claims for land areas by abolishing all reserve areas in Queensland, therefore severing the last hopes of Aboriginal communities of gaining title to land in this State. Although the Australian government has pledged some support of the national land rights issue it has negotiated an agreement with the Queensland government that it will not assist Aboriginals seeking land rights in Queensland. The agreement leaves the Aboriginal community politically stranded in its quest for land rights."

Yipirinya School is a unique educational institution in Australia. It is a community school which is independent, decentralised, bi-cultural, Aboriginal, but not yet recognised as a school by the relevant governments. It therefore relies at present solely on private donations; it must accordingly be the most disadvantaged and impoverished school in Australia today.

Yipirinya School was set up in June, 1978, by Aboriginal people anxious to meet the educational needs of their children as they perceived them. Over 1,500 Aboriginal people live in fringe camps around Alice Springs. Sixteen camp communities have obtained Special Purpose Leases giving them security of tenure over their camp site. They have begun to improve their housing and essential services through their own organisation, Tangentyce Council, with funding from the Federal Department of Aboriginal Affairs. Yipirinya School is currently operating in eight of these camps and also has a class in a private house.

Yipirinya School was set up by Aboriginal parents to meet a need: their children were not attending regular schools in the town. Some children lacked appropriate dress or footwear; others lacked food at lunch-time or suffered from poor health; many had difficulty in learning in a
foreign language of instruction; most were teased by other children over their colour or one of the above-mentioned factors. Almost all found it a hostile, threatening environment, inimical to learning. Some children dropped out of conventional school; others never attended. It was this problem which their parents confronted during 1978. The parents perceived both government and non-government schools in Alice Springs as alien institutions: monolingual and monocultural, in which foreign teachers offered their children foreign content in a foreign manner. Their solution was to set up an alternative: Yipirinya School.

Organization of the "alternative" school.

The features which make Yipirinya School attractive to Aboriginal people who live in the fringe camps are as follows:

a) It is an Aboriginal school in every respect. It was initiated by Aborigines, staffed by Aboriginal teachers, supported by Aboriginal communities, run in an Aboriginal way, and controlled by Aboriginal people through an elected Council. The Council has employed some non-Aboriginal staff: a Co-ordinator to act as secretary for the Council and facilitate the School's programme; an Adult Educator to develop the teacher training programme; and a part-time Child-care worker.

b) Its decentralised structure is more in harmony with Aboriginal social structures. The Yipirinya Council rents a building from Tangentyere Council. This building is only used as an office and meeting place, and as a classroom for teacher training. The children's education takes place in their own particular camp. As each fringe camp has been set up to conform to traditional Aboriginal social structures based on the clan group, so each camp's multigrade class conforms to the traditional social structure.

c) Its broad interpretation of curriculum encompasses the fulfilment of social obligations and cultural commitments. For Yipirinya pupils, the camp is their classroom. Formal and informal elements of their education are viewed as parts of a totality. So when they are required to return to their bush community for a funeral or some other ceremony, the Yipirinya Council regards this as an integral part of their education.

Teaching the Children

Yipirinya School has an annual enrolment of 85 children of whom 60 attend formal lessons regularly. Class is convened each morning in the camp's community shelter. The teacher in each community is an Aboriginal person from that camp. While lacking almost any kind of formal qualification acceptable to a non-Aboriginal bureaucracy, the teachers are well-qualified to teach in their own
particular community.

The initial educational goal in the Yipirinya curriculum is literacy in the vernacular, from which a full bi-lingual programme will develop. The 'School of the Bush Programme' is also used for teaching basic literacy in English and numeracy. This has been produced by the Northern Territory Department of Education for unaided use by Aboriginal teachers in remote homeland centres. Traditional skills and culture are regarded as an essential part of the curriculum. In fact, the main thrust of the curriculum developed by the teachers themselves is to reaffirm and re-inforce Aboriginal identity.

Training Aboriginal Teachers

One day each week is devoted to teacher training which takes place in our centre in town. This formal training session provides structure and reinforcement to on-the-job training sessions with the Adult Educator during the week out in the camps.

The goals of the teacher training course are:

- to help Aboriginal teachers to articulate various aspects of their own traditional curriculum: educational goals, content, sequencing, teaching methods, and evaluation;
- to compare and contrast these teaching styles to those of non-Aboriginal origin in order to enlarge their teaching options;
- to assist Aboriginal teachers to articulate and organise their own educational goals and teaching methodology in a curriculum of relevance to Aboriginal fringe-camp children.

In order to achieve these goals, some basic literacy and numeracy skills and concepts must be taught. Accordingly the regular teachers are currently undertaking an eight-week literacy course in the vernacular, while substitute teachers from the camps take their classes. This signals the commencement of the formal bi-lingual programme, which the recently employed Aboriginal graduate in linguistics will assist with. A methodology for teaching reading is also being developed. Some traditional stories have already been recorded for the bi-lingual programme. They have been used first on our fortnightly radio spot, the Yipirinya Show.

Child Care

Arranging child care is an essential part of the Yipirinya programme. Infants must be looked after while their mothers are involved in teacher training and extended courses. Two elderly women are employed on a part-time basis to do this work. Traditional child care patterns are observed: each lady looks after the children from her tribe, all of whom are related to her. The non-Aboriginal child care worker seeks to arrange transport for the collection
of children for local excursions and bush trips.

Last year the school council made a submission to the Department of Social Security for a child care bus. The Council received a letter from the Minister two weeks ago advising us that it was unlikely that his department would be able to provide assistance in this financial year. Fortunately, church groups and other non-government organisations are able to provide transport which partially meets the need.

Yipirinya and the authorities

One year ago, negotiations with the Department of Education foundered on the question of control: of staff, of curriculum, and of how Yipirinya is organised. The Yipirinya School Council decided that the only way to ensure full Aboriginal self-determination in the education of their children was to register Yipirinya as an independent school. The Council has repeatedly requested the Department of Education to supply it with the procedures for registering Yipirinya as an independent school during the past year - without success. A letter received in February from the Department, almost one year from the date of the initial request, advised the Council that the procedures are now available. The delay did little to improve the Council's faith in the integrity of the Department.

The Council also regrets the lack of support from the Department of Aboriginal Affairs. Last year it sought a promise of supplementary funding from D.A.A. once independent status had been achieved. D.A.A. did not refuse support. But D.A.A. did not give it either. Instead, it advised the Council to re-open negotiations with the Department of Education, which apparently remain deadlocked. The lack of support did little to improve the Council's faith in D.A.A.'s integrity.

Yipirinya School was only able to open because the Aboriginal teachers did not ask for any pay for the first eighteen months. This shows the depth of community support. It was able to get established last year after receiving some generous donations from church, humanitarian and community groups, and from private individuals. The Council is grateful to them for their support in its efforts to continue to meet the educational needs of the fringe camp children. It does, however, need additional funds now, mainly for staff salaries.

The school's address is:

Yipirinya School Council
P.O. Box 2363
Alice Springs
Northern Territory 5750
Australia
Open warfare has been going on in the Chittagong Hill Tracts for several years, in fact, ever since 1974. Its tempo has picked up in the past few years. Armed insurgents (popularly called the Shanti Bahini or "Peace Army") have been waging guerilla warfare against the government forces, who have moved into the hill tracts in division strength.

The biggest rebel group is the Shanti Bahini, mostly members of the Chakma tribe, which is the largest of the 13 tribes of the Chittagong Hill Tracts (almost 50% of the total population of 352,526 recorded in the corrected 1974 census). The second largest tribe, the Marmas, centred at Bandarban, have strong links with Government and are not generally sympathetic to the Shanti Bahini. The smaller tribes have traditionally feared domination by the Chakmas. The Shanti Bahini are opposed to the Mizo National Front of India but have strong links with Burmese dissident groups.

**Historical Background**

There are tribal populations in the border areas of many districts of Bangladesh. Except for Chittagong Hill Tracts they represent groups (Garos, Santals, Ojuns, Paharias, Khasia, etc.) which have been cut off from their main body in India. In the hill tracts, however, there live large numbers of tribals who have been there for centuries.
and who have no parent body in India. The hill tracts are 5,138 square miles in extent, or almost 1/10 of the area of Bangladesh. This rugged hill territory has been largely left to itself and was semi-sovereign in British days until about 1860. After attacks by outside tribes in 1859, the British colonial government recognized the separation of the hill tracts from the district and appointed a Superintendent of the Hill Tribes. Three administrative circles have existed since 1881 - Rangamati, Bandarban and Ramgarh - which today are sub-divisions. Recently the number of sub-divisions have been increased to six and the previous 12 police stations have been increased to 24.

The Chittagong Hill Tracts Regulation of 1900 gave special status to the hill tracts and they were ruled under tribal jurisdiction by tribal chiefs and headmen. Their special status was honoured by Pakistan, until the introduction of Basic Democracies in 1960, which was applied in tribal areas also. The special status of the Chittagong Hill Tracts was abrogated in the 1972 Constitution of Bangladesh. The Union Parishad system is now in vogue there, though revenues are still collected through chiefs and village headmen.

The beginning of serious trouble for the inhabitants of the Chittagong Hill Tracts dates back to 1960, when the giant Kaptai Hydroelectric Project began under USAID funding. The development philosophy of that time favoured large-scale, capital-intensive projects for the benefit of the economic elite. Little thought was given as to how the original inhabitants of the area would be affected. When Kaptai Dam was completed and commissioned in 1962, a lake of 253 square miles was formed, which inundated 50,000 acres of settled and cultivable land. More than 10,000 families were displaced, of whom 90% were Chakmas. An estimated Tk. 24 crores* was to have been granted by the Pakistan Government for compensation and rehabilitation of tribals but in reality only Tk. 1,25 crores were spent. "Let them eat grass rather than waste money on them", was the comment of the Pakistani officials about the complaints of the hill people.

The Post - Independence situation

During the freedom struggle in 1971 the tribals of the Chittagong Hill Tracts sided with the Pakistani Army because they feared being overrun by the Bengalis if the independence movement succeeded. Some tribals did try to go to India to become Freedom Fighters in 1971 but were rebuffed, probably because the Indian Mizos were being trained by the Pakistani Army in the Chittagong Hill Tracts. After Independence the army and paramilitary forces of Bangladesh (Rakhi Bahini) took revenge on the tribals by ravaging and pillaging in the hills under the guise of driving out the Mizos. Tribals collected arms of the defeated Pakistan Army and prepared to defend themselves

*15 Taka is the equivalent of $1 (US); 1 crore is 10,000,000. Thus Tk. 24 crores is $16,000,000.
against oppression. They formed an association, the Pahari
Janasanghati Samity, as their political arm. A delegation
of hill people under M.N. Larma, Member of Parliament
in 1970 and 1973, went to Dacca twice in 1972 and 1973 to
meet Sheikh Mujibur Rahman and present their 4-point
demands. The 4-point demands were:

1. The Chittagong Hill Tracts will be an autonomous
    state.
2. The Act of 1900 must be retained in the Constitution.
3. The tribal chiefs must be allowed to continue.
4. The Constitution must guarantee that the regulations
    not be amended.

