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IWGIA

INTERNATIONAL
WORK GROUP FOR
INDIGENOUS AFFAIRS

The International Secretariat of IWGIA
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Denmark

IWGIA NEWSLETTER



IWGIA

INTERNATIONAL
WORK GROUP FOR
INDIGENOUS AFFAIRS

Newsletter

No. 59

December 1989



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International Workgroup for Indigenous Affairs (IWGIA) is an independent, international organisation which supports indigenous peoples in their struggle against oppression. IWGIA publishes the IWGIA Documentation Series in English and Spanish. The IWGIA Newsletter in English and the IWGIA Boletín in Spanish are published four times annually. The Documentation and Research Department welcomes suggestions and contributions to the Newsletters, Boletines and Documentation Series.

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Cover photo: *Tibetan religious ceremony. Photo by Kim Rasmussen.*

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Introduction

As before, we are happy to have the opportunity to publish statements by indigenous peoples to the Working Group for Indigenous Populations in Geneva this summer. In this Newsletter, we have decided to publish five indigenous presentations, and more will be published later on.

For the first time ever, indigenous representatives from Africa participated in meetings of the Working Group. On behalf of his own people, the Maasai of Tanzania, and on behalf of the Hadza, Moringe Parkipuny, a member of the Dar Es Salaam parliament, made a historic speech in which he pleaded for respect towards the identity of hunters and gatherers, and to the pastoral people of Africa.

Not only Masaai and Hadza were represented in Geneva for the first time. From Australia, Ellie Gaffney spoke on behalf of the Torres Strait Islanders, whom she stressed should be treated on an equal basis with Aborigines. She asked for a recognition of Torres Strait Island culture, and for its peoples' territorial and customary rights.

From the Philippines, the representative from KAMP (Kalipunan ng mga Katutubong Mamamayan ng Pilipinas), told the sad news that nothing has changed since the last meeting in 1988.

Paul Jerry Ivan from Yupit Nation, representing Yupit-speaking Inuit from Alaska, USA, accused the United States Government for experimenting with Alaskan natives by settling land claims with corporations, rather than with indigenous governments. Therefore, among the goals of the Yupit nation is a transference of land from corporations to traditional tribal governments.

Also from North America, Robert A. Williams Jr. gave an overview of major historical and juridical themes in the study of treaties, on behalf of the National Indian Youth Council. He shows how modern international law is using concepts from the age of imperialism to the detriment of indigenous peoples when setting new standards. He therefore urges the use of an alternative language and alternative concepts based on equality and not on domination.

On 5 December 1988, a Land Claims Agreement Principle was signed between the Government of Canada and the Dene/Metis Indians of the Canadian Northwest Territories. The final agreement needs yet to be signed, but we have decided to print a summary of the Agreement in Principle, to inform a larger public of the basic principles in this type of agree-

ment. Finally from North America, we reprint the signed agreement of the Treaty Alliance of North American Aboriginal Nations.

From the Soviet Union, we publish a small article on the problems of the 1 700 Saami. Since we received this paper, we have been informed that the Saami of the Kola Peninsula has founded their own Saami Association. This took place on September 3, and Vasilij Selivanov of Lovosero was elected as Chairman.

Deforestation continues in Sarawak and many other tropical regions without any respect for the indigenous owners of the country. In recent months, protesting indigenous peoples have been arrested, and at the moment of writing, they are still in prison. Deforestation and plundering of land is also a problem in Latin America, as the case of the Chimanes from Bolivia exemplifies. In this, as in all other cases, we can only agree that immigration projects on indigenous territory should be stopped. Illegitimate immigration is a severe problem to the Yanomani in Brazil whose future is further aggravated by the government plan to delimit and divide their territory into 19 mini-reserves.

The other articles from Latin America deal with bilingual education and literacy campaigns in Ecuador, and from Colombia, focus is on the present position and demands of indigenous women.

The case study from India illustrates that damming of rivers is an increasing problem for tribal populations. A very serious problem is that resettled people are very often not given new land even though this is promised by the government, the World Bank and other developing agencies.

From Tibet, news of human rights violations continue, which is documented in an article by Dr Blake Kerr. Recently, at an IWGIA-sponsored hearing in Copenhagen on 19 November, further evidence was given on the tragic situation of the Tibetan people. Fortunately, focus has now been put on Tibet following the awarding of the Nobel Prize to His Holiness, the Dalai Lama.

In our Newsletter no.53/54, we published an article on Maori land rights, and in this issue we deal with the New Zealand government's attitude towards the Treaty of Waitangi.

From Botswana in Southern Africa Robert Hitchcock gives a review of past and present wildlife utilization and on the participation of local people in management of the resources.

Alaska:

Statement of the Yupiit Nation to the UN Working Group on Indigenous Peoples

My name is Paul Jerry Ivan, a Yupik from Alaska. I serve as the Chairman for the Yupiit Nation Council of Elders and thank you for the opportunity to present the developments of the Inuit people of Southwest Alaska.

As every indigenous people giving presentations about their homelands, I find that we all share similar problems with all other indigenous peoples throughout the world.

The issue of all self-government by the residential indigenous peoples is the important goal of the Yupiit Nation and its member villages. Although there is no clear policy towards indigenous self-government authority from the federal and state government perspective, the movement to revitalise indigenous governments is the strongest within our people in the Southwestern part of Alaska.

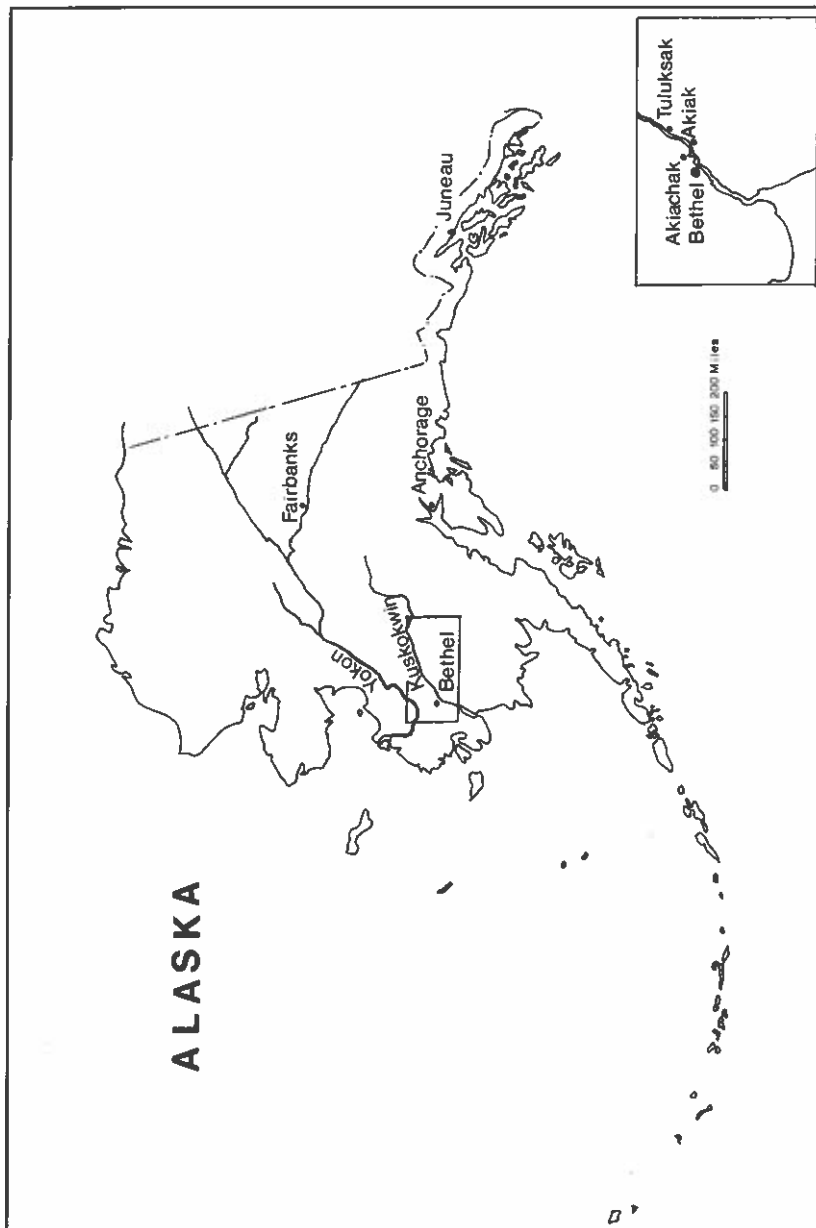
The Yupiit Nation was created by Resolution 84-07-01 of the PINARIUQ Conference conducted by the Inuit governments of Akiachak, Akiak and Tuluksak on the 6th of July 1984, at Akiachak Native Community.

The purposes of the Yupiit Nation were identified as:

- 1) to strengthen unity among the Yupiit of Southwest Alaska;
- 2) to promote Yupiit rights and interests on the local, national and international levels of policy development affecting the Yupiit;
- 3) to ensure Yupiit participation in political, economic and social institutions which we deem relevant;
- 4) to promote greater self-sufficiency of the Yupiit in Southwest Alaska;
- 5) to ensure the endurance and growth of the Yupiit culture and societies for both present and future generations; and
- 6) to promote long-term management and use of non-renewable resources in Western Alaska and incorporate such resources in the present and future development of Yupiit economies, taking into account other Yupiit interests.

The organisers recognise the importance of involving the indigenous elders in the development of the Yupiit Nation as an indigenous government. The Constitution of the Yupiit Nation calls for a representation from villages, who wish to become members, of one indigenous elder and two tribal government officials.

Since the inception of the Yupiit Nation, membership has grown to include ten other Yupik villages, bringing the membership to thirteen villages.



Map showing Yupiit area in Southwest Alaska:
Akiak, Akiachak, Tuluksak and Bethel communities.
Map by Joan Andersen.

It is the goal of the Yupiit Nation to eventually include all of the Yupiit speaking communities as voting members of the Nation.

As mentioned earlier, even though there is no clear policy on the governmental authority of the indigenous governments in Alaska, the movement for revitalising indigenous governments is the strongest in our region. We believe, because we are considered "Indians" from the federal government's perspective, that we are free to govern ourselves through indigenous governments, as our Indian brothers do in the continental United States.

Although the State of Alaska was considered a Non-Selfgoverning Territory prior to the statehood and the federal government's responsibility to report to the United Nations, under article 73, it is unclear what the reports addressed in relation to the indigenous residents of Alaska, or what the federal government's responsibility is to the indigenous residents of Alaska.

We have always been treated differently from the time of contact with the Western world. We were not informed of the developments between the United States and Russia during the establishment of the Treaty of Cession in 1867, nor were we involved or consulted in the voting process when Alaska opted to become a member union of the United States in 1958. There was no consent from the grassroots peoples in the settlement of lands in 1971. For those reasons there is much confusion from the local, national and international levels of governments on the governmental authority of indigenous governments in Alaska. Nevertheless, the Yupiit are moving forward to establish sovereignty over our resources in our homelands.

The United States government experimented with Alaska Natives by settling lands with corporations rather than with indigenous governments. The Alaska Native Claims Settlement Act provided 44 million acres of lands to all indigenous residents of Alaska and paid close to a billion dollars for the rest of our traditional homelands and extinguishment of certain rights. For that reason, the Yupiit Nation view the Alaska Native Claims Settlement Act as a genocidal and termination act because of non-involvement of our children born after the settlement of lands. Attempts have been made to provide a transfer of lands to tribes from corporations and inclusion of children into settlement in the so-called 1991 amendments to ANCSA. Although the amendments addressed the indigenous youth, there is no guarantee that they will benefit from such.

The Alaska Native Claim Settlement Act forced the indigenous residents to change from being hunters and gatherers to become corporate businessmen in a very short period of time. Many of the business corporations, on a grass-roots level, are competing with knowledgeable business corporations, and are in the face of becoming bankrupt. Because these corporations own the traditional homelands, they are in jeopardy of being lost forever. I have to say that some of the village corporations are also doing well and are providing limited benefit to their shareholders.

Because the corporations are visible in all indigenous communities, the tribes' economic rights range from almost invisible to almost non-existent. Because of statehood, many of the indigenous communities are organised as governmental entities or subdivisions of State government. Although the indigenous governments do exist, the municipal governments are assuming responsibility on a village level for both indigenous and non-indigenous peoples.

Because of the emergence of non-indigenous governments and businesses, a way of life of the indigenous residents of Alaska is fast disappearing. Unless people on a grassroots level evaluate their priorities through revitalising their traditional governments, a way of life will be lost for ever.

By involving ourselves in the Indigenous Peoples Preparatory meeting at the Palais des Nations from 24-28 July 1989 to draft the Universal Declaration on the Rights of Indigenous Peoples, and our presentation on our developments to the Working Group, we show our belief in the importance of the adoption by the United Nations of the Universal Declaration on Rights of Indigenous Peoples.

It is essential that the Universal Rights of Indigenous Peoples be adopted because many of the principles do not exist for the Indigenous Peoples of Alaska due to lack of clear policy from the United States government.

An example of this is the right to ownership of subsurface lands by the villages and individual indigenous peoples of Alaska. The subsurface lands are owned by these regional ANCSA corporations and not by the villages. Individual indigenous peoples that own land allotments also do not enjoy subsurface rights, and cannot develop them even though the same federal laws are used to grant land ownership to individual Indians in the continental United States.

We feel that through the use of the indigenous governments our customs, cultures, languages and histories can be preserved and flourish in the future and benefit the world community in achieving a better understanding of each other's cultures.

We thank the Working Group for the opportunity to comment on our developments in our homelands and our opinions on indigenous activities worldwide.

Statement to the UNWGIP, Geneva, 1989

Aotearoa/New Zealand:

The Crown and Te Tino

By Moana Maniopototo-Jackson

At a policy conference on Aotearoa/New Zealand and Human Rights in the Pacific/Asia region, Moana Maniopototo-Jackson surveyed the lack of commitment by the New Zealand Government in honouring the Treaty of Waitangi. Despite official Labour Party policy to honour the Treaty, the Government has found ways to step around the real meaning of the Treaty text.

In February 1984, before its instalment into Government, the New Zealand Labour Party announced its official policy which would involve "honouring the Treaty of Waitangi". While this hardly raised an eyebrow among the Maori population, it did cause a few facial contortions among the Pakeha (white) majority.

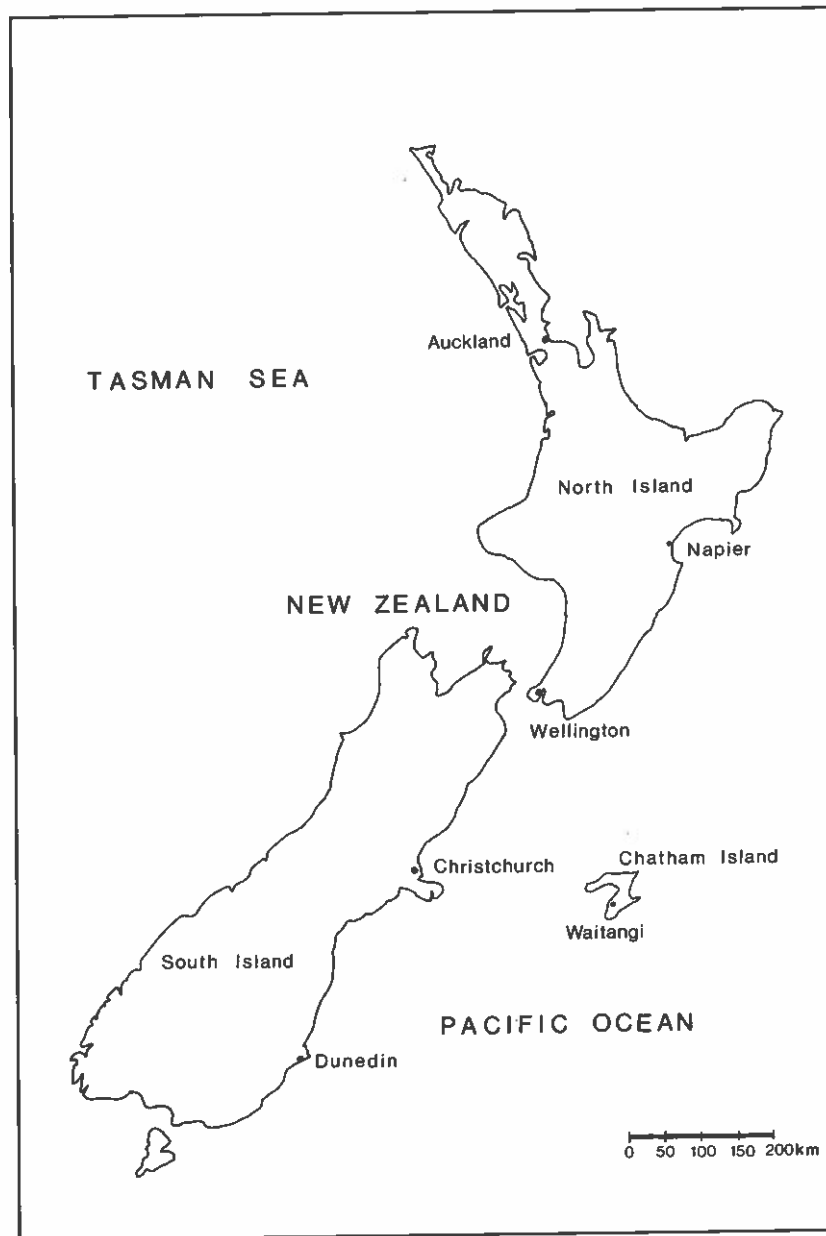
Maori people have noticed that all prior governments have had a total lack of political consideration for anything Maori - that is unless anything Maori affected Pakeha interests.

It was at Waitangi in 1840 that Maori people displayed a sense of fairness and justice toward the Pakeha - expecting nothing more, though getting much less in return. Through their governments and deliberate acts of policy (not neglect), the Pakeha have been responsible for our present state as an almost culturally and physically dispossessed people.

The present Labour Government is merely an extension of all those before it - all of whom have operated to impose Mana Pakeha over Mana Maori. On the odd occasion, this government has acknowledged our existence - and many of the monocultural policies which have led to our down-trodden state. But these positive steps are far outweighed by its belief that it knows best what is good for Maori people.

Many Maori groups have researched or initiated development in vital areas such as housing, child care, mental health, law and education. These positive strides in Maori development have been based on separate inter-development and *te tino rangatiratanga*. Yet they have been analysed, ignored, dissected and rejected - (not necessarily in that order) - by those who claim to have Maori interests at heart.

The struggle for our very soul and the restoration of our Treaty rights through the Pakeha political process has been absolutely futile. The majority-rules democratic system is totally inappropriate for an indigenous minority.



Map of Aotearoa/New Zealand showing North Island, South Island and Chatham Island where the Waitangi Treaty was signed on 6 February 1840.
Map by Joan Andersen.

Treaty Articles

The guidelines for a socially just society were laid down in Articles One and Two of the Treaty of Waitangi. Te Tiriti o Waitangi contained three written articles and a fourth oral guarantee.

In Article One, Maori chiefs transferred to the British Crown *Kawanatanga*. *Kawanatanga* or governorship implied *limited administrative powers* relating to law, order and security. These powers could only be conferred by those who had *Rangatiratanga* upon an approved and legitimate Government. The Crown was honour bound, Royal honour at that, to uphold the Treaty.

Article Two acknowledged the reality of *te tino rangatiratanga a te iwi Maori*. This meant *specific Maori sovereignty* over Aotearoa "*o ratou whenua, o ratou kainga me o ratou taonga Katoa*" - that is, the Maori way of life.