The delegation sought for self-determination of the
Chittagong Hill Tracts and the continued rule of the tribal
chiefs. But Mujib gave them short shrift and said in effect:
"Let them become Bengalis". It was this rebuff that led
the Chakmas to commit themselves to guerilla warfare. M.N.
Larma after resigning from the National Assembly in 1975
crossed over into Tripura State in India and obtained arms
and training for his followers. The number of insurgents
grew when it became apparent that Government was countering
the Shanti Bahini movement by bringing in Bengali settlers.

Undeclared war and martial law.

In the last four years the hostilities have been open
and on a widespread scale. In the words of Upendra Lal Chak-
ma, a Member of Parliament from Rangamati, there now
exists "undeclared war and martial law" in the Chittagong
Hill Tracts. In spite of the seriousness of the present
situation, government has kept quiet about it. No word of
disturbances is ever found in the government newspapers.
And when questions were raised in the National Assembly
about the Chittagong Hill Tracts, government spokesmen
gave no replies.

The number of Shanti Bahini fighting in the hill tracts
is estimated at from 2,000 to 15,000. During the last few
years they have been ambushing Army Forces moving out of
Bandarban and Rangamati. It is reported that 11 Army
personnel were killed in an ambush in 1976, 12 in late 1977
and 22 in May, 1980, including a major. Eleven police
were killed on October 14, 1979. It is said that in the
past nine years 61 tribals and 51 settlers have been killed
and that 228 tribals' and 1287 settlers' houses have been
burned. These conflicts are never mentioned in the Dacca
daily newspapers.

The devastating surprise attacks on the Army provoked
a vigorous response, and has been termed a "reign of terror".
Whenever a Shanti Bahini action occurs, the Army is said
to punish the area by burning out villages and beating those
who are caught. In one such retaliation 13 civilians were
said to have been brutally killed, including three students
and a housewife; two of the people were burned alive. There
is no evidence up to the present that the Shanti Bahini have
shot or injured any civilians, including the Bengali
settlers. They have extorted "taxes" from businessmen and traders, though, and the revenue collection in the hill tracts is now poor.

The devastating incident of Army brutality occurred on March 25, 1980, at Kaukhali in Kalampati Union, 31 miles northeast of Chittagong, where 2637 Bengali families had been given plots for housing and provided with a ration of 10 seers* of wheat per week. The 3019 settlers in Kaukhali had been ordered by posters to leave by March 25 or "face the consequences". Instead, they attacked the local tribals with the help of the Army and killed 28 and injured more than 30. Tribals' houses were burned, young women were assaulted, the Buddhist temple was damaged and statues of Buddha were broken. As late as two weeks after the Kaukhali tragedy four more tribal homes were burned down. The dwellings of the Bengali settlers were not touched, but the government gave Tk. 400 compensation to each of the tribal families and Tk. 200 to the Bengali families. According to the District Commissioner of Rangamati, the influx of new settlers has been stopped and some of the old settlers are being evicted from tribal lands.

Land is the Central Issue

The conflict in the Chittagong Hill Tracts is basically over land, its ownership and control. Up to 1971 the three tribal rajahs (Chakma, Marma and Bhuniong) collected the taxes, keeping 50% for themselves and giving 25% to the village headmen and 25% to government. The land was communal land and only the rajahs and headmen could dispense it. The land settlement policy has undergone different changes at different times. At one time all settlements were to be executed through the District Commissioner's Office, Rangamati. Later, the Sub-Divisional Officers were empowered to grant settlements of up to 5 acres of paddy land and 5 acres of grove land. Bengalis could only get settlement of land if they had a certificate of residence for 12 years in the Chittagong Hill Tracts from the headman or Chairman. This was later revoked, as the headmen for a small sum of money were giving out residential certificates right and left. Most recently the Board of Revenue sanction was necessary to acquire land.

Getting titles for land given to tribals by government is not an easy matter. In 1973 a welfare organisation built a village near Bandarban for several tribal families who were refugees from disturbed border areas. The families were assigned five acres of land each by government but up to now only two have gotten their title deeds. Why? Because only two have applied.

Firstly, they require the signature of a tribal headman (since the land is regarded by the hill people as their communal property). But the headman often abuses his privilege by demanding too much money or signing in favour

* 1 seer = 0.93 kilograms
of more than one applicant for the same plot of land. Secondly, there are the normal fees and expenses (including bribes) required all over Bangladesh for the registration of land. Thirdly, there are middlemen who earn their living by arranging land settlements for the villagers. So it is an expensive and frustrating process for inexperienced tribal people to settle on new land and obtain the legal title deeds. Resettlement of tribals would be much easier if this process could be included as one of the services of government.

Bengali Settlements

Settlement of Bengali plains-dwellers in the Chittagong Hill Tracts had begun already in Pakistan times. After the opening of the Kaptai Dam the Pakistan government allowed purchase of land by Bengali settlers for the first time. The big influx of settlers came, however, after M.N. Larma crossed over into Tripura and built up an army. The Bangladesh government then decided to allow any Bangladeshis to move into the tribal area and settle there.

How many non-tribals have settled in the Chittagong Hill Tracts? Government says, "few", while the Shanti Bahini says, "thousands". Estimates range from 2,000 families to about 200,000 persons. Outside settlers receive five acres, Tk. 3500 and one month's rations. Most of the Bengali settlers have come spontaneously but some were brought in by government, including even Biharis. After the abortive March of Biharis towards India in 1979, some of the marchers were brought to Rangamati and dumped in a field near the bazar without food for two days, because the District Commissioner was not available over the weekend. They were later taken out to settlement areas.

Government has defended its policy of settling Bengali families on the plea that it would be unconstitutional to stop any Bangladeshis from settling in the hills and buying land there. But after the Kaukhali incident the bringing in of more Bengalis has been stopped. The pro-government Tribal Convention, organised in 1977, has suggested a 2:1 division of the land in favour of the tribals.

Present Situation

The Army is pressing hard for a military solution to the crisis in the hill tracts and have turned the hill tracts into a military zone. There is one brigade in Rangamati, another in Kaptai and a third in Bandarban. There are three cantonments in the hill tracts, a naval base at Kaptai and a jungle school at Mahalchari for training in guerilla warfare. President Ziaur Rahman on the contrary, seems to be working for a political solution. Upendra Lal Chakma, member of the National Assembly, has pleaded for a political solution. He has been serving as a mediator between government and the Pahari Janasanghati Samity. However,
Upendra Lal Chakma was not chosen as a member of the Parliamentary Committee to report on the situation in the hill tracts, nor as a member of the Chittagong Hill Tracts Development Board. The Parliamentary Committee was formed during the February-March Session of the National Assembly but hadn't met even once up to July, 1980.

The Pahari Janasanghati Samity no longer supports its original 4-point demands. Their present demands are:
1) stop Bengali intrusion into the hill tracts and vacate the present settlers.
2) remove the leaders of the Tribal Convention, who represent the elite and not the majority of tribals.
3) democratize the Chittagong Hill Tracts Act of 1900.

The Shanti Bahini no longer demands self-rule through the chiefs, since their administration is characterized as feudal by the young and educated. Sharanika Tripura, writing in New Nation (15/6/80) states that the hill people are "no more in the primitive stage to be exploited by the chiefs and headmen". He asks that the people be "equal partners in the management of their affairs". The exact degree of autonomy or self-determination called for is difficult to calculate. But "at least we want regional autonomy, free from all non-local domination".

President Ziaur Rahman in February 1980 declared an amnesty for all Shanti Bahini who surrender. Many have surrendered and have been rehabilitated and some have been sent abroad. Two leaders of the Shanti Bahini, "Shantoo" Larma and "Chabai" Marma, were released from jail in 1980, and more than 100 other Shanti Bahini prisoners have been released as well. Ten who surrendered on 9 April 1980, including three women, received Tk. 500-8000 each.

In addition to the strong Army presence, 12 new Police Stations have been established in the Chittagong Hill Tracts. A main road is being constructed with Australian aid which will link Ramgarh - Khagrachari with Rangamati and Chittagong. The opposition claims that better communication will aid in control and more rapid domination of the tribals. Government claims that it will aid in development of the area.

Recent economic developments

The present Prime Minister, Shah Azizur Rahman*, has stated: No government in the past has done as much as the present government for the improvement of the conditions of the people of the area*. With the aid of an Asian Development Bank commitment of $39.5 million, the Chittagong Hill Tracts Development Board has put into effect over 240 projects since 1976. These projects are an example of "top-down" planning. As early as 1966 a big land use survey had been published which planned the fate of the tribals without their participation or consent. They were to become "wage earners in the forest or other development industries", giving up their jhum farming and nomadic way of life. Jhumias, or

* assassinated during a military uprising in Chittagong on May 29, 1981.
slash-and-burn cultivators, are now being brought into cooperative farming estates or areas of fixed cultivation. In 1976-77 84 families were established in the Swalok Collective Farm and were given five acres and Tk. 12,500. UNICEF gave each family three maunds* of ginger to plant and a she-goat. So far 240 families have been settled in 11 farms in Bandarban Subdivision and more than 2700 families in all the Chittagong Hill Tracts. In the next five years 12,000 more families are to be settled and each given five acres and Tk. 14,000 to begin plantation of saplings and cash crops.

The collective farms have not prospered up to now. Many hill people have been set up in pineapple cultivation but were remote from the markets and received no help for marketing. Entire gardens of ripe pineapples have been left to rot. It is admittedly difficult to settle people who are not fixed cultivators; therefore, careful master planning is needed.

Vocational training of tribal youth to prepare them for work in local industries is also part of the development plan, but few tribals are actually being trained. An institute for vocational training has been set up at Kaptai under Swedish auspices but most of the trainees are Bengalis. The tribals are also excluded from employment by not being informed when new factories are recruiting workers. The

* 1 maund = 37.3 kilograms

long-established Karnafuli Paper Mill and Chandragona Rayon Mill have no tribal employee at all, and in the bigger towns on Kaptai Lake - Rangamati and Kaptai - the shops and small enterprises are all run by Bengalis.