The entire political/legislative/judicial machinery in operation today is in complete contradiction of the Treaty and *te tino rangatiratanga a te iwi Maori*.

Far from what some primadonnas would say, Article Three did not make Maori into British citizens and subjects. Instead, it recognised the continuing right of Maori as *tangata whenua* - to enjoy our own parallel laws, customs and lifestyle - just as British citizens enjoy their own.

Quite clearly, Maori people intended to honour the Treaty. It is also obvious that Maori expected to remain physically and politically in control of their own country and their own lives.

The British recognised Maori sovereignty with its 1835 Declaration of Independence. Since then, they have refused to comply with the true meaning of *te tino rangatiratanga*. In typical colonial fashion, the British have imposed an inferior meaning on the phrase, disregarding their own rules of international law.

For nearly 150 years, our rights as *tangata whenua* - reconfirmed in the Treaty - have been ignored. Present Pakeha power has actually been built on a *denial* of the Treaty and *te tino rangatiratanga a te iwi Maori*.

New Strategy

Recently a far more sinister and creative strategy has been adopted. It uses the Treaty to *legitimise* Pakeha power and the status quo.

The Government Green Paper on "devolution" actually left the entire phrase '*te tino rangatiratanga*' out of its version of the Treaty. The Government, in that exercise, rewrote the entire Treaty to affirm and uphold Pakeha power. It then had the cheek to *co-opt* the term *rangatiratanga* and give it a new meaning. Somehow *rangatiratanga* has been refined, avoiding any

constitutional issues, to mean “self help.” They have even constructed a new word for dependency – it’s called devolution. However, it is the Government’s strategy of actually rewriting the Treaty that is the latest danger move. The Government talks not of the Treaty’s literal text, but of a cosmic substance called – “The Principles”.

Waitangi Tribunal

The origins of this device lay back in 1975 when the third Labour Government created the Waitangi Tribunal. The Waitangi Tribunal could make recommendations if it thought fit, having regard to all the circumstances of the case. Its recommendation related to the *practical application* of the *principles of the Treaty of Waitangi*.

On the surface, the new Waitangi Tribunal looked good enough to stir up the rednecks and the hopes of many Maori. However closer inspection revealed that the Tribunal was merely an advisory body – a bit of a toothless *taniwha*. In other words, Maori rights irrespective of the Treaty, were and still are dependent on the goodwill of the Government. Its members were government selections. And the Tribunal could not consider any claims that arose before 1975 (though a new Act in 1985 gave it retrospective powers back to 1840). Lastly and most importantly, the Tribunal must consider not the Treaty itself, but these things called “The Principles”. The problem was, just how and who decided what these principles would be?

The Tribunal started off very much as an agent of the Government in its early years. But in 1983, there was a change of personnel. The Tribunal began to develop its own distinctive style, manner and *mana*. The next three years saw the Waitangi Tribunal leading the way in “Principles”. The Tribunal’s reports on Motunui, Kaituna, Manukau & Te Reo stressed its belief that Maori would never have ceded sovereignty (as Pakeha understand it to be).

The Tribunal defined *Kawanatanga* as being “something less than *rangatiratanga*”. Although the Tribunal’s recommendations sought a way to give redress without challenging the legitimacy of the Government, its findings were important in influencing public thinking. Overworked and underpaid, the tremendous work of the Tribunal was earning it a significant place in the history of Aotearoa.

State-Owned Enterprises (SOE)

In 1987, the Government made moves to pass the State-Owned Enterprises Bill. This would have resulted in the alienation of land and resources which might be subject to Tribunal claims.

Despite the Government’s declaration of goodwill towards the Treaty, the Treaty was *noticeably absent* from the SOE Bill. The Waitangi Tribunal

was on the ball; it notified the Government that the SOE Bill would be inconsistent with the “principles of the Treaty” – and the Attorney General hastily added the now infamous Section Nine clause which reads

“Nothing in this act shall be inconsistent with the principles of the Treaty”.

The Bill was passed immediately with the new clause.

It was due to the vigilance of Sir Graham Latimer and the NZMC (New Zealand Maori Council) that an injunction was brought against the Government, halting its powers of transfer under the new Bill. So began the case of the NZMC v. The Attorney General. During the case, the Government admitted it had not even tried to find out whether any of the assets it was intending to transfer were subject to claims under the Tribunal.

The Government said that “giving section nine overriding importance would have inconvenient practical consequences and would impose an enormous practical fetter on the operation of this act”. The Government described section nine as a “legislative exhortion to MPs about how to carry out their functions, not as a fetter on their powers!” The five judges of the Court of Appeal said “the Court of Appeal has to decide whether any act taken or proposed under the SOEs is inconsistent with the Principles of the Treaty. The Court must decide as far as it needs to, what those Principles are!”.

They stated that “the opinion of the Tribunal is of great value but it is not binding on the Courts. The Court’s findings on the Principles will be binding and should be followed by the Waitangi Tribunal as a declaration of the highest judicial tribunal in NZ”.

While the judges and lawyers for the NZMC recognised that a major conflict lay between Sovereignty and *Rangatiratanga*, they failed to address the issue confining the Court’s jurisdiction under section nine to the Principles. Once again a case of avoiding the question because the answer would challenge the existence and legitimacy of Westminster-style Parliament and indeed, the Judiciary.

Back to the Principles. The Principles were to be found in the spirit of the agreement, not in the actual text. The Treaty was to be seen as an embryo not a fully developed set of ideas. The judges upheld the notion of Pakeha sovereignty, contradicting the Tribunal’s view, and also the view of the NZMC. The NZMC believed that the Maori text constituted the Principles. The judges declared the major principle was partnership. Partnership was a new definition. The Crown as the Treaty partner had the duty to make informed decisions regarding the Treaty. If it did not have enough information it could consult with selected Maori.

As to te tino *rangatiratanga*? Forget it! It does not have to act on the consultation. The Maoris’ duty as partner is to be loyal to the Queen and her Ministers and to cooperate with the Government.

Not wanting to deal with the issue, when the court was forced to, it relied on British rules, on Hobson's proclamations (the Governor of NZ at the time of settlement), (not the Treaty) as the point of significance. Judge Somers said, "on 21 May 1840 Captain Hobson proclaimed the "full sovereignty of the Queen over the whole of the North Island" by virtue of the rights and powers ceded to the Crown by the Treaty, and over the South Island and Stewart Island on the grounds of discovery. (These proclamations were approved in London and published in the London Gazette of 2 October 1840. The Sovereignty of the Crown was then beyond dispute). And the subsequent legislative history of NZ clearly evidences that sovereignty in NZ resides in parliament".

In essence, the Court of Appeal's decision had the effect of *rewriting* the Treaty to uphold the Pakeha text. This case was indeed a landmark. It determined a new interpretation of the Principles. For the first time, the Tribunal has begun talking about "a cession of sovereignty", bound as it is by the Court of Appeal's decision. If the Tribunal chose to ignore the C.A. decision, its findings could well be scrutinised in the High Court. The Minister of Justice said "there is still a right for a party to proceedings before the Waitangi Tribunal, to apply for judicial review in the High Court, on the grounds that the Tribunal has not decided a claim in accordance with proper legal principles".

Needless to say, the Treasury has pounced on the decision with relish. In the 1987 Briefing Papers, the Treasury declared that the Treaty does not imply that Maori have a special role in the Government, or a general role in national issues. The Treasury suggests that Maori Treaty Rights to exclusive control of resources, be limited - "that the line must be drawn on Treaty Rights where the cost is too high for government programming, Pakeha interests, and the economy".

Quite clearly from these statements, Treasury is referring to the *new 1987* rewritten Treaty version, not that which was signed in 1840.

Sadly, the Minister of Maori Affairs sincerely believes that this Government has done more in the last five years than all others, which have preceded it in the past 140 years. He praised his government's action, and rightly so in this case, making the Tribunal's powers of consideration retrospective to 1840. This, the Minister said, had the effect of bringing forward some very old and historic claims. However the Minister did truthfully admit a "period of inactivity". Let's analyse that. In 14 years, the Tribunal has completed eight full reports, there are over 150 claims still awaiting consideration. None of the Tribunal's reports has been fully implemented by the Government.

The Treaty Issues Division of the Department of Maori Affairs had the unenviable task of trying to get the Government to implement the Tribunal's decisions. It relied solely on "persuasion and public relations".

But, surprise, surprise! The government had its own fully financed Treaty of Waitangi Policy Unit. This unit researched the Crown's position on Treaty issues. In other words, it got the Crown off the hook in Treaty claims.

Interesting to note a Government announcement just after the Court case that funding to such bodies as the NZMC would be cut - because they were getting into politics.

The Minister of Maori Affairs stated that

Although the Government has been the target of three appeals to the courts by Maori groups, I do not regard that as a loss of face. Rather, I believe it reinforces the fact that our Government has a commitment to the treaty principles. It is prepared to incorporate them into legislation and be judged by the court and its interpretation. These have been a milestone for our people.

Some would suggest a millstone would be a more appropriate term.

The Minister speaks of a suggestion that the Treaty be honoured by a Set of Protocols. These Protocols would be a set of agreed interpretations of the principles of the Treaty. In this way, the Minister says, "they can be changed as the principles of the Treaty are being reinterpreted through time. The Treaty itself would remain unchanged". The Minister also mentioned the possibility of Government making a Paramount Statement. This Statement would have the effect of ratifying the Treaty Principles.

Anti-Treaty Pattern

In conclusion, the pattern is quite clear. The Government pursues its economic policy, and its anti-Treaty legislation. Vigilant Maori force the Government into Court and the Court applies the "principles," not the Treaty. The pattern continues. The Government is forced by the Court to negotiate with a handful of Maori litigants, who are meant to represent all Maori. These people are forced to negotiate a position for Maori within the Government's framework, and the Government's economic policy trundles on. Opportunist politicians, big business men and the media have a field day fuelling the ignorant majority into believing that control over the country is being lost to a radical Maori minority.

Maori are being made scapegoats for the Government's disastrous economic policy, in which our people are the main victims. Nowhere was this illustrated more clearly than in the *Fisheries Case*. 75 % of the available quotas had already been transferred to only five international companies - those were the very companies responsible for over-exploitation, not the Maori in the tin dinghy. And yet Maori people ended up being portrayed as the ogres in the whole affair.

Nothing in the past 150 years has displayed any sincere commitment from the Pakeha, in righting past wrongs, in restoring Pakeha honour, in delivering justice, and in recognising Maori rights.

Government's rationale for dropping the Treaty out of the Bill of Rights is interesting. Of course, the Maori see no need for the Treaty's incorporation into a Bill of Rights, the Treaty is the Bill of Rights. The idea that the Government is doing so well in honouring the Treaty that there is no need to include the Treaty in the Bill is obviously untrue.

The Treaty of Waitangi in its short, simple manner set down the guidelines for a socially just society. There is no need to resort to anything other than the words of the text, which are clear and unambiguous. *Tē Ariki*, Sir James Henare implored that people talk only about the text of the Treaty. Maori people understand the text.

Many Maori groups have developed models which would achieve a just society. The strength, optimism, and hope of Maori people for the development of this country is never ending.

That more and more Pakeha are joining Maori in that same quest is even more uplifting. "Justice delayed is justice denied."

We ask our visitors from overseas to note our efforts for full participation of Maori in the development of this country, in solidarity with the struggle of indigenous people for self-determination throughout the world.

**He aba te mea nui o tenei ao?
He Tangata, He Tangata, He Tangata.**

Source: Pacific News Bulletin, July 1989.

Australia:

Torres Strait Islands: Statement to the UN Working Group on Indigenous Peoples

By Ellie Gaffney

Eminent members of this United Nations Working Group, Ladies and Gentlemen, Friends, Guests and Observers. I give thanks on behalf of Torres Strait Islands Women and their loved ones for the opportunity to address this Conference.

Today, I am here in Geneva as the messenger chosen by the Torres Strait Islanders women, who attended the International Indigenous Women's Conference held in Adelaide, Australia three weeks ago, to deliver the Torres Strait Islanders' statement of principles, of consensus, and of being Torres Strait Islanders.

I summarise here the report prepared by the IINA Torres Strait Islanders Women's group in Brisbane, Australia, endorsed and supplied by the majority of Torres Strait Islanders (both men and women) throughout Australia, including the Islands of Torres Strait.

We believe in cultural survival through:

- sea and land rights;
- the preservation of Torres Strait Islands culture, customs, arts and crafts;
- the right to equal opportunities and to live as an indigenous Torres Strait Islander.

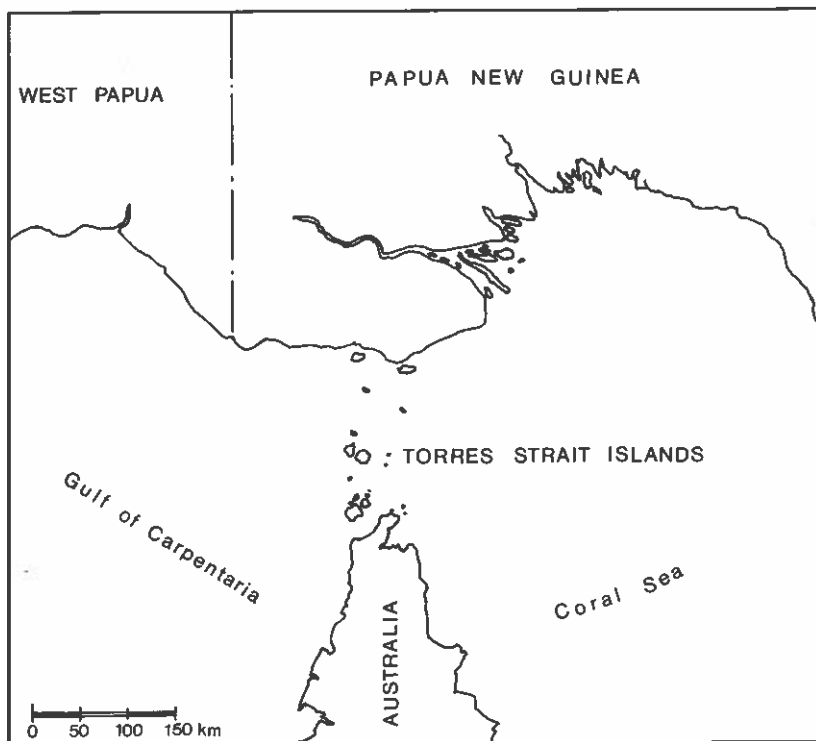
Recognition of indigenous inherency

For many years Australia has projected the image of a country tolerant of its indigenous race of people named "aborigine" by the establishment of the time through its Sciences Branch, and purely in a generic sense to clarify the indigenous inhabitants of *australis terra firma*.

In the 1800's the Torres Strait Island group, named after Captain Louis Torres, was annexed to the fledgling State of Queensland, from the governing control of the British, through the London Missionary Society, to the governing control of the Queensland State Government.

It was from this annexation to Queensland, that Australia proper came into territorial possession of another indigenous racial class of people.

In spite of the patient suffering of the Torres Strait Islanders, we declare this day before this conference of United Nations that within the territories of Australia, there exists not a "second" indigenous racial group, but two indigenous racial groups.



Map showing the location of the Torres Strait Islands between the northeastern tip of the subcontinent and Papua New Guinea. Torres Strait islanders comprise Australia's "other" indigenous group. Map by Joan Andersen.

To this very day, the Australian establishment continues to use the term "aborigine" in its generic sense when addressing its two indigenous racial groups at local, national and international level. This use is both misleading and incorrect, and of which the government is very knowledgeable. Hence the Torres Strait Islanders' unequivocal recommendation that each nation support this statement and bring it to the attention of the nation of Australia.

Fisheries and fauna

We are a seafaring people of many generations and we have technology in keeping with our natural environment. These traditional skills are harmoni-

ous with fish migration and the food chain cycle on both land and sea, and are compatible with the regeneration time required for the replenishing of these resources. The dynamic balance of traditional methods has been disrupted by methods employed by commercial fishing thereby depleting the food chain affecting the proliferation of the *dugong* and turtle to the extent that the Department of Primary Industry, through its Fisheries Branch declares these two mammals protected species.

The reason given for this order is that the cause of the depletion was through the food gathering methods of Torres Strait Islanders, and of Aboriginals. Little credence is given to the possibility that commercial fishing and various netline fishing methods used by commercial fishermen has seriously disrupted the dynamic balance.

In view of these stock depletions, the Queensland State Government, by Order in Council, have placed a restriction ban and a protection order on certain species of sea creatures that are part of our staple diet.

In this regard, customary law and territorial rights practised by generations of indigenous Torres Strait Islanders have been sacrificed on the commercial altar. Hence, we seek international recognition and support of the customary laws and rights inherently ours regarding traditional food, and recommend that the United Nations duly notifies the Australian authorities to advise them of this recognition and support.

Education

As regards Education, we recommend the United Nations to seek a commitment from the Australian Government to observe the international conventions that exist or may come into existence, which clearly define the need to adequately and properly address the unique educational needs of the Torres Strait Islanders, by including in the curriculum the teaching of Torres Strait languages, history, culture and customs at all levels of teaching. This commitment should clearly define the need to adequately and properly address the *total* needs, including adequate safe and comfortable accommodation for students as is provided to the providers of education, and to prepare the Torres Strait Islanders for employment, rather than handouts.

Health

The greatest threat now facing the Torres Strait Islanders is the increasing prevalence of sexually transmitted diseases, and the march of both forms of the Hepatitis B disease (viral and bacterial). Throughout the Torres Strait region, these are mainly brought in through:

- the migration of Papuan New Guineans (legal or illegal) because of abuse of the "Traditional Visit" sanction built into the treaty between the two Governments concerned;
- migration of other races;
- the transit of merchant and fishing shipping; and
- the tourist contingent.

Health regulations are practically non-existent in the Torres Strait, and what pass as Regulations are rarely enforced owing to lack of necessary infrastructure. Along with this abysmal lack, there is no community health organisation that is run by locals.

We recommend that the United Nations duly notifies the Australian authorities of receipt of this major concern, and urge these same authorities through avenues that are available to them to:

- immediately implement health education programmes that are translated through suitable Torres Strait Islanders personnel;
- establish and give recurrent support to Community Health Organisations that are run by Torres Strait Islanders;
- assist Torres Strait Islanders in establishing an adequate infrastructure that will define and enforce health regulations; and
- support the request by the eighteen inhabited islands and communities of the Torres Strait indigenous people as in the NAHSWP report, to provide their community with excellent health care facilities and qualified staff, and provide a community-based Health Education Communications network that spans the eighteen inhabited islands and communities of Torres Strait.

Employment

As previously mentioned, through conditions resulting from the lack and neglect of education, the Torres Strait Islanders have been subject to the "handout mentality" by custodians of our welfare who do not adequately address the employment issue faced by Torres Strait Islanders in the Torres Strait Islands, and to a lesser extent on mainland Australia.

The Aboriginal Employment Development Program established by the Department of Aboriginal Affairs is not holistically appropriate for Torres Strait Islanders, as its charter makes no room for the development of posts in the public or private sector that allow for women executives.

We *recommend* therefore that the United Nations duly notifies the Australian Authorities of the receipt of this statement of concern, and supports:

- that the national representative before the Aboriginal Employment Development Policy be of Torres Strait Islander descent;
- availability of vocational training for Torres Strait Islanders, as well as other training courses; and

the creation of an efficient service delivery of employment services all manned by, and slanted towards Torres Strait Islanders.

I urge the United Nations to initiate support for our remaining issues of concern and recommendations in politics, conservation, child welfare, domestic violence and traditional adoption which rely strongly on the United Nations' acceptance and support of customary law.