The Chittagong Hill Tracts Development Board, increased to four members in 1979, is managed completely by Bengalis. The lesser officials who run the projects are also Bengali, except for one Tripura who is in charge of handicrafts.

In the Second Five-Year Plan, which became effective 1 July 1980, there is a recommendation for transfer of 1.8 million acres of Unclassed State Forests "useable for forestry only" from the civil administration to the Forest Department for afforestation and the settlement of Jhunias (2.4 million acres of Unclassed State Forest are under the D.C. of the Chittagong Hill Tracts). Tk. 30 crores is to be spent for planting 20,000 acres under rubber. "Leasing Unclassed State Forests and other lands on favourable terms will be needed to attract investors", it is stated in the plan. Leasing out of over one-half the area of the Chittagong Hill Tracts can only be a major disaster for the tribals in the absence of any tribal policy of the government's to accompany this "development" plan.

What can be done?
1) The biggest immediate problem of the hill tracts is the
active conflict which is now going on there. The *de facto* emergency rule should be lifted immediately by withdrawing the Army from the hill tracts and beginning serious political discussions with all factions of the hill people.

2) The biggest permanent problem of the Chittagong Hill Tracts is the presence of 200,000 Bengali settlers there. The settler question is also the biggest obstacle toward development of the Chittagong Hill Tracts for the benefit of the native settlers. The older Bengali settlers will be difficult to remove, since they have no home or land elsewhere. However, the government can ban through ordinance the further incursion of outside settlers and the further leasing and buying of land by the present settlers. The sale and transfer of land by tribals, including the chiefs and headmen, should be closely regulated so that their future security is not lost through the hope of immediate gain.

3) The hills will inevitably be opened up for commercial exploitation. Probably no government in the world would set aside 10% of its territory as a permanent reservation for only 0.5% of its people to live in as they pleased, even though it was theirs originally without dispute. In a country with tremendous population pressures and huge economic problems that fact is inevitable. The problem, then, is to guarantee the rights of the tribals as much as possible. Incorporating the tribals in a modernization process is a goal which has to be accepted, however reluctantly. But some sort of self-determination is necessary for preserving tribal culture. This does not mean absolute autonomy but means having a much greater voice and control in the opening up of the hill tracts. The Tribal Advisory Board should be given more training and more authority for both planning and execution of development projects.

4) Before any further steps are taken to implement the proposal of the Second 5-Year Plan for exploitation of one-half of the forest area of the Chittagong Hill Tracts, a master plan is necessary which takes completely into account the welfare of the tribal people. They are the ones who should be trained to carry out all forestry and plantation operations at all levels, since the forests are their native habitat. Opening up the whole area to outside workers, with compulsory settlement throughout the hills, can only mean the gradual extinction of tribal culture, as is happening in the other border areas of Bangladesh.

5) Not only professional training but also general education have to be strongly promoted to allow the inhabitants of the interior to catch up with the plainsmen. They must be allowed to have their primary education in their mother tongue so that they will be able to preserve their cultural values as they gradually integrate into the life of the nation.
6) Bengalis struggled for years for a pluralism of cultures, languages and customs within the context of Pakistan. They resisted heroically the genocide which was attempted against them. Hence they should be fully sympathetic to the cause of the hill peoples. It is possible for the tribals to be fully Bangladeshi and yet to retain their own cultures and customs if only they are given the chance. For attraction of tourists and for variety in entertainment Bengalis are only too happy to preserve and extol the tribal way of life. Yet at the same time they formulate policies which threaten to extinguish it overnight. Awareness building among the majority community is therefore needed.

August, 1980.

BRAZIL: THE CARAJAS PROJECT - A NEW EXPANSION PHASE

The expansionist political economy pursued by the Brazilian Government is once again endangering the lives of the indigenous peoples. Groups now under threat are the Urubu-Kaapor, Guajajara, Kanela, Guajá, Krikati, Gavião and Tembé, all of whom live in the states of Para and Maranhão in the north-east of Brazil. One of the richest mineral zones in the country is located in the state of Para - Serra dos Carajás. Apart from massive deposits of iron ore (the principle reason for opening up the region), there are considerable reserves of bauxite, copper, coal, nickel, manganese and gold. With Project Carajás - one of the most ambitious in Brazil's history - the Government is seeking to gain maximum benefit from this enormously rich resource zone and at the same time, it wishes to "develop" the agricultural potential of the surrounding region of some 10.5 millions of hectares, known as the "Carajás Corridor". The many plans contained within the project will be implemented through state and multinational corporations, and at a second stage through national companies. Already important infrastructure is under construction: an electrified railway of 980 kilometres, various bridges and hydro-electric power plants.

There are some 24 separate projects in the mining and metallurgical sector. The large state-owned mining corporation, Vale do Rio Doce, is collaborating with the U.S. Steel Corporation in the exploitation of the iron ore, and ALCOA together with a Japanese consortium plan to exploit the bauxite. Out of the $30.6 billion of direct investment in the Carajás Project, some 30% will be met by foreign firms. These firms will have absolute control over their enterprises and will produce semi-processed mineral products for export.
The mining and metallurgical parts of the project depend on a related scheme to exploit the forestry resources in order to supply wood to fuel the furnaces of the metallurgical plants. An area of 2.4 million hectares around Maraba and Imperatriz has been set aside for this purpose and it is planned to replant some 179,000 hectares annually.

The agricultural development scheme comprises about 7 million hectares of land along the railway line where manioc, soya bean, rice, etc. will be cultivated. For this work, the Government is counting on the settlement of 10,000 Japanese families. In the livestock scheme, 100 ranches of 10,000 hectares each will specialise in cattle raising for the export market. In addition, an important zone north of the Carajás Corridor is being allocated to the production of alcohol using as a basis sugar cane and manioc.

For the local population, indigenous peoples as well as peasants, the realisation of these plans means that inevitably they will be robbed of their lands and forced to become a cheap, easily controlled labour force. It is estimated that more than 100,000 rural families will be dispossessed; a process that is already beginning in some places. Regarding the 7,500 indigenous peoples now living in the zone, the Project means that they will be thrown out of their reservations even though these have been officially demarcated and their rights of occupancy legalised. These reservations represent the last forest reserves in the entire state of Maranhão. Once their trees have disappeared as fuel for the furnaces, and their lands expropriated for the production of alcohol and export goods, then these Indians will have no hope of survival other than to accept the drastic changes and to become slaves of the Company Vale do Rio Doce.

Even though the Government has admitted to the possibility that indigenous peoples may exist in the zone, up to now its strategy has been to ignore the problem. Once the industrial enterprises have been established and a conflict has been ignited, then discussions will be held with the Indians. According to CIMI Maranhão, "only the union of Indians and peasants and the organisation of a strong alliance could present any obstacle to the aims of the Brazilian Government's political economy. This is a political task of the greatest urgency and will demand an enormous effort and imagination if the difficulties are to be overcome."

(Source: Porantim, Manaus, April, 1981; ARC, Boston, No 6, May, 1981).

BRAZIL: UNION OF INDIGENOUS NATIONS FORMED

In September 1980, 30 leaders of the nations Terena, Guaraní, Kayowé, Sateré-Mawé and Miranha met and approved the statutes of a new organisation: the Union of Indigenous Nations (UNI). The idea to form such a union came up in June 1980 during a meeting of Indian leaders held in the town of Campo Grande. In the words of Vice-President Marcal de Souza, a Guaraní leader:

"it was born out of the great suffering of our people, but still there is time for us to recover, through our union, a force strong enough to fight for our survival, for the liberation of our people here in our land which is Brazil."

The objectives of the new organisation are the following:
1. to represent member indigenous nations and communities;
2. to promote cultural autonomy, the self determination of nations and communities and their mutual collaboration;
3. to work towards the recovery, securing guarantees of inviolability and official demarcation of their lands; and also the exclusive use of the natural wealth and all other facilities existing on their lands;
4. to advise Indians and their communities and nations on their rights and on the preparation and implementation of cultural projects and community development.

In December 1980, more than 200 Indians attended an assembly in the Sateré-Mawé village of Simão (Amazonas) where a house had been built especially for the occasion. 26 tuxanas (chiefs) of the Sateré and 33 chiefs and leaders from other nations including the Karipuna, Tikuna, Munduruku, Wapixana, Kanamary, Miraña and Tukano also participated. Lino Pereira, the Miraña leader, expressed the feelings of those gathered at the assembly in the following way:

"Those who feel the problem of the Indians are Indians and those who have to solve those problems must be the united indigenous peoples."

The creation of the new organisation is an event of the greatest importance. In view of the expansionist political economy of the Brazilian Government and of FUNAI's (the Brazilian Agency for Indian Affairs) increasingly open treachery, this appears one of the few alternatives that remain open to the indigenous peoples of Brazil for them to survive as Indians and as human beings.


BRAZIL: PROSPECTORS INVADE YANOMAMI TERRITORY

Claudia Andujar, co-ordinator of the Commission for the Creation of the Yanomami Park and a member of the vaccination campaign initiated with the help of IWGIA early this year (Newsletter No.25/26, March 1981) denounced a new invasion by mining prospectors into part of the Yanomami's territory.

During her stay in Alto Rio Negro, Claudia Andujar found that the situation among the Yanomami was desperate. Nearly 2,000 Indians are threatened with malaria, tuberculosis and influenza and they are without any medical assistance whatsoever.

All the evidence indicates that these diseases are being brought in by whites - traders and mining prospectors - who are invading the area around the Rio Mauria which despite being a traditional settlement area of the Yanomami, has not been officially recognised as such. Thus, it is not necessary for whites to get any official permission before entering the zone. Last year, 4 prospectors came to look for tin along the Rio Mauria, promising to return with arms and ammunition for the Indians. They let it be known that they hoped for help from the Yanomami in this mining enterprise.

(Source: Porantim, Manaus, April, 1981).
Background

The James Bay and Northern Quebec Agreement was negotiated after the aboriginal peoples of northern Quebec, the Cree Indians and the Inuit, had halted the hydro-electric projects then in motion by a court injunction. The Agreement was signed in 1975 and it remains the only modern aboriginal claims settlement entered into in Canada. Under it, northern Quebec's 6,500 Cree and 5,200 Inuit gave up aboriginal rights to half the province so that Quebec could build a $15 billion hydro-electric project at James Bay. The Quebec government hopes that the damming of all the major rivers of the northern part of the province will become the basis for future economic expansion. In return for the surrender of aboriginal rights, the Cree and Inuit received a total of $225 million and the right to administer their own affairs. The money will be paid by Ottawa and the province over 20 years. In addition, Quebec took over responsibility for providing financial support for native-run regional government, community organisations and development corporations.

Present Dispute

At the heart of the dispute is the following issue: the native peoples believed that they were surrendering certain aboriginal rights in exchange for regional and local government powers. But Quebec’s refusal to provide other than minimal discretionary funding means that these hopes cannot be fulfilled.

Native leaders have been arguing that Ottawa and Quebec have failed to honour the terms of the agreement. According to the agreement, the two governments were obliged to provide additional money to improve communications, housing, sewage disposal, water treatment and health services. This failure has forced the Cree and Inuit to spend millions of badly-needed compensation money on essential services. The Makivik Corporation, set up in 1978 to handle the Inuit’s share of $90 million of the compensation money, will have spent $20 million by September 1981 on developing programmes the governments should be responsible for. On behalf of the Inuit, Makivik has demanded federal legislation to ensure that the settlement is fully implemented and that the Ottawa and Quebec governments share the cost. As Charlie Watt, President of Makivik said, “We can’t go on spending investment money, if we do, we lose our economic base and without that the agreement doesn’t mean a thing.”

At present, the Cree Indians are suing the Quebec government for $264 million for not supplying services which were provided for in the agreement and are suing the Ottawa government for $300 for abrogating its constitutional responsibility by transferring health and sanitary services
The current situation with regards to the implementation of the Agreement has been spelled out in detail in a brief prepared by Makivik. The living standards and standard of community services in northern Quebec fall far below the acceptable Canadian norm. Over-crowded and substandard housing and totally inadequate airstrips (air travel being the only available means of transport in northern Canada) are two most pressing problems.

A Commons Standing Committee on Indian Affairs and Northern Development has been hearing the grievances concerning the 1975 Agreement expressed by Inuit and Cree representatives. This Committee of 2o M.P.'s meeting in March was sympathetic to the problems of native groups and criticised the Ottawa and Quebec governments for "treating the agreement as little more than confirmation of the status quo". But the M.P.'s were totally frustrated by the committee system which prohibits them from making recommendations to Parliament without special permission. In response, they resorted to unorthodox methods to press the federal government to honour its obligations to Quebec's northern natives by making their recommendations directly to Indian Affairs Minister, John Munro, and holding a news conference to make them public. As one Committee member noted: "it may be the first time all M.P.'s on a committee have felt strongly enough about an issue to circumvent Parliament".

Most have felt that they were fighting against the Indian Affairs bureaucracy.

In their report, the M.P.'s considered that "in order to prevent a total collapse of the agreement, some method must be found to ensure a full and fair implementation". They recommended to Monro that Ottawa establish an implementation process with an adequate operating budget and they called for the appointment of a commissioner with semi-judicial powers to investigate complaints that the agreement is not being lived up to. The M.P.'s endorsed the native's view that additional money should be provided by Ottawa and Quebec to implement the agreement and provide essential services.

Under pressure from the Northern Quebec natives and the M.P.'s, John Munro was forced to concede at a news conference on April 1 that a political decision may be used to end the legal wrangling over the agreement. He insisted that Ottawa had not legally breached the agreement, however, it was being reviewed "in other than a legal context".

A confidential memo entitled "Some thoughts on negotiations and agreement between the Government of Canada and the Native peoples" written by Romeo Boulanger, a senior department official for the Quebec region, has recently been released. The memo claimed that Ottawa mistakenly rushed
into that first major land claims agreement in 1975 without having "funds ... guaranteed at the outset ... and given priority in budgets submitted to Parliament". Because of an inflexible deadline, the natives "are the big losers in an agreement that is vague and imprecise on many points because there was insufficient time to discuss them in detail". Boulanger thought that the agreement could eventually end up costing hundreds of millions of dollars. He recalled that there had been intense pressure - although he would not say from whom - on the parties to sign the final agreement by the November, 1975, deadline. The negotiators concentrated on land, regional government and monetary aspects of the agreement and left sections on health and municipal services for later. "Rush, rush, rush. We agreed to leave it for after the signing ... but now looking at it from a distance, something went wrong".

(Sources: Makivik Corporation, Brief to the Standing Committee on Indian Affairs and Northern Development, March 20; The Gazette, Montreal, March 27, April 1, April 9).

Canada: New Oil and Gas Bill Threatens Native Rights

When the federal Government unveiled its blueprint for future energy development last autumn, natives in the North thought they had won a minor victory. After all, the National Energy Programme assured them that in activity north of the 60th parallel, natives' concerns would be taken into full account. The document recognised that they "seek - legitimately - more say in the decisions affecting energy development, and claim - rightfully - that they should enjoy more of the benefits, and fewer of the costs, from northern resource activity". Companies should, where possible, provide training and jobs for natives.

But the door that seemed to open for the 50,000 aboriginal people in their quest for northern self-government seemed to slam shut a month later when Ottawa introduced its Canada Oil and Gas Act setting out in legislation a key element of the National Energy Programme: the Canadianisation of the petroleum industry in the North and offshore. Bill C-48 lays the groundwork for a flurry of activity in the North but nowhere does it mention natives' share in the gains, their involvement in directing the work, or their participation in the workforce.

Decision-making is clearly planted in the hands of the Energy Minister or Indian Affairs Minister, or their delegates on such important matters as whether to order environmental and social impact reviews, whether to release those reviews, whether drilling, production and delivery will start - and at what quantities and prices. The legislation would speed oil and gas activity in the North by preventing companies from engaging in the current practice of sitting on tracts without doing work on them. Leases for production rights would shrink to an initial 10 year period rather than 21 years, and renewals would be subject to proof that work was going ahead -
which isn't the case now.

With land-claim negotiations yet to begin in earnest for the Dene and Metis in the Northwest Territories and with an agreement with the Inuit still not complete, the natives fear that the speedy development will quickly whittle away the items available to them at the bargaining table. The Bill prevents anyone from seeking Government compensation "for any acquired, vested or future interest or right" to resources covered by the legislation. It also allows the Cabinet to withdraw lands or interests for any reason, but a sceptical Harry Daniels, President of the Native Council of Canada, says that "once the drill rigs are up and production centres are on the drawing boards and approved by Government, there will be no turning back. Do you really believe that under those circumstances the Government would withdraw those lands?"

Energy Minister Marc Lalonde, who is to present amendments to the Parliamentary Committee studying the Bill, says the legislation is neutral about issues affecting the natives, and he has indicated that he plans to include a clause guaranteeing that natives' rights will not be affected by the Bill. But at least one senior Government lawyer conceded recently that in the political scheme of things, the legislation could conceivably have an impact on land-claims settlements. "It's hypothetical, but it could have an impact... if the Government decided to speed up development to the point that there would be nothing left for the natives". (He insisted that the Government has no such intention).

Some Government officials say the Bill will effectively serve to speed up natives' negotiations. For instance, Park Sullivan, chief of the department's oil and gas division has commented: "Historically, non-renewable resource development has been the grease for obtaining infrastructure - the roads, airports, communication and all the goodies required to sustain an economic base for self-governing units". Though he did understand the natives' point that "it's better to have your own income than to receive an allowance from father". But he thought that Bill C-48 was not the place to fulfil that aspiration. Others argue vigorously, however, that this is precisely the place to put into law the natives' concerns acknowledged in the National Energy Programme as those which the Government would respond to.

Natives now have only the good word of Ottawa, and that has not been good enough in the past. One of the most recent examples of the dashing of natives' hopes came last month when Prime Minister Trudeau turned his back on a recommendation of the 1977 Berger Commission that pipelines should not be built until land claims are settled. Mr. Trudeau refused to guarantee that he would delay construction of an oil pipeline in the Mackenzie Valley, approved in April 1981 by the National Energy Board, despite Mr. Justice Berger's recommendation after a three year inquiry.

The Commons committee looking into the Bill recently voted to travel north for public hearings in accordance with requests from the northern native peoples. But this decision was reversed a few days later after Liberal M.P.'s packed the committee, saying the Government was in a rush to get the Bill back to Parliament and adopted before it rises for the summer. Dave Porter, vice-chairman of the Council of Yukon Indians, summed up sadly: "By reading the Bill you'd get the feeling no one lives in Canada Lands".

Historic meeting to oppose the Bill

The proposals contained in the Bill have been heavily criticised by native groups from the start. In March, in what has been called a historic meeting, leaders from the Government of the Northwest Territories, Government of the Yukon, Dene Nation, Northwest Territories Metis Association, Committee for Original Peoples' Entitlement (COPE), the Council of Yukon Indians, and the Inuit Tapirisat of Canada met together to join forces against the proposed legislation. A ten point resolution condemning the Bill was passed
The leaders considered that Bill C-48 would make aboriginal rights negotiations pointless and stifle any efforts towards self-government. They considered that it would establish an "unacceptable precedent" for similar legislation. They agreed that the Bill required too many changes to be merely amended; it must be withdrawn completely. As one participant noted: "The people of the north aren't mentioned in the Bill, it's as if they didn't exist. Convenient it may be, but it's hardly realistic". Dave Porter, vice-chairman of the Council of Yukon Indians, commented: "We have now been presented with Bill C-48 which in section 61 extinguishes claims in oil and gas rights and extinguishes our right to get revenues. If there is a message we have for the Canadian people, it is that we too have rights to our resources like any other Canadians and if the Canadian Government believes we will sit idly by while they remove the resources, they are mistaken."

Georges Erasmus, President of the Dene Nation, noted that this meeting was the first of a series which will be held to deal with all issues affecting the north. He thought that the leadership meeting had "sown the seeds" of something much bigger which would eventually lead to more affirmative types of action. "Unfortunately, the north is in a situation where we are held in a colonial status and whether we like it or not, we will have to act". Earlier, Mr. Erasmus had called the Bill "one of the biggest land grabs in modern history". The Dene Nation had not discarded its plans for Denedeh government that will reflect native culture, tradition and interests. This government must have complete control of resources. But if such a Bill were adopted in Parliament, the fight for self-determination may have been all for nothing. "We have got to learn to pay our own way in the north or we'll always be in a Catch 22 position. The federal Government will say that you can't pay for your own way, therefore you can't have self-government until you can".

(Sources: Native Press, February 27, March 27; Toronto Globe and Mail, May 5).

The development of Inuktitut, the Inuit language, was the principal subject of a three day meeting held in Montreal in March attended by the executive and planning committee of the Inuit Interpreter-Translators Association of Canada. The Association is not only a professional body for interpreters and translators but has considerable importance for Inuit journalists, writers, teachers and broadcasters.