To this date there has been no recognition of Torres Strait Islanders customary law by our "caring Government". To our distress and disgust, we learn of further amendments and regulations applied by our "caring Government" to the preservation of national parks and wildlife which we Torres Strait Islanders interpret as an affront.

We are a minority group, which also feels the lack of concern and neglect over the aboriginal indigenous race.

Human rights and equal opportunities are recognised as being necessary by all Australians, whether Caucasian or indigenous. We recommend thus that the United Nations duly notifies the Australian authorities of receipt of this statement of concern and that:

- the Torres Strait Islanders be given all assistance to get access to those rights accorded them as Australian citizens;
- these rights be defined specifically to meet the unique needs faced by Torres Strait Islanders;
- the Australian authorities defining these rights conduct full negotiations with Torres Strait Islanders towards the resolution of definitions; and
- Torres Strait Islanders be accorded the right to make use of resources available to all Australian citizens, for the purpose of making these rights accessible to the broad social spectrum of the Torres Strait Islanders community and its people, wherever they may be in Australia.

Ladies and Gentlemen of the United Nations, I thank you for listening, and in conclusion I wish you all sincerely, a safe and comfortable journey back to your homeland with God's blessing.

Ellie Gaffney is the Torres Strait Islands' United Nations Delegate

Bolivia:

The Chimanes: an assaulted community

By Fidel-Gabriel Castillo

Drinking, drinking and firing off their revolvers ..., that is how the merchants sail up the Maniqui river... They exchange alcohol, needles, material... for skins of baby jaguars, alligators and cayman. They punish those who turn down their merchandise. And they attack the skimmers with gun in hand. They kill with gunshots or with clubs. Poor people of Maniqui.. states a young Chimane hunter whose testimony we aill pass on.

An Amazonian Culture

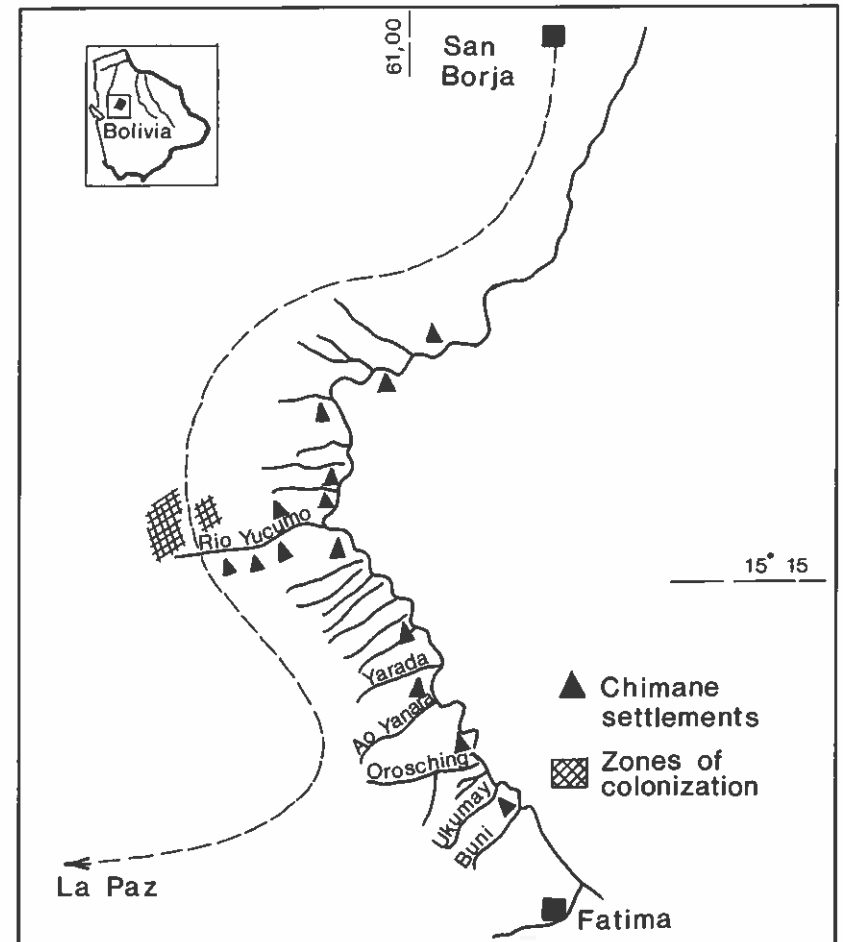
As regards their spiritual and material culture, the Chimanes belong to the cultural complex of the Amazon. They are mainly settled in the area around the Maniqui river. Other groups belonging to this forest people are settled by the sources of the rivers Apere and Matos in the east, and on the banks of the rivers Colorado and Quiquive in the west, in the Province of Ballivian in the Department of Beni.

The Chimanes number about 2 500 to 3 000 people and have grouped into small semi-permanent villages (3 to 8 family units, each with 3 to 6 persons). They do some farming but their main source of income is hunting and fishing – each group has its own recognised fishing and hunting grounds. The people live in harmony with tropical ecology; poor soil unsuited for intensive farming has turned the Chimanes into a semi-nomadic people.

In every village, women and men unite according to ties of kinship (parents, sons, daughters) and to marital relations (brothers/sisters-in-law). The men are polygamous, but at present there is a tendency towards monogamy. No individual or single family can own land: property is collectively owned. The absence of social classes, of a system where some people own the land and others are reduced to sell their working power, makes this ethnic group a classless, casteless and stateless society. Like many other communities in Tropical America, the Chimanes are polytheists: they believe that a lot of different spirits rule the flora and fauna.

The reduction of their territories

The relation between Chimane society and territory is a complex web of interactions between people and environment, which over the centuries has



Map showing spread of the Chimane population and zones of colonization in Bolivia. Chimane settlements are indicated by filled-out triangles. Inset shows approximate location in Bolivia of the area indicated by detailed map.

formed a certain way of living and being in the world for the Chimanes, which is now threatened. This threat is contemporary. On the border of the spontaneous and planned settlements developing in the south-east of the Chimane territory (the Rurrenabaque Secure project), the forest zones east of Maniqui river were declared Forestry Reserves in 1978, while the land on the west bank of the river was given to stockbreeders, lumber workers,

merchants, religious sects and agricultural cooperatives by the Agricultural Reform Institute. As in the Yucumo case, these new landowners have turned dozens of Chimane families into simple and precarious "caretakers" of the land they have always inhabited.

But the plundering of the Chimane territory has not stopped. In 1982, 135 000 hectares of "Forestry Reserves" were turned into a "Biological Station". Later, in 1986, the MNR-ADN Government modified the former statute and turned the reserve into a "Permanently Protected Forest". Finally, in June 1988 this Chimane territory was further reduced; according to official sources 2 million hectares have been turned into a "Biological Reserve" for research, but in reality the territory is being plundered.

What role do the Chimanos play in these transactions? The same as always, they are treated as "savages" who must be civilised whether they want to be or not. Under these circumstances you have to ask yourself, when they have lost all their territory, what will remain of their culture and themselves? We think the answer is: Nothing. Or maybe just a vague record. They will be reduced to one line in the list of extinct peoples and languages of Bolivia. This situation is inevitable if the necessary measures to prevent it are not taken. All the conditions for ethnocide are present now. But we would like to emphasise that what is happening today is one of the consequences of the permanent capitalist aggression which makes the human species and nature suffer - this applies especially to indigenous peoples because they are particularly vulnerable.

The policy of the military governments of yesterday and the neo-liberal one of today is executed through teachers, soldiers, missionaries, engineers and anthropologists. Every one of these "agents of progress" is attacking indigenous people according to its own methods. In the following testimony we give an example of this; it is not an isolated case. It is an account of how commerce is carried out in the areas far away from the metropolis. It is an account of an experience which shows how a people can be traumatised and destroyed.

Testimony

The torments of the Maniqui River

If the basic public services are absent in the Chimane territory (schools, sanitary systems, state offices), the presence of traders is that much more permanent, and their presence is necessary to such a degree that they are, in fact, the "torment of Maniqui river".

The merchants sail up and down the Maniqui river with *hatata* (straw mats made by the natives) every two or three weeks... they carry trousers, shirts, fabrics, fish hooks, machetes, knives. They bring everything. They have also introduced us to alcohol. One bottle, two bottles, a can. That is how they carry it, but they do not give it away for free. They bring these things in order to exchange it for *hatata*.

This is what our Chimane contact told us.

We want to point out that the Chimanos have increased their demand for manufactured goods and that the markets are monopolised by traders. Furthermore we want to make it clear that the merchants' system of commerce is barter and is sometimes accompanied by violence and intimidation.

These people, these rip-off merchants, they just drink, drink, drink. When they get to a Chimane place they shout, "Come here, come here!" and they sell their things. But when they are drunk, they get out their guns, a box of cartridges and begin to shoot. The innocent Chimanos all run away... that's how it is.

They rape the women

And they grab and catch hold of the women, that's what they've been drinking for, that's what they've had in mind, when the mothers and fathers have gone to Hatatal to work and come back late. And they have their enjoyment, wow I've seen sickening cases, many times. I've seen the girls and these scum make them cry. If they refuse to be taken he brings out his gun and threatens to shoot the girl. And out of fear she lets him....

The Waska (Mugging)

In this violent phase of national expansion, the Chimanos find themselves without any kind of official protection. And so they are forced to turn to desperate measures against the injustices and cheating. In this way, without wanting it, they are caught up in bloody conflicts which increase their bitterness and distrust of outsiders.

It's all the fault of the traders. The Chimanos were quietly drinking in Emei and what happens is that they ask the trader why he has beaten up Jose, a young Emei, with a thick stick leaving him all bruised...

Why was he beaten?

...because he didn't understand anything...or they say that he didn't want to sell them his rice and maize and that's why. But why? "No, I don't want to sell!", he said.

"There'll be other traders..." And this made the dealer mad so he took hold of him and beat him up, then went off and left him. And could the boy get up? No, he couldn't. But I think he'll be better in two or three weeks...

The drama

Like I said, the Chimanos were sitting drinking. After a while one of the old men said to the trader: Why did you do it? Why did you hit my relation? He's my son! My family is listening. In fact you have stolen something when you hit him, why did you beat him up? Now he can't walk. You'll have to give him some medicine, you'll have to cure him. And of course the old man got angry, and there and then he dealt with him, killed the dealer. And afterwards they tied him up and threw the body in the river...

And they went away. And the traders got hold of the Chimane. They had taken him by his hands, "Who killed Mr. NN, who?", they asked him. Then they took him to the banks of the Maniqui... The traders were ready to throw him in... "Who, who, who killed him", they kept repeating. Now this man did not talk anymore and they shot him in his shoulders and in his back. But although he should have been dead, he still defended himself. He grabbed a bow and an arrow and prepared to fire, but then they shot him in the front. They tied his hands behind his back, and then they tied his legs to his chest. And they threw him in the Maniqui river like that... Then they stayed there laughing, laughing. "It is good that we have killed him", they said.

The punitive expedition

The traders who arrived later at the place were angry. "Where did my mate go" they asked.

"He's further on, up the river drinking with my relatives", said the Chimanes from Emei. Their legs were pure jelly. But there was blood to be seen on the stones. And now they got even more angry and all the people fled because they had revolvers and shotguns. The traders took off his shotgun and gave it to another trader and they all disappeared. Then they killed hens, pigs, dogs, they killed everything, they always do. They burned the houses and emptied out the drinks. They threw everything away. Everything. Then they left and went downriver to Buñi. That is where all the traders of Maniqui stop. Further up river its called Ucuña. "We are going to tame them", they said...

The search for the fugitive

"Lets' go to Apere," they said to me and so we left. We got there on a Friday. That Friday a lot of poor Chimanes had arrived. They had no clothes, no machetes, no knives, they never have anything. And their children are also poor. Their dresses are so short you can see everything. Always poor these people. Of course they are good people. They invite you to maize beer, manioc beer but they haven't any clothes on. "Come over here brother", they say, "come on". ... The sellers had shown them needles, thread, clothes. They bought everything. But how do these poor people know what is expensive or not, they do not know. And the traders sell them everything expensively and take everything. They take jaguars and cayman skins and any other skins...but they could not find the Chimane and they went down the Apere river to look for him, but they did not find him. Afterwards we left Apere and went to Maniqui. In the second journey they met the Chimane... The traders had discovered where he lived....

The Vengeance

There were five of these salesmen... they got hold of their arms and went out to look for a relative of the Chimane who was working in his garden. I walked back and came across a young boy and asked him, "Where is this man? How did this trader die?" And he answered me, "He was guilty, that is why they did it". And I said to him, "But now they are going to kill a relative, that is why they are coming". They were afraid and the women came back. I said to them, "You should get away from here, they will be here in a little while, and they are armed".

The Blind Defenceless Man

This trader was ill then. His mouth has completely dried out from drinking too much alcohol. And he went on drinking pure alcohol...When he got drunk... whew, he talked a lot, and then he took his revolvers and went bang, bang, bang. Therefore he had taken his cartridges, one box, two boxes. This, in order to threaten the Chimanes. And he went up to Rio Hondo... here lived this blind man. And what had this old man done? He had not done anything and he had not killed anybody. He said to him he had seen him do it. No! He gave him a blow with a stick and killed him in one go. He did not even bury him, nothing. And his young children were crying... they are very exploited there in San Borja. More so now. One shirt costs eighty pieces of *hatata*, a pair of fine trousers costs one hundred... And when they don't pay, the merchant takes chickens, rice, peanuts..., if not he becomes angry. That is how they are... Now this trader does not come to Maniqui. Now there are only those traders who are more expensive. One fish hook costs ten pieces of cloth... They have to go far to get the *hatata*, farther and farther away. They go out very early in the morning to get the *hatata*, like at six o'clock. It is yet dark when they set out to search... Then they load up till six o'clock in the evening and then they return. And they have no food. They do not have rice. They are poor people up there. That is what the white men do...

Maniqui, September 1988.

What Can be Done?

It is essential to report and denounce the situation of the indigenous peoples but this in itself is not enough. This situation questions the very foundation of our political Constitution; it requires a new national judicial system which takes our multi-national reality into account.

Although all people born in this republic are Bolivians in principle (Art. 36), and consequently enjoy all rights, freedoms and guarantees (Art. 6), this is not so in reality.

The Chimanes, just like people of other nationalities, are doubly marginalised, firstly because of the ambiguous nature of the Constitution, which does not give them a clear judicial status and secondly because of a secular tradition. The national society considers the natives as children who must grow up, which means they must integrate into Bolivian society in order to become adults and citizens. This double marginalisation of the native peoples leads to a total negation of their political rights, their right of existence, their health and their security, rights that every Bolivian formally enjoys.

As regards rights to land and collective property, the Decree Law 07765 of 31 July 1966, indicates that the National Colonisation Institute "will secure" the protection of ethnic groups and "will respect" the collective development zones. But in reality these aims are not carried out, as the case of the Chimanes illustrates; though there may be no colonists or timber

merchants in their areas, there are certainly military, civilians, religious sects and pseudo-ecological groups spread over their territory. And this is because the government and, above all, the native proprietors accept it.

In spite of all these, we are witnessing today an explosion of territorial, cultural, socio-economic and political claims, which are expressed in a more and more threatening way, sometimes even through violence.

Although there is no chance these demands can be satisfied by our society the way it is organised, we think it is important that the concerned parties and the Bolivian nation work out a special law where the ethnic minorities' rights are defined clearly, both as individual rights and rights as specific nations. They must also be guaranteed inviolable rights to their territories and their socio-economic development, and respect for their cultural traditions.

With regard to the right to life and security, the disregard these people have suffered must be made the object of parliamentary and trade union investigations in order to establish who is responsible. Furthermore, with regard to the right to health, there must be permanent medical care set up with strict control for the sale of medicines (like antibiotics), which are sold without restrictions in indigenous territories. And also, with regard to freedom of worship, missionary work should be forbidden in all the areas where it takes the form of ideological aggression.

And finally, the Bolivian Nation should demand that the entire immigration project be cancelled and demand a solution to our internal problems.

To proceed in this way we will be more in pace with our country where the ideal of State-Nation has never been realised, and where a "*Pluralistic Bolivia*" is emerging, which many people find difficult to assume.

Source: Gagny, 10th March 1989.

Botswana:

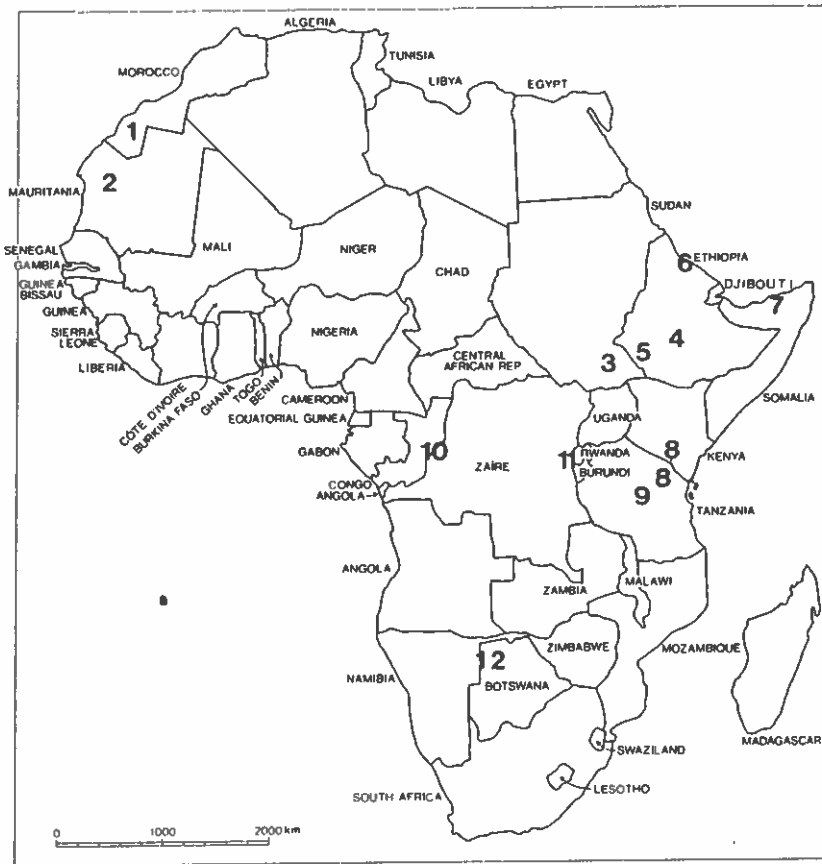
Indigenous peoples and wildlife utilisation schemes

By Robert K. Hitchcock

The Republic of Botswana in Southern Africa is noted for its diverse and abundant wildlife resources and for the fact that it has a fairly substantial number of people who are heavily dependent upon these resources for their livelihoods. Over the past few decades Botswana has come to be recognised for its strong emphasis on conservation, as indicated by the significant percentage of land which has been set aside as parks and reserves. In 1986 the Botswana Government published a White Paper which announced a new Wildlife Conservation Policy, part of which was devoted to future plans regarding wildlife management, consumptive utilisation, and the establishment of a new land category known as Wildlife Management Areas (WMAs). In this section we will review past and present efforts at wildlife utilisation as they affect indigenous peoples in Botswana.

Approximately 80 per cent of Botswana's population is rural. Many of these people utilise wild plants and animals for subsistence and income generation purposes. This is particularly true for the San (Basarwa, Bushmen) and Bakgalagadi who occupy the Kalahari Desert portions of the country. In some areas, up to half the diet is derived from wild foods, though the percentage fluctuates, depending on environmental, economic, and political conditions. Recent estimates indicate that there are 160 species of mammals, 157 reptiles, 38 amphibians, and over 500 different birds in the country. Data on subsistence ecology reveal that the !Kung San exploit 29 species of mammals while the Tyua of the northeastern Kalahari utilise 52 species. Groups in the Central Kalahari Game Reserve (for example, the G/wi and G//ana) utilise as many as 33 species of mammals. Reptiles, amphibians and insects are also exploited by remote area populations.

In the past, indigenous people's hunting activities were restricted by game laws. As far back as the 19th century Tswana chiefs imposed regulations which were designed to prevent people from utilising what was termed "royal game" (e.g. elephant and giraffe). Under the Fauna Conservation Proclamation of 1961, traditional foragers were to be allowed the right to continue to hunt without fear of penalty. In practice, however, game scouts and police sometimes arrested people who hunted without licenses even if they were members of hunting and gathering communities. This situation led to difficulties for indigenous peoples, who felt that they were "being deprived of their hunting rights", as they put it.



Map of the African continent showing the Republic of Botswana at its southern tip.

In the 1970s there began to be less of an emphasis on preservation of wildlife and more concern with wildlife utilisation. While there has been much discussion in Botswana about promoting better management and increased utilisation of game resources, relatively few efforts have been made to enhance wildlife utilisation and promote the incomes of rural people as they related to wildlife. One of the problems that people in remote areas of Botswana face is that there are major marketing constraints which affect the potential for the commercialisation of hunting. In most cases, people who do sell meat or game skins do so locally. There are restrictions on the taking of wildlife products across international borders (e.g. in to South Africa). When foot-and-mouth disease was found in Botswana in October

1977, the movement of animal products from one veterinary control zone to another was stopped completely. If wildlife utilisation is to be enhanced, efforts will need to be made to ensure transport and marketing opportunities and veterinary approvals for rural people.

Efforts were made in 1979 to revise the hunting regulations for Botswana. Because of efforts of wildlife biologists, anthropologists, government officers in the Remote Area Development Programme, and, significantly, rural people themselves, it was decided to create a "Special License" for subsistence hunters. The Department of Wildlife and National Parks issues these special licenses to people who qualify on the basis of their membership of communities which are largely dependent upon foraging for their subsistence and income. People, who in the past were arrested for violating hunting laws theoretically, would now have protection if they had one of these licenses in their possession at the time they were checked by a game scout or policeman.

The late 1970s and early 1980s saw some significant changes in faunal numbers and distributions in Botswana. Because of droughts in 1979 and 1982-1987, the numbers of animals declined precipitously. It became increasingly difficult for people to obtain animals, particularly if they lived in areas with large numbers of people. A whole series of technological and strategic changes occurred in hunting, with an increase in the use of horses, dogs, and, importantly, guns. It should be stressed, however, that these hunting methods were by no means new; in many areas they had been used for generations.

Because of some of the problems facing rural peoples in Botswana, the Remote Area Development Programme and various NGOs began to devote greater attention to promoting wildlife utilisation efforts. In one case, a wildlife harvesting scheme was initiated in the western part of Kweneng District as part of the Kalahari Settlements Project (KSP). Department of Wildlife personnel along with people from the Kweneng Rural Development Association (part of what is known as the Brigades in Botswana) were involved in providing advice and training for local hunters in shooting and game processing. Some of the game products were sold in Molepolole, the district capital. The scheme lasted for a relatively short time and currently there are no further wildlife-related efforts in this area.

In 1978 a gemsbok domestication scheme was recommended for implementation in the Kgalagadi District in southwestern Botswana. The Department of Wildlife and National Parks and the Remote Area Development Programme in the Ministry of Local Government and Lands discussed this scheme for several years. A much-revised wildlife scheme was finally established in the early 1980s in the northeastern Kweneng District in what used to be part of the Lephepe Sandveld Pasture Research Station. The scheme has a number of hartebeest and eland which are contained

within a fenced area in which water is available. As yet, few animals have been cropped, and remote area dwellers have not been part of the scheme, which is managed by personnel from the Department of Wildlife and National Parks.

The only scheme which is currently in operation in Botswana which has direct benefits for rural poor people is that at Kedia in the western part of Central District. Kedia is a settlement of over 800 people which was established in the late 1970s by the Remote Area Development Programme and the Central District Council. The settlement has a school, a health post, staff housing and storerooms, some of which were constructed as part of the labour-based drought relief projects which have been implemented in rural Botswana during the drought period of the 1980s. A game harvesting project was initiated as part of the remote area development efforts at Kedia in mid-1987 after lengthy planning and discussions both at the national and district level.

The game harvesting scheme has several components: 1) the establishment of a project management position with an office and transport made available, 2) training of hunters, 3) the issuing of special hunting licenses by the Department of Wildlife and National Parks to local hunters and 4) storage, processing and marketing of wildlife products. A storehouse was built at Kedia for purposes of keeping game skins. The project is supported financially under a small village selfhelp effort known as LG 17, funded in part by the Norwegian Agency for International Development (NORAD). Local people contribute 10 % of the cost of each project they undertake, and the balance is paid for by the District Council.

Thus far, approximately fifteen hunters have been able to generate income from sale of meat to people both locally as well as in the towns of Orapa and Letlhakane. Disbursements of funds range from P45 to P21, with the average being approximately P140 (the Pula is worth about 80 American cents). It is anticipated that the number of hunters will increase over the life of the project.

While the Kedia Game Harvesting Scheme has been useful in terms of providing a number of families with income, there have been some difficulties. An initial problem facing Kedia residents was that the Department of Wildlife and National Parks issued only a few licenses to hunters in the area. A second problem was that the numbers of animals in the area was extremely low. Local people attributed the dearth of wildlife both to the recent drought and to the large numbers of cattle which compete for grazing in the area, as well as to the significant amounts of hunting being done there by local cattle owners as well as non-local safari companies. This problem will be exacerbated if the planned movement of people out of the Central Kalahari Game Reserve goes ahead, since there are at least 200 people at Molapo in the northeastern corner of the reserve who could potentially be placed in the area close to Kedia.

The Project Manager has noted that the area which people are allowed to hunt in is too small to permit people to obtain sufficient numbers of animals for income generation purposes. Local people note that the game is extremely shy due to the high hunting pressure and that as a result traditional weaponry (bows and arrows and spears) is not capable of procuring game. Another problem according to local informants, is that some members of the community who are not part of the scheme are engaging in hunting, and that as a result, competition for produce and marketing opportunities is significant. But perhaps the most important problem, according to local hunters is that there are too few animals left in the area to make hunting a profitable exercise.

The Kedia Game Harvesting Scheme is a useful case to examine for those people who argue for enhanced wildlife utilisation for indigenous peoples. It is clear that more attention will have to be paid to the placement of such schemes. Careful surveys will have to be done of the wildlife resource to ensure that there will be sufficient numbers of animals to allow an expanded offtake. Another area of concern has to do with participation of local people in decision-making, concerning project implementation and management. Local hunters say that they do not have a large-enough role in the administration of the project. As a result, they feel that they should have the right to assess the direction the project is taking, and make recommendations as to changes.

An important area of local concern relates to training, which they feel should be expanded if wildlife management and utilisation efforts are to function properly. It is clear that greater participation of local people in development schemes relating to wildlife would facilitate the chances for positive impacts on the livelihoods of rural poor people.

Brazil:

Yanomami protest

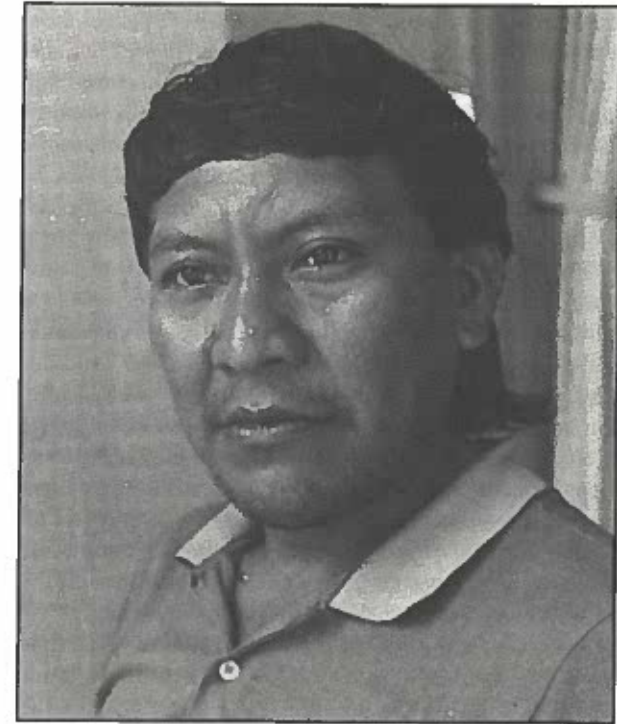
When President José Sarney visited Boa Vista, Roraima, on 21/09/89, Davi Yanomami presented him with a letter which we reproduce below. He was accompanied by a Yanomami support group representing hundreds of individuals. On the same day, pamphlets in defense of the Yanomami and signed by various support organizations were distributed in Boa Vista. The text of this pamphlet is reproduced as background to Davi Yanomami's letter.

Roraima: silent witness

Roraima is a "silent witness" to the most effective genocide in Brazilian history: the physical and cultural extermination of the 9 900 Yanomami Indians, as a direct result of the failure to guarantee their constitutional rights. The lands of the Yanomami have been invaded by more than 50 000 gold-panners, in violation of Paragraph 7, Article 231 of the Constitution, which prohibits gold-panning in indigenous areas.

The consequences of the invasion are:

- the contamination of the rivers in Roraima, caused by the use of mercury in the process of gold extraction and by the quantity of oil and mud dumped in the waters;
- the sound pollution caused by the deafening noise of the motors and hundreds of planes that land and take off every day on the scores of clandestine strips in the region;
- the destruction of the environment, by deforestation, burnings, the building of airstrips, roads and clearings in the woods;
- the crises in the Yanomamis' traditional food supply (hunting-fishing-gathering), which forces the Indians to beg for food.
- the damage to the health of the Indians: since the gold-panners started going in, malnutrition, skin diseases, flu, and measles have increased, venereal disease and tuberculosis have appeared, child mortality has increased, onchocerciasis - a sickness which is difficult to cure and which could even spread throughout the country - is spreading, as is malaria, which is now resistant to treatment; and
- the aggression against Yanomami culture: it is evident that, on being exposed to uncontrolled, indiscriminate contact with the gold-panners, the Yanomami are extremely vulnerable, for until recently, they have had practically no contacts with the whites and now they find themselves outnumbered and with no defense against the threat of firearms.



Davi Kopenawa Yanomami: I want to help whites learn how to make a better world. Photo by Claudia Andujar.

The fact that the gold-panners are causing harm to the Yanomami and that they earn more than the great majority of workers in the country doesn't mean that they are not *exploited Brazilians*. The extremely difficult work conditions in the woods and the risks these men suffer far outweigh what they earn. The *greater part of the wealth* generated by the gold-panners ends up in the hands of entrepreneurs (financiers, equipment and airstrip owners, transporters, traders, contrabanders, drug traffickers).

This process hurts both the gold-panners and all of Roraima society. The "gold fever" forces prices up to intolerable levels on everything which the population needs to live. Urban violence, lack of housing and prostitution have grown to the point of deeply altering social conditions in the municipalities. The destruction of nature has reached disturbing levels in terms of environmental equilibrium and the risks of contracting diseases. The wealth generated by the *extraction of gold is not benefitting Roraima at all*, nor the nation, because the gold is sold outside the region or in other countries, tax-free.

The Brazilian people know what is happening in Roraima; the whole world has become aware of the suffering of the Yanomami. There are national and international groups who are strategically using the gold-panners as shock-troops to prepare the way for the entry of mining companies into Roraima.

The Federal (and local) government also knows the situation but has done and does nothing to save the Yanomami. Worse yet, the federal government has cut up their lands, created two national forests and a national park, demarcated 19 small island reserves, reducing the Yanomami territory by 70 %. Thus, it intends to take the gold-panners out and wants to organize the invasion. The carrying out of the Calha Norte Project, with its implantation of infrastructure and creation of "indigenous colonies", seriously compromises the traditional equilibrium of Yanomami society. Last July, the government decided to "create" a "gold-panning reserve" of 5.7 million hectares located in the traditional area of the Yanomami. We, the population of Roraima, who know what is taking place here, before our eyes, cannot remain silent, with arms crossed, with fear or indifference.

The present neglect will be judged by history, as a crime of consent to genocide, which is being perpetrated against the Yanomami and will also harm - over the short range, we have no doubt - the rational development of the State of Roraima, which is beginning its existence.

That is what we want to say to the president of the Republic, Jose Sarney, who is visiting us today. Let us join together, so that the message may be better heard:

We Indians, do not need gold-panners, we don't need to become whites in order to live. We only want our lands demarcated, our rights respected, without invasion, without sickness, without problems, to continue to live as we lived before, conserving nature which is our health and our life. We don't want to become slaves.

(Davi Kopenawa Yanomami, UN Global 500 Award, 1988).

Signatory Organizations: CIR-Conselho Indígena de Roraima, APIR- Associação dos Povos Indígenas de Roraima, SINTER, Diretoria da Associação dos Engenheiros Agronomos, SINTRAM, Sindicato dos Trabalhadores Comerciais de Roraima, Sindicato dos Trabalhadores da Saúde, Conselho Regional de Medicina, URES, D.A. de Ciências Exatas e Humanas da CESUR, PT/PC do B, PDT, Diocese de Roraima, Comitê de Solidariedade aos Povos Indígenas, Espaço Indigenista, CPI-RR.

To all the People of the Earth

Letter from Davi Kopenawa Yanomami

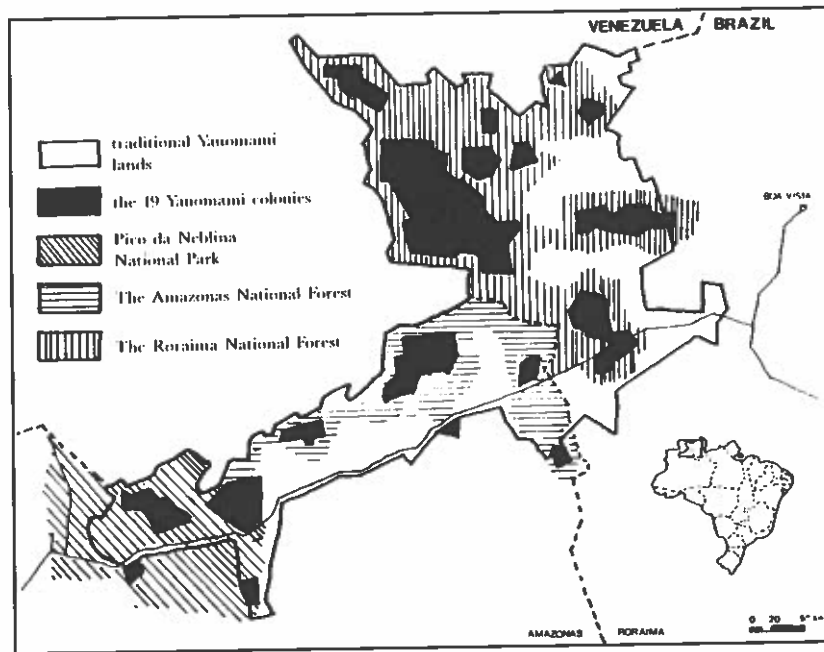
Then Government isn't respecting us. It thinks of us as animals. We have the right to defend our rights. There are many people who help us,

but if we don't do anything, they can't help. If we send a letter to the government, these people will put pressure on the government, and take other actions. I have many things to say that I've been thinking about. I am a Yanomami.

We Yanomami thought that the white man was good for us. Now we see that this is the final invasion of indigenous lands, all others have already been invaded. They came to take away our land. They are taking it away. There are people from the outside who are instructing the Brazilians to destroy our lands. The same thing happened in other places, with our Indian brothers in North America, now it's happening here on our land. The government shouldn't do this, for the government knows that we are the first Brazilians - that we were born here - that we are called Yanomami. Our name is known throughout the world. We don't use money, shoes, clothes, and few Yanomami understand what is happening.

The government took us by surprise. Now I am beginning to understand. The government doesn't know our ways, and our ways of thinking. We also don't know the ways and way of thinking of the government. The government only understands this business of money. Our way of thinking is based on the land. Our interest is in preserving the earth, so as not to create sickness for the people of Brazil, not only for the Indians. The gold-panners, the squatters don't have land, so they invade the lands of the Indians. If they had their own lands, they wouldn't invade our area. I also see how the whites suffer in the cities from hunger, from the high prices, from the lack of housing, the lack of food, all of them are suffering. They are concerned, but don't have the courage to complain to our leader, the President. He is also deceiving the people because he also takes orders from other countries to destroy our lands, build highways. The government also takes orders from other wealthy men - he asks for money from them and they give it to him to abuse our lands. The rivers, the fish, the forests are crying for help, but the government doesn't know how to listen. It says that we will die of hunger if they close the gold mines. But I say if they don't stop gold-panning, then we will die of hunger. If the government stops the gold-panning we will plant sweet potatoes, bananas, yams, taro, papaya, sugar cane, pupunha fruit, and then no one will die of hunger. We Yanomami want to keep our land. We don't want to stop our traditional ways of life. We haven't yet lost our language nor our land which is why we are struggling today. This government is our chief, but it isn't helping the Brazilian people to live in peace.

Today, all the Indians of Brazil are united, and we don't want to fight with other kinsmen. They are already beginning to deceive us, as happened with the Macuxi and other Indians. They are saying that the priests are no good, that he doesn't give us presents, that Davi is no good. They set brother against brother in order to weaken us. The other Yanomami chiefs



Map of specific area in Brazil showing location of the 19 Yanomami colonies as well as traditional Yanomami lands. National parks and forests in the area are also indicated.

who have never come to Boa Vista, who have never had contact with the whites, don't know what's happening here. I know, and they want to use me because I am more known, but I won't let them use me. There, they are using the weakest first, those chiefs who don't speak Portuguese think that the gold-panners give food and clothes, but then time passes and the whites begin to say that the Indians are not worth anything, that they don't work, that they only beg, and they will call us *urubutheri* (vultures), who don't hunt anymore, who don't fish anymore, who live off of what is left over, what is left over from the white man's plate. They say that we do not know how to work or to fish anymore, and that we only beg. They say that we forget how to gather fruits in the forest, forget our ways and our language.

I don't want to lose that, and I don't want to let gold-panners into my community. I want us to stay as we were before. But we are suffering today. I always remember our grandchildren, they will suffer more than we are suffering if we do not fight to defend and save the lives of our people. The government says that the land is not ours; it says that we can fish, make

gardens, hunt and use the lakes and rivers. It says that we are using the government's lands, but the land is ours, this we have known for many years. The government isn't good to us. We fight and fight but it does not give us what we ask for. That is why it is so difficult to get our lands demarcated, because the government does not want to demarcate Yanomami lands. There are many things the government wants to use on Yanomami lands - there are minerals, there is gold, cassiterite, timber, and the land can be cultivated.

And the government only speaks to us hidden from his office, he does not call us to decide or to know if the Indian agrees with him or not. But I am not fooling around in this struggle, I am here to defend my Yanomami people. And not just my people, but also the Wapixana, Ingarikó, Macuxi, and other kinsmen. We are trying to help, we can give help to those who don't know how to defend themselves, we can explain what is happening to those who do not understand. We Yanomami are dying from diseases, malaria, flu, dysentery, venereal diseases, measles, chicken pox, and other sicknesses that the Indians never knew before, and that were brought in by the gold-panners from outside. These sicknesses we can not cure; shamans cannot cure them. Gunshot wounds, shamans also cannot cure. Sicknesses of the Indian, shamans can cure, but sicknesses of the whites, we can't cure.