"It is fitting that our first meeting has taken place in a city where language development is particularly well understood. We have found that French-Canadians and Quebecers have a particularly sensitive understanding of our fears of linguistic and cultural assimilation. Given that there are only 110,000 Inuit in the Arctic and that we are dispersed throughout four countries, notably Canada, the United States, Greenland and the U.S.S.R. then our language has a very great need to be strengthened and developed", said Miss Immaroitok, President of the fledgling association who is a broadcaster with Radio-Canada in Montreal. "Our main goal is to make Inuktitut the primary vehicle for all activities in the Inuit homeland", she added, "whether it be in politics, administration, communications or in daily life. Our word conferences are
intended to find the most suitable words and expressions for ordinary use from among the various regional dialects. Our aim is to help bring about a standardised lexicology. At present we are seeking to prepare an Inuktitut dictionary for use at home, in the office and at school."

One of the highlights of the week was a visit from Hans-Pavia Rosing, President of the Inuit Circumpolar Conference. Mr. Rosing, a Greenlander, had just completed a week of executive meetings of his own organisation in Ottawa and Montreal and was eager to see how Canadian Inuit were working on language development. "Greenlanders are anxious to work with Canadian, Alaskan and Siberian Inuit. Economic relations are of great importance to us but language is our common bond. We need to strengthen our language and therefore it is important to us to cooperate with groups such as the new Canadian association", Mr. Rosing remarked.

Last November Miss Immaroitok and Mr. Rosing were the Canadian and Greenlandic representatives at a language conference held in Siberia that was organised by UNESCO. During their visit they were extremely surprised to discover that they could understand the root words of various Siberian Inuit languages with little difficulty. "Unfortunately, Siberian Inuit have not yet been able to attend meetings of the Inuit Circumpolar Conference and they still remain out of contact with Inuit from other countries", Mr. Rosing explained.

(Source: Makivik Press Release, February 27)
against the demand that rent should be paid for land. Much of CRIC’s work has been to strengthen local member councils and to ensure that they do not fall into the hands of enemies of the Indians; to campaign for an Indian education; and to set up communal enterprises.

The struggle has been extremely hard. Since CRIC was founded, some 45 leaders have been assassinated by gunmen hired by the large landowners who can count on the full support of the local authorities. Many others are in prison. Marco A. Avirama, who was elected President of CRIC in 1979, and his brother Edgar, have spent the last two years in prison, unable to carry out their duties.

(Sources: a report from CISA; Yavi, Colombia, No. 10 March, 1981).

NORWAY: SAMI RIGHTS AND THE ALTA-KAUTOKEINO CASE

Members of IWGIA Oslo have put together the following set of notes on different aspects of the confrontation between the Sami and the Norwegian state that has crystallized around the issue of the projected hydro-electric power scheme in the Alta-Kautokeino river basin.

Chronology of events in January and February, 1981

In December 1980, the Alta Lower Court ruled in effect that the Alta-Kautokeino project should be allowed to proceed. Construction work was due to begin once more in January 1981.

January - A new protest camp is organised at Stilla from where demonstrators plan to stop the road construction - the first stage of the power project. Conditions are extremely rough: snow lies 2 metres thick; there are only two hours of daylight; and temperatures descend to 36 degrees below freezing at night.

7th - 50 policemen arrive in Alta.
10th - The Mayors of Alta and Kautokeino request that the construction work is stopped and that the demonstrations come to an end.
11th - The President of the World Council of Indigenous Peoples sends a telegram to the Prime Minister regarding Sami rights to land and water.
12th - Women from Masi (an important Sami settlement) send a letter to the government concerning the climatic changes that may well occur as a result of the river regulation.
13th - Two Sami visit the King.
- The Norwegian Sami Association holds a torchlight demonstration in Alta; out of 400 participants, 300 are of Sami origin.
- Demonstrators pour into Stilla and Sami pitch their lavvos (tents) at the protest camp.
14th - D-DAY - Construction work is scheduled to begin.
- The strongest force of police ever seen in Norway since the 2nd World War is brought into action against the “river-savers” at Stilla. A cruise-ship called the Janina has been chartered to provide accommodation for 600 policemen from all branches: the Flying Squad, Dog Patrol, Ski Patrol, Snowscooter Patrol, Anti-terrorist Group, drivers, etc. The cost
February 3: The Prime Minister is met by Sami women from Masi and Alta.

(Photo: Helge Sunde from Alta Pictures).

February 2nd - A new lavvo (tent) is erected by Sami in front of the Storting (Parliament) in Oslo.

3rd - Gro Harlem Brundtland is appointed Prime Minister and is met immediately by 13 Sami women from Masi and Alta who ask for a meeting where the demands of the Sami Movement can be discussed.

4th - New protest action at Stilla. 120 people cross the police lines and stop the construction work. They are removed by the police.

6th - The Sami women meet the Prime Minister but receive no clear response. In protest, they refuse to leave her office until she has answered their demands.

- 130 people sit down in the lobby of the parliament building in a spontaneous demonstration.

is estimated at between one and two million Norwegian kroner per day.
- 900 demonstrators try to block the construction road; some are chained together, others lie down in the road. Demonstrators are cut free of their chains, removed by the police and later fined.
- The People's Movement arranges a demonstration in Alta to demand "Police out of Alta". 2,000 people take part but fail to reach the heavily guarded ship, Janina.

16th - Road construction starts behind a shield of freezing policemen. Demonstrators patrol the borders of the restricted area.

17th - Work on a new protest camp is started on a nearby private property.

21th - New police action in Stilla. Skiers break through the police cordon and lie down in the road in front of the construction machinery. 120 people are fined.
- Police destroy the new protest camp.

23rd - In a letter to the Prime Minister, the Sami Movement demands that:
1. All construction work must be stopped;
2. The Sami are accorded the status of an indigenous people;
3. A democratically-elected Sami Assembly is set up;
4. All existing Sami committees and councils are dissolved and their functions taken over by a Sami Assembly.

24-29th - Five Sami start a hunger-strike in support of the demands of the Sami Movement.

30th - The chairman of the Norwegian Sami Association fully endorses the above demands.

February 3: The Prime Minister is met by Sami women from Masi and Alta.

(Photo: Henrik Saxgren from Alta Pictures).
7th - The Sami women are removed by the police from the Prime Minister's office.
8th - 300 people take part in a torchlight procession in Masi in support of the demands of the Sami women.
10th - 2 out of the 13 Sami women travel to Rome to present their case to the Pope, and later go to New York to speak to the United Nations.
17th - The Minister of Municipal Affairs meets Sami organisations in Kautokeino. But neither the Norwegian Sami Association nor the Association of Norwegian Reindeer-Herders is willing to compromise on the Alta-Kautokeino case.
19th - New information reveals that the construction work is illegal according to the Law of Cultural Preservation; Sami relics have not been registered as the law prescribes.
20-24th - The Government decides to halt construction work for a time to allow archaeological investigations in the area.
- Road construction work is brought to a standstill after 9 kilometres have been built.
- The hunger-strike comes to an end after more than 30 days.
- The police force stationed in Alta is greatly reduced and the demonstration camp is closed down.

Norway's international work for indigenous peoples: the ideals

Norway is a country with democratic traditions. It has never been an imperialist power, at least not on a scale compared with other countries, and has worked for peace in the international arena. Not only has Norway played a role of go-between in international conflicts, it has generally given support to weaker groups, causes or countries. As a result, Norway has earned an international reputation as an uncompromising defender of human rights.

A recent example is Norway's leading role in pointing out the oppression suffered by indigenous peoples throughout the world and in voicing the demand that they be given the right of self-determination. At the U.N. World Conference to Combat Racism and Racial Discrimination held in Geneva in August 1978, it was Norway's delegates who took up the question of indigenous peoples. They presented their government's views, putting forward specific proposals as to which rights nation states must recognise and what practical measures would have to be implemented at both the national and international levels.

At this conference, the Norwegian delegate stated that Norway attached great importance to the protection of indigenous peoples throughout the world, "including in our own country". The Sami were used as an example of a people who were entitled to such rights. Norwegian initiative was responsible for the introduction of a number of points concerning the rights of indigenous peoples into the Programme of Action and the Declaration of Principles which emerged from the conference. This has been viewed by many indigenous groups as an important step towards the increased international legal protection of their interests.

Norway proposed that states should recognise the following rights with respect to indigenous peoples:
- official status and the right to form their own representative organisations (Programme of Action, Pt. 8b);
- recognition of their own language as an official language for administration and education (Programme of Action, Pt. 8d, in a modified form);
- right to continue within their areas of settlement their traditional structure of economy and way of life. This should in no way affect their right to participate freely and on an equal basis in the economic, social and political development of the country (Programme of Action, Pt. 8c);
- the conference also recognises the special relationship of indigenous peoples to their land and stresses that their land, land rights and natural resources should not be taken away from them (Declaration of Principles, Pt. 21).

(author's underlining)

At this conference, Norway clearly stood out as one of the most vehement champions of the rights of indigenous peoples.
Furthermore, it is clear that the recommendations contained in the final document apply with equal force to the Norwegian Government's relations with the Sami people and that Norway has pledged itself to observe these points.

**The Norwegian state versus the Sami people: the realities**

Developments since 1979 have shown that Norway's international stance has had no influence whatsoever in the way that the Government has in fact handled relations with the Sami people. Internationally, the Norwegian Government has called for greater legal protection of indigenous peoples and emphasised the legitimacy of their rights over land and of self-determination; yet at home, it has pursued a policy of internal imperialism heavily supported by the judiciary.

These double standards have been brought clearly into the open in the Alta-Kautokeino project. The Sami have not been accorded the status of an indigenous people; they are treated as Norwegians and forced to abide by the same laws that apply to all other Norwegians. Instead of stopping all further work on a project which infringes on and damages resources rightfully owned by the Sami people, the Government is still pushing ahead with the regulation of the river basin. The Government's policy won the reserved support of the legal system, for the Lower Court in Alta voted to schedule a new hearing on the matter, which in effect has allowed the regulation to proceed.

The Norwegian Government's claim to important parts of Sami land is a weak one, and it is being seen as increasingly questionable over time. Indeed, the Government has recently found it necessary to set up a committee in order to clarify many points regarding the Sami people's rights to land, water and certain other resources (Samerettsutredningen).

It is relevant to draw attention here to Norway's position with respect to ILO Convention 107 dating from 1957, often called the Indigenous Peoples' Convention. Is Norway now able to ratify this Convention? For the relationship between the Norwegian legal system and the Sami people is a long way from meeting the required minimum standards demanded by this Convention. In accordance with the principles that Norway proposed and pledged itself to in the U.N., Sami organisations have demanded official status as an indigenous people, the establishment of their own representative body, and official recognition and status for the Sami language in administration and education. Small wonder then that these demands have not been granted them.