I have always asked Funai's help, but Funai doesn't take the necessary measures. I have also asked President Jose Sarney to remove the gold-panners from Yanomami land. The President promised to remove them immediately, but has done nothing; he just lets them invade more. We Yanomami think that he does not like to help the indigenous people of Brazil. I know that he is against us. He does not want to demarcate our land. I have gotten a lot of news from my kin who live at the headwaters of the Catrimani River, the Mucajaí River, and the Palimiu River, on the border to Venezuela. My kin told me of four empty *malocas*, everyone had died. Children, adults, and young men. In the Xideatheri, Ahisahipiktheri and Pahaiaitheri *malocas*, everyone died and others go on dying because of the lack of assistance. Funai knows that many Yanomami are dying, but it is doing nothing. There are only a few people in Funai who want to work, but they do not get support. In other communities of the Mucajaí River, my kin are suffering because of the gold-panners, who have gotten them used to drinking *cacha* a mixed with *çaxiri* (a mildly fermented beverage), and now they have become sick and don't know what to do. And also there is a lot of venereal disease and malaria.

On the Catrimani River and on the hills of the Lobo D'Almada River, the gold-panners are making their houses. They have built airstrips, made gardens, and now they want to make a town. This will be very dangerous for the Yanomami. I know that if they make a town there, it will be bad for the Yanomami because they will get sick. Our kin of Opiktheri are being

deceived by Zeca Diabo, a gold-mining businessman. They are trying to set up a fight amongst the Indians. Zeca Diabo helps in giving the Indians food and clothes, in teaching them how to work, to make gardens, to plant and gather rice so that the Yanomami then get used to working for them, but I don't think it is good that the whites teach the Indians how to work. We Yanomami already know how to work; for many years, we have known how to plant, to clear the forest and to cut underbrush for gardens. The Yanomami do not die of hunger; they only die of diseases; they have everything to survive on, where there are no gold-panners. My kin do not beg for food from the whites; they only ask for food where there is a gold mine which usually does away with everything. We already raise animals, we already have tapirs, peccary, curassow, wild boar; we plant banana, we have everything in our forest. There is no need to teach us how to work in the white man's way. The white man's way is very difficult for the Yanomami. Our way is better than the whites' because we preserve the rivers, the streams, the lakes, mountains, game animals, fish, fruits, *açaí*, *bacaba*, *castanha*, *caçao*, *ingá*, *burití*, what is already there, what Omam created. I, Davi Kopenawa Yanomami, want to preserve it all.

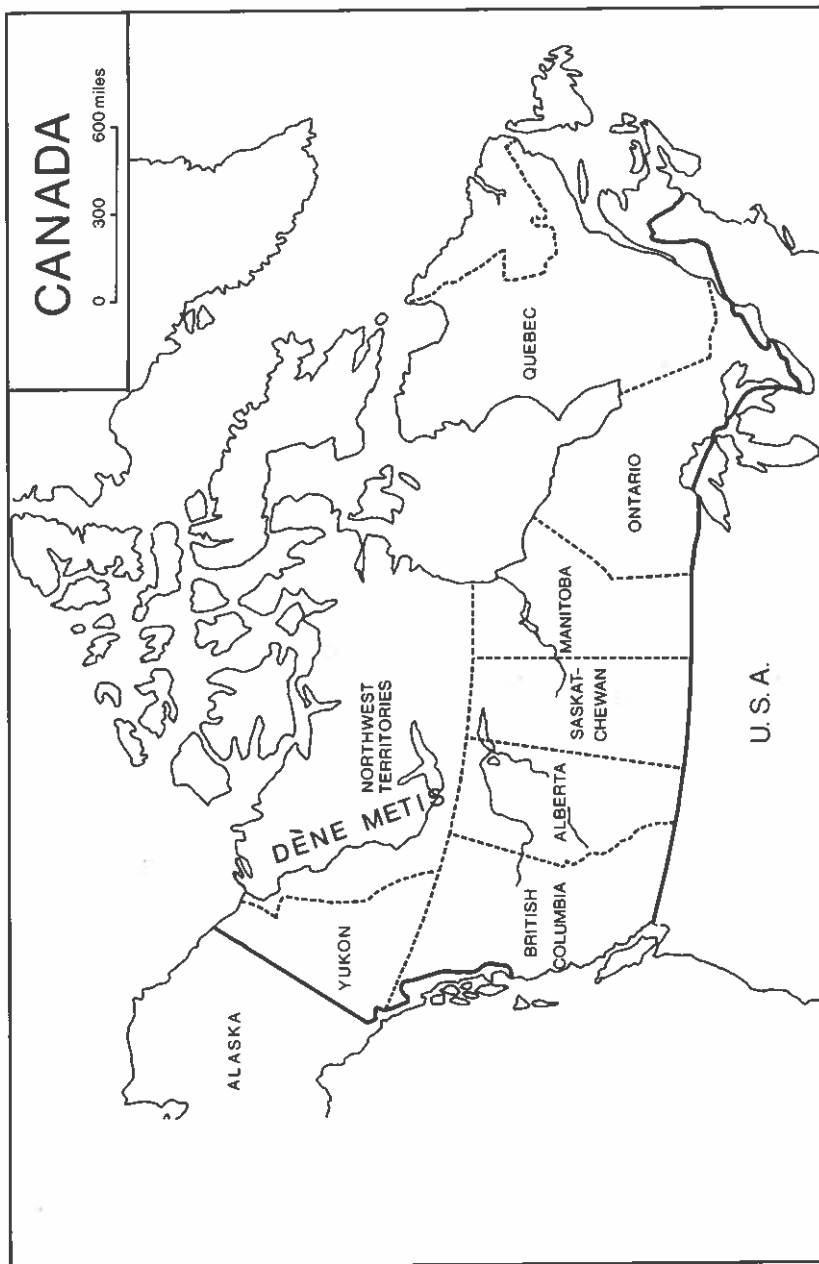
The white man has no respect for nature, he does not know that it is good for him, he has to learn from us. The government has cut up our land, divided it into little pieces. The National Forests are our land; the "island" reserves (19 mini-reserves delimited by the government) are not good for anything, only to trick the Indians, to leave them stuck like pigs in a pen. We Yanomami want a single and continuous area for our people, in order to be able to live in peace, without having to fight the government, the military, the gold-panners, or anyone else. The Yanomami don't seek to invade other peoples' lands. The Yanomami respects the white man's lands. At the Serra do Surucucu, more Yanomami were killed in August. Funai has done nothing against the killings. The Police have never taken these criminals as prisoners.

We Yanomami are dissatisfied, we are revolted with Funai and the government because the government does not want to find a solution to our problem, the problem of Yanomami land. We have many hills on our lands; Koimi is the Pico da Neblina, Hakomak is the Peito da Moa, Watorik is the Pico Rondon, Kuumak is the Serra do Taraquá, Yapihukak is the Serra do Lobo D'Almada, Arahaikyk is the Serra do Catrimani, and there are many others. The spirits of nature, the Xapori, Hekura, live in these hills. Between the hills there are the Xapori trails; no one sees them; only the shamans know these connections. The hills are sacred places where the first Yanomami were born, where their ashes have been buried. Our elders left their spirits in these places. We Yanomami want these hills to be respected, we do not want them to be destroyed. We want these places to be kept as they are so as not to put an end to our past and our spirits. We invoke the

Hekura to cure our sick. For many years we have used them, there is no end to them. Omam left these spirits to defend the Yanomami people. Omam is very important for the Yanomami Indians, he gave rise to all of them, to the whole world. So, it is very important to keep the hills where his spirit lives as they are. I would like the whites to understand this sacred history and to respect it. We Yanomami want to see the whites on the side of the Indians in not letting our lands be invaded. We want the whites to help in defending our land so as to protect our lives.

I, Davi Kopenawa Yanomami, want to help the whites learn with us how to make a better world.

*Source: Comissão pela Criação do Parque Yanomani - CCPY
Rua Manoel da Nóbrega 111 3o cj.32
04001 São Paulo SP Brasil*



Map showing the approximate location of the Dene/Metis area in the Northwest Territories. Map by Joan Andersen.

Canada:

The Dene/Metis Land Claim

On 5 September 1988, the Government of Canada and the Government of the Northwest Territories signed an Agreement-in-Principle (AIP) with the Dene/Metis of the Northwest Territories to settle the Dene/Metis land claim. This agreement is the product of extensive negotiations which have been conducted since Canada accepted claims from the Dene (1976) and the Metis (1977). The Agreement-in-Principle provides the basis for the negotiation of a Final Agreement.

Most of the provisions of the Agreement-in-Principle, summarised below, will only come into effect when Parliament passes settlement legislation following the Final Agreement.

The Agreement-in-Principle provides that upon final agreement:

- The Dene/Metis will cede their aboriginal claims, rights, titles and interests, if any, in and to lands and waters within Canada;
- those provisions of Treaty 8 and Treaty 11 which deal with matters covered in the Final Agreement will be replaced by settlement legislation;
- all federal, territorial and municipal laws will apply to the Dene/Metis and their lands to the extent that the laws are not inconsistent or in conflict with the settlement legislation or the Final Agreement;
- the devolution or transfer of provincial-type jurisdiction or powers from Canada to the Northwest Territories will not be prejudiced by the provisions of the Final Agreement.

Eligibility

Persons will be eligible to be enrolled as participants in the claim settlement if they are descendants of Chipewyan, Slavey, Loucheux, Dogrib, Hare or Cree people aboriginal to the Northwest Territories (or were adopted by a person eligible to be a participant), are Canadian citizens and meet residency requirements. Other Canadian citizens of aboriginal ancestry may be enrolled as participants if accepted by the community.

Dene/Metis Organisations

The Final Agreement will describe wholly owned and controlled Dene/Metis organisations, such as corporations or trusts, which will receive and manage financial compensation, benefits, and title to lands. These organi-

sations will also be responsible for carrying out Dene/Metis obligations under the agreement. Membership or shareholdings will be nontransferable.

Arbitration

An Arbitration Board will be established to resolve disputes submitted to it in accordance with the agreement. Board decisions will be binding.

Financial Matters

Compensation

As financial compensation, the Dene/Metis will receive a capital transfer payment of about \$500 million (in 1990 dollars). A \$20 million (in 1990 dollars) payment will be made at the date of settlement legislation and the remainder will be paid over a period not to exceed 20 years.

The federal government provided \$2 million to the Dene/Metis upon signing of the AIP, and a further \$2 million will be paid in September 1989. Negotiation loans provided to the Dene/Metis will be paid back with an interest rate of 6% per year on a schedule like that of the capital transfer payments to the Dene/Metis.

Norman Wells Proven Area

Of the \$500 million capital transfer payment for the Dene/Metis, \$75 million (in 1985 dollars) has been identified as being in respect of the Norman Wells oil field (Proven Area).

Government and the Dene/Metis will establish a joint committee to review current and future operations pursuant to the Proven Area Agreement with Esso Resources.

Resource Royalty Sharing

The Dene/Metis will annually receive an amount equal to 50% of the first \$2 million and 10 % of royalties received by government in the settlement area from non-renewable resource production. The first \$20 million of this payment will be considered as a capital transfer and will be exempt from taxation.

Taxation

The Capital transfer payments to the Dene/Metis will not be taxed. The payments may be made to one or more Settlement Corporation to be incor-



Dene/Metis dwelling in Fort Good Hope with Mackenzie River in background. 1983. Photo: Bente Hansen.

porated by the Dene/Metis. The Settlement Corporation may conduct such activities as supplementing existing health and social programs, providing housing and municipal or other local tax assistance, funding education and training, promoting economic development and supporting traditional harvesting and cultural activities. When doing these things, the income of the Settlement corporation will be non-taxable. Any other person or Corporation earning income on settlement capital will be subject to taxation under laws of general application.

Economic Measures

Government economic development programs in the settlement area will take into account the objectives of maintaining and strengthening the Dene/Metis traditional economy and the objective that the Dene/Metis should be economically self-sufficient. These objectives are intended to be achieved without imposing any additional financial obligation on government.

Renewable Resources

Wildlife Harvesting and Management

The Government will retain the ultimate jurisdiction for the management of wildlife and wildlife habitat. A Wildlife Management Board will be established as the main instrument of wildlife management in the settlement area and it will act in the public interest. The Board will be able to establish policies related to all aspects of wildlife harvesting and to propose related regulations. The decisions of the Board will be subject to Ministerial review and decision.

Within the settlement area, the Dene/Metis will have the right to harvest all species and populations of wildlife at all seasons of the year subject to conservation and to certain other limitations. The Dene/Metis will have the exclusive right to harvest fur-bearing animals. The Dene/Metis needs will be a first charge on the allowable harvest of wildlife when the Wildlife Management Board sets allowable harvest limits. Non-participants are guaranteed a portion of the allowable harvest of musk ox, and of the Fort Providence and Liard Valley wood bison. Non-participants are also guaranteed a portion of the allowable harvest of moose, barren ground caribou, and bison in the Slave River Lowlands if the allowable harvest exceeds the Dene/Metis needs.

The Final Agreement will provide the Dene/Metis with certain economic opportunities related to wildlife. They will have the right of first refusal to any new licenses for the commercial harvesting of wildlife; the operation of commercial guiding, outfitting, sport hunting, sport fishing and naturalist activities; and the commercial propagation, cultivation or husbandry of a species of wildlife indigenous to the settlement area. In the event that the holder of a license in respect of commercial guiding and outfitting, sport hunting, sport fishing and naturalist activities in force at the date of settlement legislation intends to sell or transfer the enterprise, the Dene/Metis will have the right of first opportunity to purchase it at fair market value.

Forestry

The Dene/Metis may harvest trees throughout the settlement area for a variety of personal purposes including firewood, house building, and construction of boats or cabins for personal use. This right will not apply on fee simple lands, lands subject to lease or sale, or upon Crown lands where it would conflict with an authorised use such as a timber license.

National Parks

At the time of settlement legislation, the Nahanni National Park Reserve will be established as a national park. National Park Management Committees, with equal membership from government and the Dene/Metis, will be established to advise the Minister of the Environment on management and operation. For Nahanni, and prior to the establishment of future parks, the Dene/Metis and government will conclude Impact and Benefit Plans dealing with such matters as training, hiring and business opportunities.

Protected Areas

Protected areas include all areas protected by government, other than national parks, and include historic parks and sites, national wildlife areas, migratory bird sanctuaries, territorial parks, conservation areas, and archaeological sites. Government is to consult with the Dene/Metis and with local communities prior to the establishment of any protected areas, or changes in the boundaries of existing protected areas. Benefit agreements similar to those required for national parks will be negotiated when new protected areas are established.

Wood Buffalo National Park

The Dene/Metis will have park management and wildlife harvesting rights in an area of the park known as the Squirrel Sunrise Management Area. A ten-year training program for the Dene/Metis will assist them to qualify for employment in the Park. Dene/Metis will have the right of first refusal to any new license, or existing license which is not renewed, for permitted commercial ventures and economic activities related to wildlife and tourism in the Squirrel Sunrise Management Area.

Proposed National Park (East Arm, Great Slave Lake)

It is the intention of the government and the Dene/Metis to negotiate the terms and conditions under which a national park will be established in that area.

Wildlife Compensation

The Dene/Metis will be compensated if losses in relation to wildlife harvesting are suffered as a result of commercial, industrial or governmental undertakings. A developer will be liable for any losses or damage to Dene/Metis property or equipment used in wildlife harvesting or loss or damage to wildlife harvested, and for loss of wildlife harvested for personal use. Where a developer and the Dene/Metis are unable to agree upon compensation for damages, the matter will be referred to arbitration.

Source: Native Press, June 2, 1989, vol.19, no. 11.

Colombia:

The indigenous women of Colombia

By ONIC(Organizacion Nacional Indigena de Colombia)

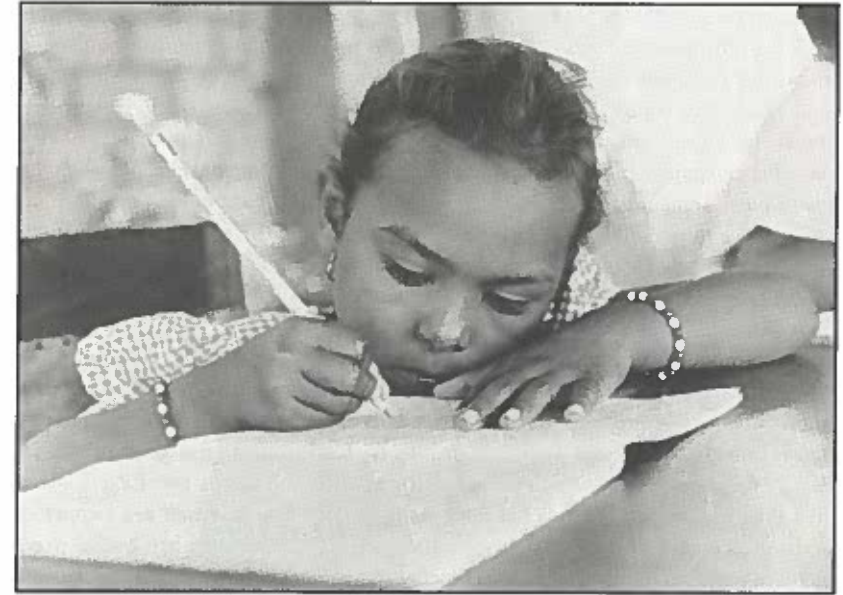
Our History

A long time ago there was a large number of peoples in these lands, peoples who all had a different view of the world and different beliefs about life, man, woman and nature. We lived together according to our own rules and our own dynamics. In general, there was great respect for the land, for motherhood and for life itself. Every one of our cultures had its own way of looking at women. Some saw us as the representation of Mother Earth, others as Nature itself, others as the Moon, Water, Rain, the great lagoons, but in general they saw us as *Givers of Life, as the Beginning, as Knowledge and Wisdom*. In our own history there are many legends where we represent these origins, these strengths that made us unshakeable.

However, suddenly everything began to change. Violent strangers, who had no respect for anybody or anything, began to encroach on our lands. Together with our kin and our children we had to abandon our lands and our customs, to flee to remote places for refuge and to confront the invaders in order to defend our rights.

Yet in doing so we were enslaved, sold, mercilessly put to work, and gradually we saw our husbands, our children and many of us died along with our culture. Some of us took up the struggle; women like Gaitana, Tumbichuquia, Bartolina Sisa and Gregoria Apaza but the mighty invaders could not be stopped. Our fighting, our tears did not help. They used us as servants and forced us to feed their children and abandon our own. We were deceived and exploited by the conquistadors who wanted to expand their influence, we were forced to blend our blood with that of the invaders. Gradually these areas became populated with mestizos who were also regarded as inferiors.

The so-called missionaries began to arrive to impart their beliefs, their education and their morals. They began to say that we represented sin. As if life was a sin! And they began to promote the idea that as women we were inferior, that we were not as intelligent, that studies and knowledge were for men - we were banished. After having been givers of life, many of us had to bear children in order to expand manpower for the benefit of others, or to satisfy the imposed machismo that was gaining stronghold in our families and husbands.



Wayuu child in school in Northern Colombia. The Wayuu women have organised school instruction in their own language.

Photo: Jens Lohmann

However, we have never stopped fighting for the recovery of our land, for the education of our sons and daughters and for the right to maintain our own culture because we firmly believe that we have our own rights given to us through our history as women and as indigenous, rights which we share with all our people which we must defend and protect until we can regain our true identity. Our never ending resistance will let us win and, together with our men and families, recover our history and mutual respect.

The Present Situation

Our territory is large and stretches from the Selva, Llanos and the Andes to the Sierra. We number more than 700 000 indigenous people, belonging to 87 different ethnic groups, each with its own language which has been preserved through resistance and perseverance. We look with horror at the way Colombia is falling apart, is destroying itself, of snuffing off life from thousands of Colombians, whose biggest crime is to have been born poor. The massacres at Urabá, La Magdalena Medio, Córdoba, César, Llanos Orientales and Segovia (Antioquia) and thousands of dead and missing per-

sons, signal to the whole world that the violence is suffocating us, the majority, the people, because the privileged minority live in other countries or out of reach of the war that they are inciting.

Daily thousands die from famine, cold and diseases. Others wander about the streets succumbing to alcohol and drugs, vicious products of decay and despair while our country's leaders spend the national budget in warplanes, arms and in recruiting our sons for their ranks, forcing them to use arms against their own brothers, spreading death in the communities, demolishing crops and livestock, assaulting our sons and daughters, preventing us from both our private and public endeavours, and often depriving us of our daily sustenance.

Colombia's natural and cultural riches are considered merchandise which can be bought and sold to other countries behind our backs, disregarding our legitimate rights as the true and ancestral owners. This is happening with the salt and coal mines in La Guajira, the gold mines in El Choco, Los Llanos, Cauca and Tolima, with the oil in the East Llanos and Putumayo, and with riches such as flora and fauna which are exported without our consent. Our customs, handicrafts and rituals are being used as if we were museum pieces, circus clowns, or exotic animals on exhibition in a zoo.

This situation, into which we are being pushed, prevents us from seeing clearly, and above all, the decision to construct a different world where the money which is now being spent on war will be spent for the benefit of society as a whole. But in our search for a way to reach this goal, we have met countless obstacles that impede the unity among the sectors that want to bring about change.

ONIC, the National Indigenous Organisation of Colombia raises the flag of unity, based on respect for and appreciation of our differences, for the recognition of different cultures, interests and needs. We demand mutual support for the struggles which the different peoples, organisations and the public sectors are waging in order to create a more just world for everyone.

From the different regions we are leading the construction of a force which together with our rural and urban comrades will have the capability and volume to defend and maintain the rights we have won and those we wish to conquer.

As ethnic groups we are beginning to awaken, to recognise ourselves and see the reason for solidarity and organisation in our mutual problems. We need to recover our ancestral territories, respect and recognise our own authorities, redeem our customs, history, music, beliefs, traditional medicine and all such which make up our cultural expression.

In order to accomplish this we demand that the Rights contained in Law 89 of 1980 be observed and respected along with other special laws which we have managed to attain through our resistance and struggle.



Cuna women doing handicrafts while listening to the "lereo", traditional music by the men. Young women cover their faces during puberty.
Photo by Aldo D. Leon and Jorge Vargas.

Bilingual and bicultural education, health programmes in accordance with traditional medicine, non-taxation and conscription exemption, return of our territories and respect for our autonomy in the planning of our future in accordance with our own way of thinking and view of the world.

Our Situation as women

As givers of life, we have the fundamental task of reproducing and strengthening the cultures that are bound to the land and the community. We raise and educate our children, we tell them and teach them everything we know about our culture and we introduce them to the service of the community.

The preparation of foods and its equitable and balanced distribution is another important task. We have the responsibility of looking after domestic animals, sowing the fields and plots that collectively belong to the community (or to the women in some regions), helping to harvest the crops when necessary, taking care of the health of our families and in some cultures, like the Arhuaco, we are indispensable to the practice of traditional medicine. In our handicrafts we reflect the world as we see it. Side by side

with our families and communities we listen to what the problems are and we struggle to solve them. Because of lack of economic resources due to a bad harvest or the large number of children who have to be fed, we often have to look for other work, either in farms, in domestic service, and also go to the cities in search of work in factories, private homes, commercial establishments or we are forced into prostitution where we learn different customs and sometimes harmful ones.

The influence of the Western idea of private property is visible in our relations with our menfolk, some of whom treat us as if we were their property, not recognising our worth, distrusting our behaviour and in this way preventing our organisational progress and contribution to the struggle. In this manner, they reflect the influence of machismo as a foreign and damaging element, disfiguring the true feeling of equality and justice which we have inherited from our ancestors.

It is difficult for us to participate actively in the organisational work because we do almost all of the housework alone. We work in the fields and we look after the children. There are no community arrangements about co-operation and distribution of these tasks.

We do not want our daughters and sisters to leave us, wasting away their lives serving others in haciendas, towns and cities. We do not want them to be ashamed of being indigenous, nor do we want them used by politicians. We are against birth control in the communities and therefore reject the family planning urged by the State. We do not believe that children bring poverty but that family planning will lead to our physical and cultural downfall.

Some women do not dare speak up, but we have to do so in order to show the way ahead for the new generations, in every community, in every reserve. We have already begun to move in that direction:

- Our Emberá sisters in Cristianía formed a women's committee which has now been in existence for several years.
- In the San Andrés de Sotavento reserve there is another committee which has participated in teaching and production. This resulted in a meeting where they analysed their needs and made proposals concerning health, education, production, land and organisation.
- The Gaitana group in El Cauca works with peasants and poor women from the urban area. At the Eighth Regional Congress of CRIC (Cauca Indigenous Regional Council), the women's commission met in session for the first time.
- Through their traditional institutions and their organisation YANAMA, the Wayuu women have prepared a fundamental document in defence of their rights and culture.
- The indigenous women of Caquetá (belonging to the regional organisation CRIOM) have organised themselves in order to deal with production and the traditional ways of passing on knowledge.

- In Vaupez, there is a group of women who have been organised for about ten years. They teach and try to increase conscientisation in the communities.
- There are also women's groups working for cultural recovery through handicrafts in Putumayo.
- There are seeds of a new organisation in Caldas, in the Cañamomo and Lomaprieta reserves, where OMIC (the Organisation of Indigenous Women in Caldas) will be officially established at the next regional congress. In Vichada, Caguán (Huila), Orewa (Chocó) and CRIT (Tolima) in November there will be gatherings of indigenous women from this region for the first time.

Voices of women in Colombia and Indigenous America are being heard on the protection of life and culture: Bartolina Sisa in Peru, Rigoberta Menchú in Guatemala, Domitila Chungara in Bolivia, Rosario Epiayu in Guajira, Juliana Piraza in Chocó, Eulalia Yagarí (Emberá) and Rosa Elena Toconas (Páez) are pushing for cultural recovery and bilingual education. We should also mention Doris Lozano who was killed together with her unborn baby during a process of land recovery in Tolima... the list is endless, but we want to point out how all women contribute and try to do so side by side with their menfolk.

The indigenous women's fight is not against their men, it is alongside them. Male and female work is seen as equally important. We are becoming qualified, we are analysing our culture, learning to distinguish the foreign elements which are separating us and affecting our collective relationships and sense of justice. We reject all the harmful elements, and search for the road leading to a society where we can all live together, the Emberá, the Kuna, the Ingano and the Kamsá, the Paéz, the Guambino and the Pijao, the Guahibo, the Piapoco, the Llanero, the peasant, the black person, the student, the worker - the whole Colombian and Indoamerican people.

Following this course, we indigenous women have been gaining and recovering our place in the organisational work of our peoples and by participating actively in programmes concerning production, health, education, cultural recovery and in the organisational management of some regions. In some places indigenous women are even members of the government itself, but still we have a long way to go.

We call on all the indigenous organisations and in particular on our sisters and brothers to continue the fight for respect and positive valuation of our cultures:

- By guaranteeing that indigenous women can participate in discussions and organisational work.
- By seeing to it that indigenous women stay in the communities, and avoiding migrating to the towns. ONIC must promote communication and contact with the indigenous women who have been displaced from their communities to the towns.

- By supporting indigenous women's participation in different programmes and especially in organisational work.
- By guaranteeing indigenous women the possession of land which is the basis of life and culture.
- By taking an active part in the campaign for self-discovery in our America and against the 500 years of invasion, barbarity, genocide and evangelisation. Here too we must oppose the presence of the Summer Institute of Linguistics because this is a foreign imposition which, under the pretext of evangelising is trying to destroy our cultures.
- By respecting traditional medicine, especially the function of the female midwife in the cultures where this profession is practised.

Source: *ALAI*. April 1989

Ecuador:

The Government denounces a boycott of bilingual education

By Matilde Almeida

Six months after the start of the Intercultural Bilingual Education Programme, the government has denounced a boycott of this project. However, the accused parties reject the charges and express their support to the initiative.

The Vice-Minister, Trajano Andrade, accuses "various organisations linked with the former regime of Leon Febres Cordero" of preventing the execution of the Bilingual Education Programme.

Luis Montaluisa, the National Director of Indigenous Education, corroborates this denouncement saying, "there is a group of indigenous organisations founded under the Febres Cordero government, who have no representation in the communities and who are trying to destabilise us."

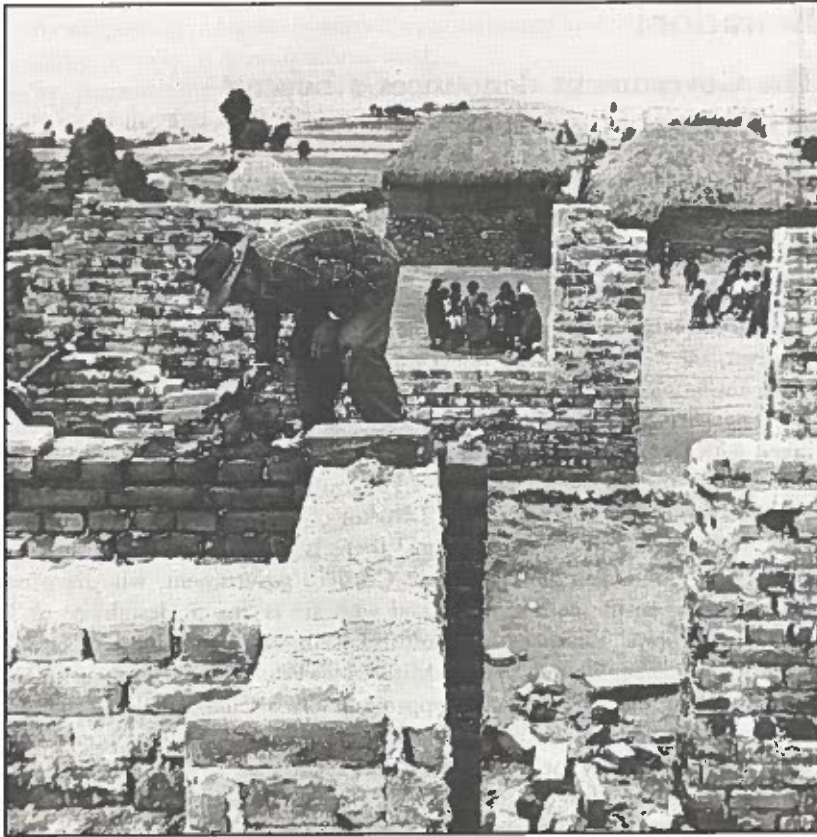
The National Board of Intercultural Bilingual Education was established in November 1988 under the Ministry of Education, with an estimated budget of 3 000 million *sucres* (approximately 6 million dollars), including the budget for the training of 200 indigenous teachers. The board will have the responsibility for 1 200 schools, 24 secondary schools and four colleges (which train bilingual teachers) in 16 of the 19 provinces of Ecuador.

The project foresees reforming the curricula from primary school to secondary school and will involve about 25 000 pupils in the first grade by October 1989. By 1995 the entire primary school system is expected to be bilingual.

There are eleven indigenous nationalities in Ecuador each with their own language, Quechua being the most predominant. According to the Vice-Minister of Education, the Indians represent approximately 50 per cent of Ecuador's total population.

The Bilingual Education Programme is seeking to adjust the education of the indigenous people according to their culture, to give equal rights to their own languages and to turn the Spanish language into an instrument for intercultural relations.

The Confederation of Indigenous Nationalities in Ecuador (CONAIE) will take over the management of the project via the Subcommission in the Ministry of Education. One of CONAIE's future projects is a programme for bilingual reading and writing training, with 1 500 centres accommodating 25 000 students.



The people of the village of Pulingui, Rio Bamba decide to build themselves a new school. In the background are schoolchildren attending the old school. Photo by ILO.

Montaluisa states that all the organisations participate in this project through a representative who select teachers, administrative personnel etc., but the responsibility for the training will be handed over to the communities if they want it. "Those in favour of a boycott", continues Montaluisa, "are the Union of Indigenous Peasants in Ecuador (UNICE), some people from UNE and also a section of the traditional church, the Josefina Mission in the Eastern province of Napo".

Etelvina Pillajo, the president of UNICE, denies that they are leading the opposition to bilingual education. "The only thing we have prevented is the unity, we have not boycotted anything. We are independent and we do not belong to any political party". She claims that some indigenous organisa-

tions are marginalised and she demands that capable professionals participate in the project so that it will not be monopolised which could lead to its failure.

Father Josefino Teodoro Rosero, in charge of education in the mission at Napo, points out that he accepts and supports the Intercultural Bilingual Education, but that the structure of the schools under this system should run parallel with private schools, public schools and the mission schools.

"If the parents want to give their children a bilingual education, that's fine", says Rosero, "But if they don't, you have to respect their wishes. They have chosen some schools and colleges, and call them indigenous and bilingual, often without taking the realities of the area into account, as if there were 20 chairs and 10 were put on one side of the room, and 10 on the other".

Montaluisa points out that the Board was set up at the request and action of the indigenous organisations, who demanded a qualitative change in the education. "For the moment consensus continues, which means full participation", he says.

Source: IPS, Quito, April 1989

Literacy campaign for indigenous people

By Diego Cevallos

Within the framework of an ambitious national literacy campaign which the Ecuadorian government is preparing, the Confederation of Indigenous Nationalities in Ecuador (CONAIE) was called upon to co-operate with the Ministry of Education on planning the phase of the campaign directed towards the indigenous population.

The national campaign has been named after the former Bishop of Riobamba, Monseñor Leonidas Proano, who died last year, and who was known in Ecuador as the *Bishop of the Indians*.

In the course of this national campaign, the authorities aim to teach 800 000 adults in urban, rural and indigenous areas to read and write. The first phase, stretching over six years, is focused exclusively on indigenous people. About one thousand literacy centres are being established, and 150 promoters are being trained. They will be responsible for promoting the program, and will ensure its continuity by arranging meetings in every single community in the country.

An important innovation in this campaign is that it will be carried out in two languages: in Quechua and Spanish.

In order to reach this goal, the preparatory tasks are divided between the two institutions responsible for the campaign. CONAIE carries out



Schoolteacher Narciso Lems instructing Indian boys and girls on how to prepare a vegetable garden at a school in Quinchuqui, Imbabura.
Photo by ILO.

research investigations, prepares teaching materials and decides which methods to use, while the Ministry of Education is in charge of training and the administrative work in general.

"We hope the campaign will encourage the unity of the indigenous and *mestizo* cultures within a framework of mutual respect and a recognition of the ethnic minorities' rights to existence and self-development", said Luis Montaluisa, the National Director of Indigenous Education.

The indigenous literacy campaign which started on the 29th of May 1989 aims at a three-year training programme, including a post-literacy phase where every indigenous community must decide for itself which subjects it wants to study closer. The wider curriculum is expected to include community work, reforestation, fruit farming, and training in artisan work.

The courses will be given in Quechua and Spanish.

"There will be sessions in Quechua analysing the situation from an indigenous point of view, whereas Spanish is considered the most appropriate language for matters concerning the *mestizo* culture", Montaluisa points out.

He explained that the materials to be used in the indigenous campaign will deal with, among other things, the *500 Years of Resistance* and the indigenous peoples' attitudes toward land, health, nutrition and community organisation: areas which the CONAIE research team is working in.

"In former campaigns the organisations could not participate because they were less developed. Today this is no longer the case when we have indigenous personnel trained in research, pedagogy and linguistics. The indigenous people are now doing the jobs themselves", explains the National Director.

The aim is to complete the schooling of 50 000 indigenous illiterates during the first three years. The training will take place in 15 of the 20 provinces of the country. The indigenous population is estimated at 3 million people.

A study carried out by the educational corporation MACAC, which has been running an outreach school-leaving certificate programme in the rural areas since 1987, revealed that 9 out of 100 indigenous people are illiterate while 37 are semi-illiterate.

There are various indigenous organisations in the country. CONAIE is the main one consisting of 30 regional organisations, among them the Confederation of Indigenous Nationalities in the Amazon and Ecuador, RUNACONPAC RICCH RIMUI (Ecuadorunari).

In addition there is the National Federation of Peasant Organisations with regional units in the provinces of Imbabura, Chimborazo and Cañar, whose participation in the campaign is proportional to the number of indigenous people they represent.

Arturo Muyaema, who is in charge of the Education Department of CONAIE, said that this campaign is a sign of the government opening up towards indigenous people, who constitute a third of the country's population. He explained that the possibility given to the indigenous nationalities to recover their right to education, is a recognition of the fact that Ecuador is a multilingual and pluricultural country.

There are some thirteen ethnic groups in Ecuador. Along the coast we have the Awa, the Chachi, the Tsachila, the Shuaras, the Huaorani and the Sionas among others. Each has its own language and culture.

According to Muyaema, the education in these parts has been alien to the people's situation; it has followed a calendar and timetable which do not relate to their vision of the cosmos. "The Ecuadorians who worked as teachers in these parts were trained to teach in urban areas and this training was not appropriate for the indigenous people," he says.

"Now, for the first time it is we, the indigenous people, who are changing the contents of the education. Through our organisations we are preparing the material to be used in the literacy campaign," states the Director of CONAIE.

However, the National Director of the Department of Indigenous Education points out that the campaign has been strongly criticised by conservative groups in Ecuador, who have called it dogmatic and communist.

Thus, Marco Lara, member of the Social Christian Party, has "denounced" the literacy campaign as being an attempt to implant "communist ideas" among the illiterate population.

But Montaluisa emphasises that "this interpretation is completely unjustified", and he points out that the Minister of Education himself, Alfredo Vera, has refuted such allegations.

Source: IPS. April 1989.

India

Planning for rehabilitation of displaced tribals

By Roop Singh Bhil

Introduction

Mahi is an important river of the Tribal Sub-Plan Area of Rajasthan in India. It originates from the Amar Katak hills of the Vindhya ranges in the Dhar District of Madhya Pradesh. It flows for 120 kms in Madhya Pradesh and 180 kms in Rajasthan before it enters Gujarat. It is a perennial river and during the rainy season its flood water virtually isolates Banswara District from the rest of the country. The river, however, hold good prospects for irrigation of the region and the progress and prosperity of the Bhils and Meena tribals who, according to the 1981 census number 643 966 people and constitute 72.63 % of the total population of the district.

Since Mahi is an interstate river, the governments of Rajasthan and Gujarat have agreed to share its water. Under the agreement, Rajasthan constructed the Mahi Bajaj Sagar Project, and Gujarat constructed the Kadana Dam in Sant Rampur Tehsil, 40 kms away from the Rajasthan border.

Besides generating 33 megawatts of continuous power at two power-houses, with an installed capacity of 140 MW, the Mahi Bajaj Sagar Project was to provide irrigation facilities for 80 000 hectares in Banswara, Ghatol and Gadi Tehsils of Banswara district. As many as 50 700 families out of a total of 77 887 who are likely to benefit from the project belong to the Scheduled Tribes and the Scheduled Castes owning 65% of the cultivable command area of 80 000 hectares.