**Consequences of the project on reindeer-herding**

The Norwegian authorities have several times during the Alta conflict stated that planned regulation of the Alta river will only affect 21 reindeer. Two Norwegian anthropologists, Ivar Bjørklund and Terje Brantenberg, have written a research report on the possible effect of the regulation on reindeer herding in the area. Their report conflicts strongly with the statements made by the Norwegian authorities.

The area which would be affected by a regulation of the Alta-Kautokeino river forms part of the reindeer-herding system known as Nuortabealli by the Sami. Nuortabealli is one of three separate reindeer-herding systems in the Kautokeino area. At present, this system supports some 300 people and 30,000 reindeer. Today Nuortabealli is a heavily utilised system. Past encroachments by mining companies, hydro-electric power schemes, roads, houses. etc. have considerably reduced the flexibility necessary within the system; each new encroachment has been increasingly damaging to the functioning of the system as a whole.

In their report, Bjørklund and Brantenberg stress that a regulation of the Alta-Kautokeino river would mean that the Nuortabealli reindeer-herding system could not continue in its present form. Already the system is under such heavy pressure
that further intensification is impossible. If the regulation area is lost, the system could only be maintained if alternative areas were available elsewhere. But suitable alternatives simply do not exist. Regulation of the Alta river will not only affect the Nuortabealli system, but as herders will be forced to press upon resources outside the system, the impact will be felt within the adjacent herding systems as well.

The regulation area is of crucial importance to herders in the spring and autumn. In spring, it supports herds during calving. The following example illustrates its importance: in the spring of 1979, a siida (reindeer breeding unit) that had traditionally used the regulation area as calving land tried to find an alternative as they expected to lose the use of the area through the planned regulation. The attempt was a failure. The new calving land was too small: it was already being used by other siidas and was not capable of hosting an additional herd. Other siidas face a similar situation. As there are no alternative calving areas available, some herders have already been forced to use autumn pastures as calving areas in spring which greatly reduces the quality of the autumn pasture. The conclusion is inescapable: there are no alternative calving areas that can be used without leading to negative repercussions on other parts of the system.

The importance of the regulation area is most clearly shown during the autumn migration. Due to various obstacles, the migration track from the coast inland is contained within a narrow corridor. From August to November approximately 40,000 reindeer pass through this corridor: about 30,000 from the Nuortabealli system and 10,000 belonging to the Karasjok Sami. It is extremely difficult to prevent different herds from mixing during the migration and especially in the Hoanka area there are problems every year. The consequences are many: much labour time is needed to separate the herds, but the most important effect is that the winter pasture is
partly destroyed. It is impossible to stop the animals from moving onto winter pastures too early. As the reindeer scrape away the first snow, the ground is left open to icing. This layer of ice renders the land useless for winter grazing.

An important factor preventing herd mixing from reaching such proportions that the whole system breaks down is the role played by the regulation area. The siidas approaching the narrow corridor from the north who hear that mixing has occurred among herds in front of them, can move into the regulation area (to both sides of the Stilla valley) and stay there until the migration route has been cleared. In this way further mixing is avoided. The regulation area can host three medium-sized herds for about a month in the autumn. Here they can stay, for instance, during the mating season while other herds pass by. The regulation area thus functions as a vital safety valve for reindeer herding in Nuortabelli. If the planned regulation becomes reality, it will be impossible for the system to be maintained as it is today.

The report by Bjørklund and Brantenberg emphasises the need for a systems approach to an analysis of the reindeer herding economy in order to understand the implications of further encroachments onto the reindeer herding areas. Reindeer herding must be understood as a system. Changes in one area or in one unit within the system have repercussions on all other parts as well. This leads to the conclusion that the negative consequences cannot be evaluated or understood with reference only to square metres of grazing land. It would be, the anthropologists point out, like removing one stave from a barrel of wine and then estimating the damage by measuring the number of square inches of wood removed. The report also shows the necessity of looking at the total effect of all encroachments on a system. Each encroachment viewed in isolation might appear minor yet taken together the impact may well be disastrous.

We note with regret that the Norwegian authorities still insist on evaluating the impact of a regulation of the Alta river in an isolated way and in terms of numbers of square metres. In this way they renounce the responsibility for the consequences that the sum of all the encroachments are having upon Sami reindeer herding and the Sami culture.

The Alta case: politics not law

The development of the Alta-Kautokeino river has led to a far broader discussion of Sami rights. The articulation of Sami interests and demands has a long history, but after the debate about the Alta case it has got a more public stamp to it and has become a debate about principles.

The Sami organisations and the Sami movement have repeatedly made strong political demands to the Authorities; demands which refer to the Sami's situation in Norway in general and to the Alta development in particular. These demands are:
1. The construction work in connection with the Alta-Kautokeino development must be stopped;
2. The Sami's status as an indigenous people must be written into the Constitution;
3. A democratically elected Sami political body must be established immediately: a body with counselling as well as decision making powers;
4. The existing Sami committees and councils must be dissolved and their functions taken over by new committees and councils appointed or elected by the new political body.

These are political demands, in the same way that the Alta case and the Sami's situation in Norway are political questions and they can only be resolved through a political solution. But the Authorities have not been willing to enter into a political dialogue with the Sami about the realities contained in these demands; for the Sami are not acknowledged as a discussion partner. Instead, the Authorities have made active use of the Law to legitimate policy and in this way have tried
to run away from their political responsibility.

The normal procedure in connection with the construction of a hydro-electric power plant is that the Authorities conduct an official survey through which they fix the sums to be given in compensation to owners of land and the nature of the rights in the area concerned. In Alta, the question has arisen as to whether the Authorities could conduct such a survey at all, as the case had been inadequately handled by the administrative body responsible, and there was real doubt as to whether the Parliament's vote in favour of the development was legally binding.

The Authorities had to take the matter to court in order to get a legal confirmation of their policy. The Alta Lower Court ruled that a survey could be held; i.e. the decision to develop the Alta-Kautokeino river finally confirmed by Royal Decree on 15 June 1979 was not ruled invalid. The result was not unexpected, but the Court's decision represented a reduced victory for the Authorities. The Court compiled a long list of criticisms in the official handling of the case, such as missing, insufficient or directly misleading information and explanation. The Court's majority was also the narrowest possible: 4 to 3. This small majority then ruled that the mistakes and omissions in the administration's handling of the case had not influenced the Parliament's decision.

One of the criticisms the Court made of the Authorities was the lack of analysis concerning the influence the Alta development would have on Sami culture and Sami reindeer pastoralism. This was both a mistake in the handling of the case and also an omission that affected the decision-making. This happened in spite of the political commitments made by the Norwegian Authorities in which they state clearly that any future encroachment upon Sami culture or Sami reindeer pastoralism will be regarded as serious and must be thoroughly studied before decisions are reached. Furthermore, a committee was appointed in the autumn of 1979 to look at Sami rights in connection with the Alta River development; so far, this committee has not yet tabled its recommendations.

The losing party in this case then appealed to the higher level in the legal system - the Court of Appeal. But at this point something took place which has never happened before in Norwegian legal history. The Government requested that the case be brought directly before the Supreme Court. Proceedings are due to start in November/December 1981, but it is still not clear how the Supreme Court will define the legal limits of the case. Possibly it will take into account Norway's international commitments, but as these are not legally binding they cannot constitute the basis for a legal decision. It is clear, however, that the Government wanted the case brought directly before the Supreme Court in order to gain a political victory, as it is likely that the Authorities will win the case thus confirming the Parliament's decision as being legally binding. For the Authorities, it is extremely important that the Supreme Court reaches a decision as soon as possible, as this will legitimise the official policy and at the same time brand the adversaries of the Alta-Kautokeino river development as criminals in the sense that they can then be accused of opposing a Supreme Court ruling.

The Samis cannot win in this law case as their rights are not recognised in the formal Norwegian Law on which the Supreme Court must base its decision.

But then this is not what the matter is about. It is clearly an attempt to side-track the debate to regard the Alta case solely as a question of whether the Norwegian Authorities have followed the correct administrative procedures and legal rules in their handling of it. The Sami demand to be acknowledged as a people in their own right, with their own history, their own language and culture; as a separate and original group distinct from the surrounding society. In other words, the Sami demand that they be accorded the status of an indigenous people. This is a political issue requiring a political solution; it is not a question of administrative and legal rules.
Bibliography

The following works on the Sami and the Alta case are highly recommended:


Asmund Lindal and Helge Sunde (eds): "Alta pictures: 12 years' struggle for the Alta-Kautokeino watercourse", 1981, Pax, Goteborg Gata 8, Oslo 5, Norway; price 129 Nor. crowns. (Dramatic pictures with text in English and Norwegian).


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PANAMA: CHURCH HOLDS FORUM ON PLIGHT OF THE GUAYMI PEOPLE

Under the banner: "We want justice - not millions nor charity", the International Forum on the Guaymí People and their future took place in Panama City on March 23-28, 1981. The Forum was organised by a committee composed of members of the Catholic and Protestant Churches. The Bishop of Bocas del Toro, President of the organising committee, opened the proceedings. He emphasised the need for a real commitment on the part of Christians in the struggles of indigenous peoples. José Cruz Mónico, leader of Bocas del Toro, speaking in ngäbere, and Camilo Ortega, leader of Veraguas, welcomed the participants on behalf of the Guaymí people. Unfortunately, as the meeting was held in Spanish, few Guaymí could participate actively.

During the 5 days, the Forum discussed the history of the Guaymí people and their struggle for land; the exploitation of natural resources by transnational corporations; the specific mining projects, oil pipe-line, hydro-electric power schemes in the provinces of Chiriquí and Bocas del Toro and their effect on Guaymí communities; and the role of the Churches in the Guaymí struggle.

The Forum passed three resolutions:

1. Form a Committee of Solidarity with the struggle of the Guaymí People composed of various popular groups; reaffirm the Guaymí's total rejection of all programmes initiated by the Summer Institute of Linguistics; demand that the Government stop all work on the major projects until the Guaymí Park (Comarca Guaymí) has been definitely established.

2. Organise regional and local meetings between representatives of the Churches and the indigenous authorities (both political and religious) to realise and co-ordinate plans.

3. The Churches promised to support the indigenous authorities' plans to hold National Congresses.
PERU: AGRO YANESHA - THE AMUESHA CO-OPERATIVE

Agro Yanesha was established on 15 November, 1977, during an Assembly of the Congress of Amuesha Native Communities of the valley of the Palcazu in the Peruvian jungle. People from 16 Amuesha communities met together in order to create a co-operative for the promotion and commercialisation of the agricultural products from the communities.

To this end, Agro Yanesha is working to improve agricultural and livestock production in the communities and also to secure better prices and markets for their products. During the first three years of its life, Agro Yanesha has set up various training schemes for young people from the communities in veterinary science, poultry breeding and agriculture in general. At the same time, efforts have been made to establish a sales co-operative where products could be stored and so kept off the market until demand picked up and prices rose.

Agro Yanesha has already invested in a boat and a vehicle to transport products and supplies between communities and buyers and in this way has eliminated the middleman. As Agro Yanesha only charges transport costs, the co-operative frees the communities from the dependency on and their obligations to sell to settlers or traders who monopolise the transport and marketing networks. This Amuesha experience shows once again that the cause of the low output and economic stagnation in the past has been the grievous exploitation indigenous peoples have suffered at the hands of settlers and merchants.


U.S.A: OIL THEFTS FROM INDIAN RESERVATION

A grand jury in Cheyenne, Wyoming, has been hearing testimony on charges of a multimillion dollar crude oil theft from the Wind River Indian Reservation. About 3,500 Arapaho and Shoshone live on the reservation, which spreads eastward from the Rocky Mountains in west-central Wyoming. For years their tribes have jointly leased lands for the development of oil wells to 29 major and small independent oil companies. Income from the oil leases in 1976 totalled $3.6 million. By 1979 oil income had risen to $4.3 million. However, the price of crude oil had risen from $8 per barrel to more than $30 per barrel for oil from newly drilled wells.

Suspicions of oil rustling have existed for years. However, solid evidence was found only in June, 1980. Charles Thomas, the sole federal inspector policing the reservations' approximately 1.8 million acres, stopped a truck loaded with crude oil and found that the driver had no "run ticket" authorizing removal of oil from the reservation. Investigations were begun by the FBI and the Inspector General's office of the Department of the Interior. The tribes have retained the legal services of a former Supreme Court Justice. The full scope of the charges may not be known for some time. However, some experts estimate that more than $16 million worth of oil has been stolen. The investiga-
tions focused on the following methods of oil theft:
attachment of pipes to oil storage tanks before the oil passes through the metering gauges required by federal law;
diversion of oil leases with high royalty payments to leases with lower royalty payments;
drainage of clean oil into overflow pits for sale to reclaiming operators who are to handle only "dirty oil".

In January 1981, the Denver Post reported that Gulf Oil Corp. failed to report royalty payments for more than 72,000 barrels of crude oil produced on the Wind River Reservation last year. Other potential subjects for investigation are employees of oil companies, reclaimers, refiners, pipeline operators and others involved in oil field operations.


WEST IRIAN: INDONESIAN SUBJUGATION OF A HOSTAGE POPULATION

A press ban imposed by Indonesia has effectively denied the world news of large-scale racist suppression by Indonesia in West Papua New Guinea (WPNG), known by Indonesia as Irian Jaya. The Melanesian population of WPNG is callously dismissed as "wildlife" by Indonesian officials, and villagers are forced to move from traditional lands and fishing grounds to make way for Indonesian transmigrants. In Indonesia's attempts to quell the long-standing West Papuan resistance to integration with Indonesia, West Papuans are harassed, arrested, shot and bombed. The few reports that do reach the world outside WPNG are consistent in telling a tale of the vicious subjugation of a hostage population.

A report compiled in December 1979 by a reliable source reveals that there are about 500 West Papuan prisoners in various prisons - 140 in Jayapura, 50 in Manokwari, 150 in Biak and 125 in Serui. They were almost all detained illegally, without the arrest-warrant (surat penangkapan) required by Indonesian law. The military authorities give a "cultural" explanation for such breaches of the law and of human rights: i.e. that "marginal law" is in force in West Papua New Guinea. The majority of the prisoners have been imprisoned for defending their basic rights, including traditional land rights.

In Australia the National Times reported (2 February, 1980)
that the new border treaty between Indonesia and Papua New Guinea has prompted the announcement in the Indonesian Embassy (Canberra) newsletter that Papua New Guinea will repatriate to Indonesian hands "more of the people who had fled from there (West Papua - ed.) for political or other reasons and stayed in PNG". On this point the Embassy reasons "only a few of them could be called intellectuals, most were fellow travellers with no convictions of their own". Amongst the refugees is Eliazer Bonay, a former governor of West Papua New Guinea.

The recent change of government in Papua New Guinea gives no cause for hope that PNG will reverse its policy of appeasing Indonesia. The West Papuan community there is in some danger as the PNG government has often issued warnings about possible repatriation if they engage in any political activities. This includes publishing Indonesia's offences against West Papuan people in WPNG. PNG's complicity has been a sensitive domestic and diplomatic issue and the government has done its best to cover up the repatriation of refugees.

(Source: Natural Peoples News, No. 5, spring 1981).

4th RUSSELL TRIBUNAL: SUMMARY OF SELECTED CASES

Out of 45 cases of ethnocidal oppression submitted to the Fourth Russell Tribunal, held in Rotterdam, November 24-30, 1980, 14 were accepted for presentation through witnesses, experts and documentation. The text of the recommendations and final statement were carried in IWGIA Newsletter No. 25/26, March 1981, and in this issue, notes are presented on each of the 14 selected cases.

THE CASE OF THE GRAND COUNCIL TREATY NO 9
Accuser: Grand Council Treaty No. 9 (Association of Treaty 9 Chiefs) representing the Nishnawbe-Aski nation.


The James Bay Treaty concluded in 1965 covers an area of approximately 210,000 square miles where today the population exceeds 20,000. The Indians were told that they were signing a treaty of peace and good will towards the King and other white men in exchange for which they were to receive certain government assistance. They were not told that the irrevocable surrender of their territorial rights was also a provision of the treaty.

THE CASE OF THE CONSEIL ATTIKAMEK-MONTAGNAIS
Accuser: Conseil Attikamek-Montagnais of Quebec, Canada.

Accused: Canadian Government.

This case involves the loss of rights as a result of the construction of the James Bay hydro-electric project. Treaties were signed with other Indian groups (Cree and Inuit) giving compensation in exchange for land rights. But the Canadian Parliament also extinguished unilaterally the land rights of some 10,000 Attikameks, Montagnais and Algonquins.
THE CASE OF THE HAUDENOSAUNEE
Accuser: Sovereign Haudenosaunee Confederacy
The Mohawk Nation, a member of the Confederacy, presents its claim that the United States is denying its right to its homeland on the basis of a fraudulent treaty, and that the State of New York has imposed an alien government against the wishes of the Mohawk People.

THE CASE OF THE HOTEVILLA HOPI
Accuser: Sovereign Hopi Nation
Accused: Hopi Tribal Council and Government of the United States
The Hopi have occupied their land within the territory of the Diné (Navajo) Nation in northeastern Arizona for well over a thousand years. The Hopi live in several independent villages which together form the Hopi Nation. The Hotevilla Hopi have presented two issues: the alien form of government imposed on them and the attempted theft of their lands. Both acts were carried out by the United States government.

THE CASE OF THE BIG MOUNTAIN DINÉ.
Accuser: Big Mountain Diné (Navajo) Nation.
Accused: The United States of America.
This case concerns the Hopi-Navajo land dispute that has arisen as a result of white intervention. Following a special court decision in 1977, the region in the State of Arizona called the Joint Use Area (JUA) by the United States government will be divided between the Hopi and Navajo. Approximately 6,000 Navajo (Diné) live in what is now the Hopi half of the former JUA and about 70 Hopi families live in what is now exclusively Navajo territory. Under the partition order, it is necessary for those who live in the wrong half to leave soon (recent federal legislation required relocation by mid-1981). The Navajo living a traditional pastoral life are currently facing removal from their ancestral lands to white border towns 100 miles away.

THE CASE OF THE WESTERN SHOSHONE
Accuser: Traditional Western Shoshone Indians organized as the Western Shoshone Sacred Lands Association.
Accused: The United States of America.
At present, the Western Shoshone Indians’ right to occupy, enjoy and control some 18 million acres in the State of Nevada is under threat from the United States government. Simultaneously, the claim before the Indian Claims Commission has operated to extinguish their aboriginal title to the entire 18 million acres and the possibility exists that the proposed MX nuclear missile system will be located in Nevada in such a way that a substantial portion will be located in Western Shoshone country.

THE CASE OF THE SPANISH EMBASSY
Accuser: The Quiche and Ixile Indians from the communities of Chajul, Nebaj, Coatzal and San Miguel Uspantán in Guatemala.
In 1976 the Guatemalan army started to expel the peasants from their lands. The aim of the military action was to clear the way for new economic enterprises in the area. Land stolen from the Indians was given to high-ranking military officers, government functionaries and large landowners with connections with foreign capital. The army unleashed a wave of terror
against the peasants. As they never received any response to their persistent and legitimate complaints, and because the mass media never mentioned them, the Indians of El Quiché and Ixil decided to occupy peacefully the Spanish Embassy in the city of Guatemala in order to attract the attention of the public to their situation and to receive an answer from the government. On January 31, 1980, the peasants occupied the Spanish Embassy. In spite of the repeated declarations made by the Spanish Ambassador that it was a peaceful action, the President of the Republic ordered a military action to destroy the place and to eliminate all the persons who were in the Embassy. Many died in the attack.

THE CASE OF THE GUAYMI
Accuser: The congress of the Guaymi people from the provinces of Bocas del Toro, Chiriquí and Veraguas in the western part of the republic of Panama.

Accused: National and transnational enterprises (CODEMIN) and the government of Panama.

The Government of Panama authorised in 1975 the transnational enterprise Texas Gulf in association with the Mining Development Corporation of Cerro Colorado to exploit copper found in the territory which has been occupied and possessed by the Guaymi people from time immemorial. In addition, a hydro-electric project will be built. More than 740 square kilometres of Guaymi land will be affected by these two projects.

THE CASE OF THE CRIC
Accuser: CRIC, Regional Council of the Indians of Cauca.

Accused: The government of the republic of Colombia and the following governmental institutions: Home office, Defence Department, INCORA (Institute of Agrarian Reform), and the Institute of natural resources.

The accusers selected the case of the community of Puracé to put before the Tribunal.