The project is likely to cost Rs. 215 Crores (Rs. 1 crore = 10 000 000 rupees). It has also been proposed to bring another 56 000 hectares under irrigation at an additional cost of 67 crores bringing the total to Rs. 282 crores.

The work of constructing the dam and the main canals was almost completed by the end of 1983. On the 1st November, 1983 the late Prime Minister Indira Gandhi released the Mahi waters for irrigation. It was to herald a new era of prosperity for the tribals who, so far, had lived on millet like *kohdo kuri*, *mal and batti*. Now they can have three crops in a year. This would certainly transform the tribal society.

Although the Mahi project is a landmark in the economic development of the region, these projects have mixed blessings for the people. All together



Map of India. The Mahi River runs through the states of Madhya Pradesh, Rajasthan and Gujarat.

6 975 families have been displaced from Mahi Bajaj Sagar due to whole or partial submergence of their land in 98 villages. Five thousand three hundred and twenty-one are Scheduled Tribes and 149 belong to Scheduled Castes. The following lands have been acquired:

1. Private land 19 123.20 acres
2. Forest land 2 123.20 acres
3. Government land 12 604.96 acres

In 1974 the Rajasthan Government approved norms for payment of compensation and rehabilitation for those ousted by Mahi Bajaj Sagar. According to the provisions of resettlement, the displaced people were paid, in all, Rs. 562.32 lakh (Rs.1 lakh = 100 000 rupees) for agricultural land, houses, irrigation wells and trees which were submerged.

Allotment of agricultural land

It was felt that it would not suffice to pay cash compensation to the displaced people for their acquired properties. For their resettlement it was considered essential to allot sufficient agricultural land for their livelihood.

In all, 4 224 families were eligible for allotment of agricultural land and 10 052.64 acres of land were earmarked for this purpose. Although the government had acquired 19 123.20 acres of land, which was not all cultivable, it is obvious that the displaced people have been allotted less land than that they had possessed earlier. The project authority organised village-wide campaigns encouraging the displaced people to take physical possession of the land allotted to them. In spite of these efforts only 1 111 took possession of the new land allotted to them while 3 113 did not turn up to the new sites because they considered the land unfit for cultivation. Land was therefore allotted only on paper and not physically. Some managed to purchase other suitable land, others are still cultivating the old lands which are not fully submerged, and a few are without land or have encroached upon the forest land.

| Situation | Number of People |
|--|------------------|
| 1. Purchased agriculture land | 1 116 |
| 2. Cultivated remaining land, which is not submerged | 1 236 |
| 3. Encroached forest land | 143 |
| 4. Displaced and have not been allotted any land | 618 |
| Total | 3 113 |

Agricultural land is the most important factor for the rehabilitation of the displaced persons, but since there was not much cultivable land available, those ousted were not given suitable land. There was some resistance from the local people also. They did not wish the ousted people to occupy the waste or pasture land allotted to them, and thus deprive them of their right to graze their cattle.

In view of this state of affairs and the poor response from those ousted, the state government in December 1982 directed that collector, Banswara, should take over all land records from the Mahi Organisation and hand over physical possession of land to displaced people as, or when they turned up. In view of this, all revenue records have been handed over to the concerned Tehsildars of Banswara District.

Shri Harideo Joshi, former Chief Minister who hails from the same district, and is instrumental in bringing Mahi waters to the tribal farms, had equally been concerned with the rehabilitation of the uprooted families. On 17th June, 1984, he directed the district administration to find out what cultivable land there was in Mahi and other command areas of Banswara,

Dungarpur and Udaipur Districts, and decided that such lands should be allotted to the displaced persons who have refused paper allotment. The rehabilitation process was set in motion with the promulgation of laws in 1974. But after ten years there was no substantial progress in identifying the land available in the command area. However, efforts are still continuing and it is possible that these people may be rehabilitated elsewhere; new plans will have to be formulated and suitable administrative mechanisms evolved so that past mistakes may not be repeated.

New settlements

The scheme for rehabilitation envisaged a grant or subsidy and loan for agricultural development. A provision of Rs. 60 000 was made for this, but only 27 000 has been spent. This shows that not all the displaced people were given the Grant In Aid.

The displaced families were originally to be settled in 32 colonies. However, as the work on new settlements progressed, the tribals set up another 40 new colonies. These colonies were later approved by the government. In all, 5 739 families were settled. The remaining 1 236 families did not settle either in government-proposed colonies or the colonies the people themselves established. The people stuck to their old lands. The fact that 40 new colonies came into existence, and 1 236 families did not move from their old lands, shows that the plan was ill-conceived and it did not take into consideration the social structure of the tribe. People belonging to one clan prefer to live by themselves in one colony, whereas the colonies proposed by the government had more than one clan.

For rehabilitation purposes, each displaced person was given Rs. 750 and costing a total of Rs. 30 22 lakh for 4 316 families.

Land is not only an economic resource, it also provides a web of social interaction. Alienation from the land means social disorganisation. During 1974-75, the people from the submerged areas of Mahi and the Kadana Dam were employed as labourers on the Jhakam project in the District of Chittor. From 1976 onwards they started settling in Sita Mata Wild Life Sanctuary. Their numbers increased slowly. In 1979-80 one realised the gravity of the problem and strong action was taken to evict some of the encroachers. But a stay order was issued in February 1980 which was repealed 7 years later, in February 1987. Legal action has since been taken.

From 1976 to 1986 some 48 settlements have been established in the Sita Mata Sanctuary. The settlers cleared nearly 1 161 acres of land for cultivation. Not all these settlements are inhabited by displaced people, however. Local people have also joined them in the encroachments. The sanctuary has a total area of 422.94 sq.kms, of which 250 sq.kms have become unfit for wild life because of human habitation.

Since 1985-86, the encroaching settlers have been in perpetual conflict, and often resort to stone throwing and picketing etc. of officials. Armed with the eviction orders of the Revenue Court, the Department of Wild Life Sanctuary now proposes to evict the settlers by obtaining help from the police. This is likely to aggravate the situation.

Discussion

The Mahi Bajaj Sagar study shows how dangerous and expensive it is to formulate plans for major projects without creating the machinery to oversee the implementation of land acquisition proceedings and the subsequent rehabilitation of displaced persons.

Even after 10 years nearly 73.70 % of the displaced persons are still without land. All the rehabilitation colonies proposed by the government did not suit the tribals so they established their own colonies. The failure of the programme may be attributed to the following factors:

1. There was bad bureaucratic planning. No preliminary survey seems to have been made on the suitability and quantity of agricultural land to be given to the displaced persons; whatever data was collected by lower-level functionaries of the government were accepted as true, even without proper verification.
2. There was no participation of the displaced persons in plans for their resettlement. Nor was there a non-governmental agency to help in the planning for the rehabilitation of the tribals.
3. The government took a very casual and routine view of the rehabilitation of the tribals. Although periodic reviews were made, no corrective measures were undertaken.

While the need for acquisition of tribal land for various development projects cannot be denied, a cautious approach will have to be adopted, otherwise life will be more difficult for the tribals. The Dhabar Commission (1960) had made elaborate recommendations to neutralise or modify the ill effects of displacement as follows:

- (a) The scheme of rehabilitation of the persons likely to be displaced should form a part of the project itself and adequate financial provision should be made for it as a part of the project expenditure.
- (b) In selecting alternative sites, the acquiring authority should consult the tribals and their representatives.
- (c) So long as uncultivated land is available in the neighbourhood, land under cultivation should not be acquired.
- (d) In adhering to the principle of compensation of giving land for land and house for house, if the value of land allotted is less than the value of land acquired, then the difference should be compensated for by payment in cash. Work on the development of colonies for displaced

persons should be completed before they are asked to vacate their land and houses.

- (e) Persons likely to be affected as a result of a project should have preference in employment on the project work, subject to the considerations of technological qualifications wherever they are needed.

These suggestions have been subsequently reiterated in various occasions in official fora. But, as this study shows, there has been a total disregard for official directives issued by various Union Ministers on policy guidelines to resettle displaced tribals. The Government of India is again reviewing the policy and it is hoped that not only general guidelines will be provided to the state government, but that adequate administrative mechanisms will evolve for suitable intervention.

In conclusion we quote the words of the famous Indian Chief of Seattle words to the President of the United States who was then engaged in land negotiations in the United States of America in 1854: "How can you buy or sell the Sky, the Warmth or the Land? If you do not own the freshness of the air and sparkle of the water. How can you buy them?"

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Roop Singh Bhil is Joint Director at the Tribal Research and Training Institute, Udaipur, Rajasthan. This paper is based on a study conducted by him.

International:

Treaty Alliance of North American Aboriginal Nations

Whereas the sovereign territories of North American Aboriginal Nations have been invaded, occupied, exploited and despoiled by foreign powers from outside North America;

And whereas this invasion and occupation of the sovereign territories of North American Aboriginal Nations has been accomplished through deceit, force of arms and/or the threat of force of arms;

And whereas the consequences of this invasion and occupation of the sovereign territories of the North American Aboriginal Nations include the extinction through deliberate genocide of many such North American Aboriginal Nations, the ever escalating exploitation of the natural resources upon which remaining North American Aboriginal Nations depend for their survival, and environmental effects so severe as to literally threaten the survival of all people everywhere on earth;

Now, therefore, the Parties to this Treaty hereby reaffirm their desire to live in peace with all peoples and governments; declare their determination to protect and preserve their peoples, lands, resources, heritage and culture; and agree to join their efforts at self-help and self-defense through mutual aid and assistance as follows:

Article 1. The Parties will consult whenever, in the opinion of any of them, the territorial integrity, political independence, security or other fundamental rights of any of the Parties is threatened.

Article 2. The Parties agree that a threat against one of them shall be considered a threat against them all; and consequently agree, if such threat occurs, each of them, in exercise of the internationally recognized right of individual or collective self-defense, will assist the Party or Parties so threatened by taking forthwith, individually and/or in concert with the other Party or Parties, such action as it deems necessary to restore and maintain the security of the involved Party or Parties.

Article 3. The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be organized so as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a Defense Committee which shall recommend measures for the implementation of Article 2.

Article 4. The Parties may, by unanimous agreement, invite any other North American Aboriginal Nation in a position to further the principles

of this Treaty and contribute to the security of the Parties to accede to this Treaty. Any North American Aboriginal Nation so invited may become a Party to the Treaty by depositing its instrument of accession with the Council established by this Treaty. The Council shall forthwith inform each of the Parties of the deposit of each instrument of accession.

Article 5. This Treaty shall be ratified and its provision carried out by the Parties in accordance with their respective decision-making processes. The instruments of ratification shall be deposited as soon as possible with the Council established by this Treaty, which Council shall notify forthwith all of the other signatories of each deposit. The Treaty shall enter into force between the Parties which have ratified it as soon as the instruments of ratification have been deposited.

Article 6. After the Treaty has come into force, the Parties shall, if any of them so request, consult for the purpose of reviewing the Treaty, having regard for the factors then affecting the security of North American Aboriginal Nations, including the development of universal and/or regional arrangements for maintenance of the security of North American Aboriginal Nations.

Article 7. Any Party may cease to be a Party upon giving its notice of withdrawal to the Council established by this Treaty, which Council shall forthwith inform the other Parties of any such notice of withdrawal.

Article 8. True copies of this Treaty shall be held by each of the initial signatories to the Treaty. Duly certified copies thereof will be transmitted by the Council hereby established to each of the Parties later acceding to it.

Treaty Alliance of North American Aboriginal Nations Signers, 6th July, 1989 Ouje-Bougoumou Indian Territory (Chibougoumau, Quebec).

Chief Bernard Ominayak
Lubicon Lake Indian Nation (Cree)
Little Buffalo Lake, Alberta

Chief Roger Jones
Ojibways of Shawanaga First Nation
Nobel, Ontario

Mr. David J. Peter-Paul
Pabineau Indian First Nation (Mic Mac)
Bathurst, New Brunswick

Chief Willard Niganobe
Mississauga First Nation (Ojibway)
Blind River, Ontario

Mr. Graydon Nicholas
Maliseet Nation
Fredericton, New Brunswick

Chief Esau J. Turner
Grand Rapids Indian Band (Cree)
Grand Rapids, Manitoba

Chief Daniel Ashini
Innu of Labrador
Sheshatshit, Labrador

Chief Ron Jacques
MicMac Indian Nation
Restigouche, Quebec

Grand Chief Matthew Cooncome
Grand Council of the Crees
Val d'Or, P.Q.

Signed 7th July, 1989, Huron Territory (Quebec City, Quebec)

Konrad H. Sioui
Vice-Chief, Quebec and Labrador
Assembly of First Nations
Wenpake, Quebec

Chief Mike Mitchell
Akwasasane Mohawk Indian Nation
Cornwall, Ontario

Grand Chief Bentley G. Cheechoo
Anishnibe Aski Nation
Toronto, Ontario

Signed July 19th, 1989, Cree Territory (Edmonton, Alberta)

Chief Charles Beaver
Bigstone Indian Nation (Cree)
Wabasca, Alberta

Chief Victor Buffalo
Samson Indian Nation (Cree)
Hobbema, Alberta

Chief Roy Whitney
Sarcee Indian Nation
Calgary, Alberta

International:

Statement on Treaties and Agreements

By Robert A. Williams

Introduction

In this statement* I would like to identify some of the major historical and juridical themes and problem areas that ought to be addressed in the UN Working Group on Indigenous Populations study on treaties, agreements and other constructive arrangements between states and indigenous populations. I have focused this brief study primarily on the writings of the Classic era writers, such as Vitoria and the Spanish School, Grotius, Pufendorf and Vattel, as their treatises and monographs both confirmed and informed the Law of Nations as practiced by Western states during the Classic treaty-making era. The study is offered as an example of the type of approach the WGIP might wish to consider in attempting to situate the treaties historically, as a guide and departure point for contemporary interpretation of the rights and status secured by these documents to indigenous peoples in international law.

History, international law, and treaties between Western states and indigenous peoples

A. Positivism and the rights and status of indigenous peoples in international law

The failures of modern international law to recognise treaties between indigenous peoples and Western states reflect a racially intolerant and Eurocentric legal conception of tribalism adopted by Western legal theorists during the latter part of the nineteenth century. These writers, primarily legal academics and career diplomats from Europe and the United States, sought to rationalise the legal principles by which their countries conducted the global race for empire at the height of the West's colonial power. This race culminated in the unprecedented Berlin Conference of 1885 by which the Western powers regulated their future colonial acquisitions for virtually the entire African continent.

These nationalist writers responded to the events of the late colonial era by rejecting in its entirety the three centuries long history of a far more liberal theoretical treatment of indigenous peoples' rights and status under the West's international law. Under that prior history, indigenous peoples

were recognised as possessing natural rights to the territories they occupied, they were regarded as holding a status as subjects of international law, and they were conceded the same self-governing autonomy as “civilised” races. The treatises, monographs and official reports produced by the late nineteenth century writers in international law, however, reflected the triumph of a “positivist” conception of international legal relations. The positivist-influenced school, which included such prominent figures as Hall, Lawrence, Lorimer, Oppenheim, and Westlake of Great Britain, Field and Snow of the United States, Martens-Ferrao of Portugal, and Heimbürger of Germany, recognised only the existing practices of the “civilised” nations of the Western world as the primary sources of international law. Their focus on the “positive” acts of the Western colonial powers necessarily led them to deny in theory, as their governments were contemporaneously denying in practice, any rights or status belonging to indigenous peoples under the international law of their era. Instead, these writers focused on the inconsistency of recognising natural rights in indigenous peoples brought under colonial rule in the face of the absolute and unconstrained nature of national sovereignty belonging to “civilised” nations; they asserted that the as yet uncolonised tribal lands of the world were *terra nullius* (lands without an owner); and they constructed a “sacred duty” of trust belonging to the West to bring civilisation to colonised “backward” territories.

The positivist writers who refashioned the West’s conception of tribalism’s rights and status under international law simply abandoned, with virtually no commentary, the inheritance of the Classic Enlightenment era Law of Nations. That inheritance is represented by some of the greatest theorists of the Western liberal legal tradition. The works of the Spanish school jurists, particularly Vitoria and Suarez, of the Italian Protestant exile Gentili of England, of the revered Dutchman Grotius, Pufendorf of Germany, and the Swiss diplomat Vattel consistently recognised indigenous peoples’ natural rights to the lands they occupied, their status as subjects of international law, and their self-determining autonomy.

B. Positivism and the rejection of treaties between indigenous peoples and Western states as documents of international law

Most importantly, the Classic Enlightenment era writers confirmed and also greatly influenced the widespread treaty practice of Western states with indigenous peoples. The literally hundreds of treaties and agreements negotiated by the West with indigenous peoples during the Classic era reflected in the strongest terms and most explicit language the liberal views of tribalism’s rights and status as found expressed in their works. The treaties consistently recognised indigenous land rights. They were negotiated with indigenous peoples according to the practices and protocols then understood as applicable to subjects of international law’s benefits and obli-

gations. Finally, Western governments consistently affirmed the rights of self-government belonging to indigenous peoples through these documents.

The positivists’ rejection of the Classic era legacy of the Law of Nations necessarily also required rejecting the treaties negotiated between their governments and indigenous peoples as documents of any relevance or significance in international law. The treaties’ guarantees of indigenous peoples’ territorial rights, international status, and self-determination were embarrassingly inconsistent with Western state practice in the late nineteenth century colonial era. In their works, treaties with indigenous peoples were therefore either simply ignored or held to be documents raising questions solely within the exclusive domestic jurisdiction of the Western government that had signed the treaty.

The positivists’ rejection of the Enlightened, Classic era legacy of the Law of Nations thus greatly facilitated the unprecedented assault and consequent tragic decline of tribalism in the countries that had already been fully colonised by the West. Particularly in the successfully settler-colonised European-derived nations of the United States, Canada, and New Zealand, the triumph of positivism in international law was closely paralleled by and related to major revisions of tribal status and rights in domestic legislation and case law. Under the positivist rearticulation, these treaties were declared legal nullities, and subject to unilateral abrogation under the judicially non-reviewable plenary power that was theorised as belonging to the absolute European-derived sovereign.

Contemporary international law and the legacy of Positivism confronted by indigenous peoples

Indigenous peoples are still attempting to recover from the devastating impacts of these major theoretical shifts in international and domestic law regarding their rights and status. The positivist era witnessed the widespread, uncompensated appropriation of treaty-guaranteed lands and resources and the systemic destruction of tribal culture and institutions. The consequence of these attacks on tribal resources and culture was the rapid disintegration of tribal self-determining autonomy. The hundreds of treaties negotiated in good faith between Western governments and indigenous peoples, shorn of the animating, liberal principles of the Classic Enlightenment era Law of Nations were rendered incapable of protecting indigenous peoples in international law, and, therefore, relatedly, have proven time and time again to be unreliable and impotent instruments in domestic legal forums.

But so long as indigenous peoples lack effective protection for their survival in domestic legal forums, they will continue to challenge the failures of modern international law to recognise their territorial rights, their status

as subjects of international law, and their self-determining autonomy, all of which are guaranteed in their Classic era treaties with Western governments. For there are no other effective forums other than those provided by modern international law that hold out any hope of preventing attacks on their fundamental rights.