The proven actions of this case show that the Colombian government has interfered in the lives of the community of Puracé by reducing the amount of land belonging to it and forcing the community to limits that are under the minimal necessities set by the government. This restriction on the lands has been made for the benefit of interests that are alien to the Indian community: for example the sulphur exploiting enterprise "Industrias Puracé"—a branch of the multinational, Celanese, which has introduced new ways of exploiting Indian workers. The government of Colombia repressed, with violence, the community of Puracé when it asked for the solution of their problems and for respecting their rights. Members of the community have been murdered, put in jail, persecuted and wounded.

THE CASE OF SAN JUAN DE ONDORES
Accuser: The peasant community of San Juan de Ondores, department of Junín, and National Committee of Human Rights (CONADEH), Lima, Peru.

Accused: The Civil Guard of Peru and Ministry of Agriculture as organs of the government of Peru and the Agricultural Society of Social Interest (SAIS) Tupac Amaru.
The highland community of Ondores, deprived of its land long ago, has been trying to obtain restitution of 14,500 hectares from fundo Atocasico (formerly owned by a US company) now part of SAIS Tupac Amaru (a state run co-operative). Court decisions in favour of Ondores have twice been reversed. Each time (December, 1979 and August, 1980) members of the community were brutally evicted by the Civil Guard who killed two, wounded many, arrested 40 and destroyed stock, houses and other property.

THE CASE OF THE CAMPAS
Accuser: Centro de Investigación y Promoción Amazonica (CIPAJ on behalf of Campa communities in the province of Satipo, Department of Junin, Peru.

Accused: Forestry companies, colonization companies and Peruvian public authorities.

The Campas are a native nation of fifty thousand people living in a vast area in the Amazon region. For decades, they have been slowly but continuously deprived of their land; now communities living in the Ene and Tambe valleys are victims. Though Native Communities are legally recognised by the State, these Campa communities are not covered by such a registration. Therefore their lands are being constantly invaded by colonists, pseudo co-operatives, forestry companies. The Ministry of Agriculture has supported requests for land by these private companies against the claims of the Campa. In addition, plans are underway to build a large hydro-electric project in the zone threatening to inundate Campa land.

THE CASE OF THE RIO NEGRO

Accused: The Salesian order and its bishop Don Miguel F. Alagna.

This case describes the illegal seizure and registration in the name of the Salesian mission of lands traditionally belonging to the Aruak and Tukana Indians. This has resulted in their transformation into a marginalized mass of landless peasants, subjected to the worst imaginable conditions of deprivation.

THE CASE OF MANGUEIRINHA
Accuser: Wilmar Rocha D'Angelis, coordinator of CIMI-South (Missionary Indian Council, south area) concerning the Mangueirinha Indian Post, Paraná, Brazil.

Accused: FUNAI (Brazilian Agency for Indian Affairs), Slaviero & Sons, S.A.; Electrosal; government of the State of Paraná, Brazil.

The Kaingang and Mbya-guarani tribes of the Mangueirinha Indian Post have suffered constant dispossession and physical threat. Land promised as a reservation was given instead to private forestry companies which are destroying trees producing the Indians' staple food and supplying a sawmill established by FUNAI. Part of their territory has already been flooded by a hydro-electric power scheme and another similar one is planned. So far, claims for the restitution of Indian land have been rejected.
THE CASE OF THE NAMBIQUARA

Accuser: Vincent Carelli (on behalf of the Committee for the defence of the Nambiquara People), Vale do Guaporé, NE of Mato Grosso State and State of Rondon Territory.

Accused: The Government of Brazil (the Dept. of Home Affairs, FUNAI, the State of Mato Grosso, the Dept. of Transport, etc), the World Bank.

The Nambiquara now number 600 (of whom only 190 are forest Nambiquara). The deliberate intrusion onto their lands by new roads (supported by the World Bank) and systematic dispossession were described in the case.

The Government of Brazil through the Department of the Interior and FUNAI (Brazilian Agency for Indian Affairs) is charged with illegally selling Indian land to colonists, falsely denying the existence of Indians or moving them to different sites to encourage private companies, deliberately neglecting to demarcate Nambiquara territory as required by law and following policies, such as the road construction, to eliminate Indians for the benefit of a few individuals and companies.

Reports from the Fourth Russell Tribunal are available from:

Workgroup Indian Project,
P.O. Box 51322,
1007 EH Amsterdam,
Netherlands.

IWGIA PRESS RELEASES AND PROTESTS

The Board of IWGIA issued the following press release on February 25, 1981, after a meeting held in Copenhagen:

IWGIA protests strongly against the continuing violations of the rights of Indigenous Peoples. IWGIA will direct its campaign against the governments of three countries in particular: countries where gross abuses against Indigenous Peoples are at present taking place.

Guatemala The army has conducted a reign of terror among the Tzutuhil Indians of Atitlan. Many Indians have been killed, abducted and tortured by the army on the pretext that they were sympathetic to the guerillas. IWGIA demands an end to this violence and urges tourists to stay away from this area as a sign of protest.

Paraguay 700 Toba Maskoy Indians were recently granted part of their ancestral land through a Presidential decree. But immediately on settling, they were forcibly removed by the army to a new site, described by Paraguayan Roman Catholic Bishops as "desolate and without any water" and which has no potential for agriculture or cattle raising. This action constitutes genocide for the Toba Maskoy have no chance of survival. Clearly the government's apparent sensitivity to charges of genocide from overseas in recent months and their promises to help Indians were mere ploys to attract funds from international organisations to the country.
IWGIA urges the Paraguayan government to resettle the Toba Maskoy on the lands legally granted to them and brings to international attention, the duplicity of the government with regards to their promises to Indian peoples.

Australia ALCOA, the American Aluminium Company, plans to build one of the largest aluminium smelters in Portland on land of very great religious and economic importance to the Gunditj-Mara tribe. This is happening in a country where, in 1980, the Prime Minister won an international award in recognition of his opposition to racism in South Africa. IWGIA urges the Australian government to respect the religious convictions of their Indigenous Peoples.

Protest to Paraguayan Government

With reference to the serious situation for the Toba-Maskoy in Casanillo, Chaco, we protest against the illegal reduction of Toba lands in Paraguay. We request compliance with decree 20035 of 10th October, 1980, and supporting Court orders. We request establishment of a clear Indian policy defending Indian against foreign interests endangering their survival. We request immediate approval of the bill to establish legal structure for Indian communities, necessary for land acquisition. We vehemently protest against the detention at km. 220 of Tobas, now clearly prisoners. We request that the Government of Paraguay respect Indian communities' rights in general.

Copenhagen, 30 January, 1981
Reports printed in the Documentation Series are:

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Declaration of Barbados</td>
</tr>
<tr>
<td>2</td>
<td>Karl E. Knutsson: Report from Eritrea (out of print)</td>
</tr>
<tr>
<td>3</td>
<td>A. Barrie Pittock: Aboriginal Land Rights (out of print)</td>
</tr>
<tr>
<td>4</td>
<td>Rupert R. Moser: The Situation of the Adivasis of Chotanagpur and Santal Parganas, Bihar, India (out of print)</td>
</tr>
<tr>
<td>5</td>
<td>John H. Bodley: Tribal Survival in the Amazon: The Campa Case</td>
</tr>
<tr>
<td>6</td>
<td>René Fuerst: Bibliography of the Indigenous Problem and Policy of the Brazilian Amazon Region</td>
</tr>
<tr>
<td>7</td>
<td>Bernard Arcand: The Urgent Situation of the Cuiva Indians of Columbia</td>
</tr>
<tr>
<td>8</td>
<td>Stefano Varese: The Forest Indians in the Present Political Situation of Peru</td>
</tr>
<tr>
<td>9</td>
<td>Walter Coppens: The Anatomy of a Land Invasion Scheme in Yekuana Territory, Venezuela (out of print)</td>
</tr>
<tr>
<td>10</td>
<td>Henning Siverts: Tribal Survival in the Alto Marañon: The Aguaruna Case (out of print)</td>
</tr>
<tr>
<td>11</td>
<td>Mark Münzel: The Aché Indians: Genocide in Paraguay</td>
</tr>
<tr>
<td>12</td>
<td>Nelly Arvelo Jiménez: The Dynamics of the Ye’cuana (“Maquiritate”) Political System: Stability and Crisis (out of print)</td>
</tr>
<tr>
<td>13</td>
<td>Carmen Junqueira: The Brazilian Indigenous Problem and Policy: The Example of the Xingu National Park</td>
</tr>
<tr>
<td>15</td>
<td>Alicia Barabas and Miguel Bartolomé: Hydraulic Development and Ethnocide: The Mazatec and Chinantec People of Oaxaca, Mexico</td>
</tr>
<tr>
<td>16</td>
<td>Richard Chase Smith: The Amuesha People of Central Peru: Their Struggle to Survive</td>
</tr>
<tr>
<td>17</td>
<td>Mark Münzel: The Aché: Genocide Continues in Paraguay</td>
</tr>
<tr>
<td>18</td>
<td>Jürgen Rießer: Indians of Eastern Bolivia: Aspects of Their Present Situation</td>
</tr>
<tr>
<td>19</td>
<td>Jean Chiappino: The Brazilian Indigenous Problem and Policy: The Example of the Aripuana Indigenous Park</td>
</tr>
<tr>
<td>20</td>
<td>Bernardo Berdichewsky: The Araucanian Indian in Chile</td>
</tr>
<tr>
<td>21</td>
<td>Nemesio J. Rodríguez: Oppression in Argentina: The Mataco Case</td>
</tr>
<tr>
<td>22</td>
<td>Jacques Lizot: The Yanomami in the Face of Ethnicide</td>
</tr>
<tr>
<td>23</td>
<td>Norman E. Whitten, Jr.: Ecuadorian Ethnocide and Indigenous Ethnogenesis: Amazonian Resurgence Amidst Andean Colonialism</td>
</tr>
<tr>
<td>24</td>
<td>Torben Monberg: The Reactions of People of Bellona Island Towards a Mining Project</td>
</tr>
<tr>
<td>25</td>
<td>Félix Razon and Richard Hensman: The Oppression of the Indigenous Peoples of the Philippines</td>
</tr>
<tr>
<td>26</td>
<td>Peter A. Cumming: Canada: Native Land Rights and Northern Development</td>
</tr>
<tr>
<td>27</td>
<td>Peter Kloos: The Akuríyo of Surinam: A Case of Emergence from Isolation</td>
</tr>
<tr>
<td>28</td>
<td>Ernesto Salazar: An Indian Federation in Lowland Ecuador</td>
</tr>
<tr>
<td>29</td>
<td>Douglas E. Sanders: The Formation of the World Council of Indigenous Peoples</td>
</tr>
</tbody>
</table>
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