This is the primary reason why focusing on the historical causes of the failure of modern international law to recognise treaties between indigenous peoples and Western governments holds more than theoretical interest. Admittedly, the primary obstacles that confront indigenous peoples in their struggles to define their rights and status under modern international law derive from the power politics of the Western nations that dominate contemporary international law debates. But the racially intolerant and Eurocentric legal conception of tribalism originating in the late colonial era of a century ago continues to perform an immensely valuable legitimating function for the Western powers in justifying their present colonial domination of indigenous peoples. For the very vocabulary and concepts developed by the positivist writers to justify their nations' exercise of colonial power under international law continue to frame and control debate in international forums in a fashion designed to frustrate and render irrational the claims of indigenous people to territorial rights, international status, and self-determination.

Whether indigenous peoples are "peoples" or "populations" or "nations;" whether they are "subjects" of international law, or simply "national minorities;" whether and to what extent they are entitled to "self-determination," "group rights" or "limited autonomy" are questions which only became relevant in international law with the ascendancy of the negative vision of tribalism that emerged out of the late nineteenth century colonial era. The positivist re-articulation of tribalism's rights and status served as an extremely effective instrument of empire for the West at the height of its colonial domination in the world. It should therefore come as no surprise that the language of "state sovereignty," "the territorial integrity of the nation state," "national minorities" and other such positivist-influenced terms continue to be utilised so effectively against indigenous tribal peoples in debates on their status and rights under modern international law today. So long as indigenous peoples are required to debate and shape their demands and complaints in a language originating in late nineteenth century Western imperialism, the task of setting standards in international law that can better protect and secure their fundamental human rights will not likely make great progress. For that language denies their rights and status as human beings possessed of the same aspirations to freedom, autonomy, and dignity belonging to the rest of the peoples of humanity.

What is needed, therefore, is an alternative to the language and categories derived from the nineteenth century re-articulation of tribalism's

status and rights in international law. This alternative, I believe, can be provided by a return to the Classic era origins of the West's international law itself, and the far more liberal regard for the rights and status of indigenous people found in the works of the Enlightenment writers on the Law of Nations.

I urge this approach for three principal reasons. First, it is an accepted principle of modern international law that treaties should be interpreted according to the law under which they were negotiated. Our present contemporary international law discourse is dominated by distortions and misperceptions of the treaty-making era. A better understanding of the historical context of the treaties is a first step in the process of contemporary interpretation. We presently lack that understanding. Second, the twentieth century decolonisation movements in Africa and Asia, and the revival of natural, law-influenced themes in contemporary human rights law have contributed to the disintegration of central positivist conceptions of a "civilised family of nations" comprised solely of Western societies and the absolute and unquestioned sovereignty of the nation state as the sole guarantor of rights within its territorial borders.

In many ways, the dominant themes of much of contemporary international law discourse – fundamental human rights, the universality of international law, and self-determination – find their sources of inspiration and emergence in the Classic era of the Law of Nations. Retrieving a fuller appreciation of indigenous peoples' rights and status under the Classic era Law of Nations would harmonise with the increasing attention paid to these themes in modern international law. Such a retrieval ought to bring greater coherence and comprehensiveness to efforts aimed at strengthening the centrality of these in modern international law.

Finally, I believe this attempt to retrieve the Classic era's conception of indigenous peoples' rights and status under the law of Nations will confirm that it has only been for a relatively short period (roughly since the latter part of the nineteenth century) that the West's international law has sought to deny the application to tribalism of a set of principles central to the West's own legal and political inheritance: the principles of equality; the universality of a rule of law governing relations between all peoples, and the right of self-determination. The effects of this denial for indigenous tribal peoples have been devastating, and nowhere more so than with respect to their rights and status as confirmed in treaties with Western powers under international law. For the denial of human equality, the universality of the rule of international law, and self-determination eliminates the principled foundation on which the treaties were negotiated, thereby rendering them unintelligible as fundamental documents in the history of the West's international law. By retrieving the Classic era conception of tribalism's rights and status, the treaties themselves might be able to provide the language

and principled basis that indigenous peoples today so sorely lack in seeking to constrain the massive abuses against their human rights. For the treaties themselves represent the best contemporary evidence of the legal principles consented to by the Western governments and indigenous peoples at the commencement of their bilateral efforts aimed at structuring their future relationships under international law.

** This statement was presented by Robert A. Williams Jr., Professor of Law, Supervisor of Indian Law Clinical Program University of Arizona, on behalf of the National Indian Youth Council at the 7th Session of the UN Working Group on Indigenous Populations, Geneva, 1989.*

International:

Declaration of the World Rainforest Movement

An emergency call to action for the forests, their people and life on earth

1. *Forests, both temperate and tropical, are an integral part of the life-support systems of the planet, performing numerous ecological and social functions that are essential to the continuation of life as we know it on earth.*

These functions include:

- regulating climate at both the regional and global level;
- providing a habitat for the majority of species on earth;
- providing a homeland and spiritual basis for millions of forest peoples;
- maintaining and conserving soils;
- regulating hydrological cycles and ensuring water supplies.

2. *The continuing loss of the world's forests now constitutes a global emergency.*

- In temperate areas, the bulk of primary forests have been destroyed. What remains is being lost to logging and acid rain and other pollutants;
- In tropical areas, forests are disappearing at the rate of 100 acres a minute or more. Moreover, the rates of destruction are increasing and, on current trends, little will be left within a few decades.

3. *The immediate and long-term consequences of global deforestation threaten the very survival of life as we know it on earth. Indeed, the scale of deforestation and its impact now represents one of the gravest emergencies ever to face the human race.*

Such consequences include:

- The disruption of climatic equilibrium and the acceleration of global warming;
- A loss of biological diversity on an unprecedented scale;
- The destruction of forest-based societies;
- Increasing droughts, floods, soil erosion and desertification;
- The dispossession and displacement of peasants and forest peoples through floods and the other ecological impacts of deforestation.

4. *The current social and economic policies and practices that lead to deforestation throughout the world in the name "development" are directly responsible for the annihilation of the earth's forests, bringing poverty and misery to millions and threatening global ecosystems with collapse.*

Such policies and practices include:

- Plantations, both for industrial forestry and for export crops;
- Ranching schemes;
- Dam projects;
- Commercial logging;
- Colonisation schemes;
- Mining and industry;
- The dispossession of peasants and indigenous peoples;
- Roads;
- Pollution;
- Tourism.

5. *Official solutions to the problem of deforestation have ignored or played down the fundamental causes of deforestation and have instead adopted policies that blame the victims of deforestation for their plight, while simultaneously pursuing "solutions" that can only result in the further degradation of forests and croplands through the promotion of industrialised forestry.*

Specifically, such policies include:

- The Tropical Forest Action Plan, as promoted by the World Bank, the UN Food and Agriculture Organisation, the UN Development Programme and others;
- "Sustained yield" commercial logging, as promoted by the International Timber Trade Agreement;
- Policies to zone the forests;
- The commercialisation and privatisation of biological diversity, as promoted through the International Biodiversity Programme;
- Pollution control programmes that are directed towards "managing" specific pollutants rather than reducing the source of pollution.

6. *Throughout the world, the victims of these policies are taking action to arrest deforestation and reverse the process of destruction. In Sarawak, Amazonia, the Himalayas, Thailand, the Philippines and elsewhere, people are standing up to protect the forests and their societies. Such peoples have proved that they are able to use the forests in the only way that is compatible with their preservation. It is not corporations, aid agencies and banks, who should be entrusted with designing and implementing the protection and regeneration of the forest wealth of the planet.*

7. *The victims of the development process, along with those concerned with their fate and the fate of the earth, therefore call upon the United Nations and national governments to take urgent steps:*

- To restore ecological justice and integrity to humanity by returning to the millions of people who both live in the forest and who depend upon it, their right to sustainable livelihood.
 - To restore ecological justice and integrity to life on earth through ceasing further forest destruction and regenerating damaged forest lands through the guidance of indigenous peoples, peasants, and local communities, planting only their choice of trees and plants, with the aim of restoring ecological diversity and the survival of indigenous societies.
 - To restrain the over-consumption and wastage of resources by the world's privileged groups through making the necessary changes in lifestyle and consumption patterns consistent with the development of sustainable livelihoods throughout the globe, in order to satisfy the ecological, spiritual, social and aesthetic needs of people everywhere.
8. *Specifically we call upon the United Nations and national governments:*
- i) To empower forest peoples and those who depend upon the forest for their livelihood with the responsibility of safeguarding the forests and ensuring their regeneration by
 - a) achieving land security for rural peoples, both through revising land tenure legislation and through land reform, as recommended in the Brundtland report;
 - b) empowering local people with the right to a decisive voice in formulating policies for their areas;
 - c) rejecting social and economic policies based on the assumed cultural superiority of non-forest peoples.
 - ii) To halt all those practices and projects which would contribute either directly or indirectly to further forest loss. Such projects would include: plantation schemes, dams, ranching schemes, mining and industrial projects, commercial logging, the Tropical Forest Action Plan, the UN Biodiversity Programme, etc.
 - iii) To revise radically the policies of those agencies that currently finance the projects and practices causing deforestation. Funding for such projects should cease and instead be directed towards projects that promote the protection and regeneration of forests. The agencies involved include: multilateral aid agencies and banks, such as the World Bank, the Inter-American Development Bank and the Asian Development Bank; the UN Food and Agriculture Organisation and the United Nations Development Programme; the overseas aid agencies of the developed countries; and major international corporations.
 - iv) To implement, through the agency of forest peoples and under their direction, a programme for regenerating degraded forest lands and reinvigorating local cultures.

- v) To take immediate steps to curb the wastage, misuse and over-consumption of timber products.
- vi) To ban all imports of tropical timber from natural forests and tropical wood products.
- vii) To take immediate steps to cut down the consumption of imported beef from tropical forest areas.
- viii) To restructure the present unequal world economic system which is dominated by institutions and practices that favour the developed countries at the expense of the poor of the Third World. This global system at present enables the developed countries to control and use an overwhelming and disproportionately high share of the world's natural resources. A fairer and more equitable economic system is therefore fundamental to any strategy for saving and regenerating the world's forests.
- ix) To initiate a global shift towards developing sustainable livelihoods. The basic goals of such a shift would be developing systems of production that are ecologically and socially sustainable. This will require:
 - reducing the scale at which production is carried out and adopting practices which minimise the impact of production on the environment;
 - maximising local self-sufficiency; and
 - assuring that economic activities are subordinated to social and ecological ends.

Statement drafted by participants of the World Rainforest Movement Meeting in Penang, Malaysia on 14-17 April 1989, which included representatives from the following organizations:

The Indonesian NGO's Network for Forest Conservation (SKEPHI) (Indonesia)

Sahabat Alam Malaysia (Malaysia)

Haribon Foundation (The Philippines)

Project for Ecological Recovery (Thailand)

Research Foundation for Science and Ecology (India)

Japan Tropical Forest Action Network (Japan)

Rainforest Information Center (Australia)

Probe International (Canada)

The Ecologist (United Kingdom)

Survival International (United Kingdom)

Forest Peoples' Support Group (United Kingdom)

Bank Information Center (USA)

Rainforest Action Network (USA)

Malaysia:

Sarawak report: the Kayan trial

By Mike Roselle

In April 1989, Mike Roselle, co-ordinator of Rainforest Action Network's Tropical Timber Campaign, attended the Kayan trial in Sarawak.

Before dawn, as I watch the full moon set behind the dense Sarawak jungle, the Kayan longhouse where I have slept is already bustling with activity. Quietly, the people of Uma Bawang are preparing their dug-out canoe for the long ride down the Baram River. They pack rice wrapped in banana leaves, bamboo stalks stuffed with cooked meats and greens, and plenty of tea. Though the canoe bears a 30-horse outboard, it will be an arduous journey, ten hours at least.

Our destination is the town of Marudi, where 42 Kayan will stand trial today on charges of obstructing commercial logging on their customary homeland. The defendants, who range in age from 16 to 75, face maximum penalties of five years in jail. Another 30 family members have come along to show support.

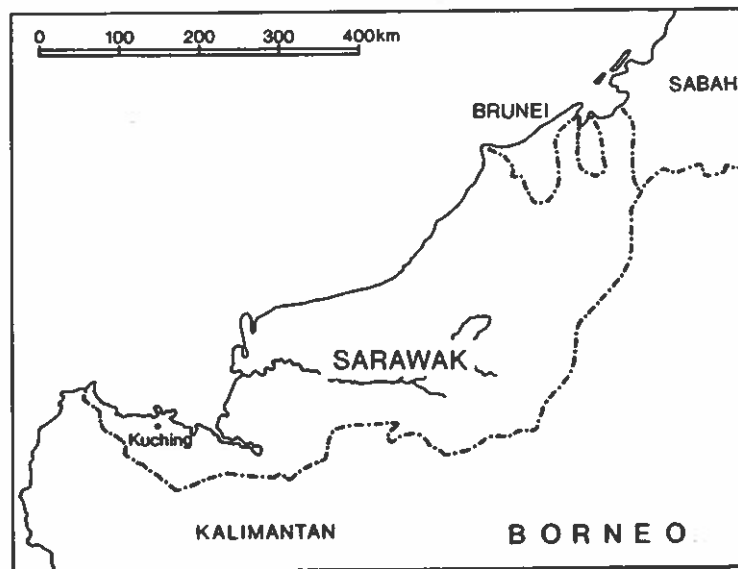
As we putter downriver, people from other longhouses shout and wave, cheering us on, and we arrive in Marudi to find the small wooden courthouse packed with representatives from tribes all over Sarawak.

None of us are quite prepared for what happens next. Shortly after the court is brought into session the prosecutor moves that all charges against the Kayan be dropped unconditionally. Judge Pauline Chang grants the request and immediately adjourns the court.

This is a stunning turn of events, to say the least, one that is both good and bad, for Judge Chang also denies the Kayan request to make a statement. And when the Kayan lawyer moves for full acquittal, his motion is denied on the grounds that no charges have been brought and no evidence offered. Therefore, although the Kayan are free, they can be retried on the same charges.

Later, in front of the courthouse, when the defendants gather with their lawyer, the scene seems oddly incongruous - the trial has received international attention, and yet, aside from this observer, an Australian journalist disguised as a tourist, and the attorney, who is from Brunei, there is no one here from outside Sarawak.

Yet everyone - defendants, prosecutor, Judge Chang - is aware of the



Map of Sarawak, Malaysia (Jørgen Ulrich).

attention the Kayan trial has generated. The government knows its case against the Kayan is weak, and by moving the dismissal it hopes to avoid calling further attention to the logging taking place upriver.

As I stopped to talk with Harrison Ngau, a Kayan who works with the environmental group Sahabat Alam in Marudi and is under a sort of house arrest for his activities, a Kayan woman offers me a friendship bracelet, a clear message of thanks for the support we on the outside have given the Kayan. Without that help, without, most especially, our letters to Malaysian officials, they would probably still be in jail.

Meanwhile, thick with silt, the Baram River winds slowly past the courthouse. We stand and sweat in the afternoon heat and watch a barge loaded high with Sarawak logs motor toward the port.

"The people of Uma Bawang are glad the charges were dropped," Ngau says. "But they feel like they are running a race. And even if they should win, they know that someone has already stolen the trophy."

Source: *World Rainforest Report*, June-August 1989 vol.V, no. 2.

100 Tribesmen Held for Blocking Logging

In the middle of September the Malaysian authorities arrested nearly one hundred tribal people who have been engaged in a bitter campaign to save what is left of their home forests in Central Borneo, from commercial loggers. Security officials said those arrested were to be charged in court under a law introduced last year which made blockading logging tracks a criminal and jailable offence.

The Penan tribesmen have been held for the past four days in the eastern Malaysian state of Sarawak for putting up blockades across jungle tracks to stop private timber companies from transporting logs. The Penan had put up new road barriers in August when timber contractors stepped up tree-felling, fearing government curbs on logging.

This is the third Penan blockade since mid-1987 when the Penan, said to be one of the last of the hunters and gatherers left anywhere in the world's tropical forests, intensified their campaign to stop the destruction of their environment.

"The latest blockades are the most serious and widespread," said S.M. Mohamed Idris, president of Sahabat Alam Malaysia (SAM), the Malaysian chapter of the Friends of The Earth Environmental Protection Group. "The time has now come for the government to decide once and for all to save whatever is left of our precious forests. A little later and there will be none left to save," he warned.

Malaysia is the world's largest exporter of tropical logs and has been under fire from environmentalists for refusing to ban the trade in tropical hardwoods. Under pressure from international green groups, the Government recently announced it would cut back on logging, and nature activists here say this could have triggered off a new frenzy of felling in Sarawak where the bulk of Malaysia's logs come from. Sarawak is Malaysia's largest state, and 76 per cent of its land area of 12.3 million hectares is covered with dense jungle.

Malaysia earned three billion dollars last year from its export of logs and timber products. International demand for logs has increased because of bans on log exports in neighbouring Thailand, Indonesia and the Philippines.

In Baram, one of the areas where the Penan erected barriers on logging tracks, chain-saw gangs and lumber lorries are working round-the-clock in three shifts. The Penan, who used to hunt and forage for food in these jungles are angry at the mechanised greed with which their forests and their livelihood are being destroyed.

SAM says that in one recent incident, a logging company sent bulldozers to level farmlands owned by the tribesmen, to build a road to a patch

of forests which protected their land from erosion and was the source of water for their crops and long houses.

“Our situation is really a choice of either to just sit back and see the company continuing to log and damage our land and forests and further pollute our rivers or to do what we can to save ourselves and ensure our survival,” said Pagah Ak Sebang, a Penan representative.

International concern over the indiscriminate logging of Sarawak’s 150 million-year-old forests and the threats this posed to Penans has mounted. Green groups staged protests in September in European cities as part of their Anti-Tropical Hardwood Campaign. Documentaries were shown on the Penans and the efforts of a Swiss artist, Bruno Manser, who helped organise the Penans in their anti-logging activities.

Manser has been living illegally in Sarawak since his visa expired in 1984. He told a French television crew last year there was a 25 000 dollar reward for his capture. The Malaysian authorities have denied this. Recent unconfirmed reports said Manser had left Borneo by sailing to the southern Philippine islands of Palawan.

Source: IPS, September 1989

Philippines:

Statement of the Philippine Delegation to the UN Working Group on Indigenous Peoples

Introduction

We are members and representatives of KAMP (Kalipunan ng mga Katutubong Mamamayan ng Pilipinas), the National Federation of Philippine Indigenous Peoples Organisations. From our country, we bring you the warmest regards and greetings of solidarity.

Two years ago, in this very same place, our representatives came before you to express their solidarity with indigenous peoples all over the world and to share with you their plight under the new post-dictatorship regime in the Philippines. They came to tell you that in spite of the fall of the tyrannical dictatorship of Mr. Marcos, the indigenous peoples of the Philippines were not in a better situation and their condition was in fact, getting worse.

Today, we come here before you to say that nothing much has changed since our last meetings. Our situation has continued to deteriorate.

Just some weeks ago, the President of our country went on a state visit to Western Europe. We are sure that you are very much aware that she preceded us here in this continent. Going mainly to France, West Germany and Belgium, she basically came to request commitments for aid to the Philippine Assistance Program (PAP) to provide relief from the staggering foreign debt of the Philippines. The loans and aid she would get from here is supposed to help uplift the Filipino people from the morass of poverty and underdevelopment.

In one of her talks, she freely admitted that complying with the Philippines’ debt obligations has been implemented *at a punishing price to its people*.

More landgrabbing and displacement

How true!

It is not the government bureaucrats, the politicians nor the Filipino elite who will shoulder the staggering cost of foreign debt. It is the Filipino people!

To get more new loans and aid from its creditors, the Philippine government prepared a Letter of Intent (LOI) addressed to the International Monetary Fund (IMF) with its Memorandum on Economic Policy (MEP) proposals should the Philippines be granted new loans.

The MEP was formulated, in spite of the massive lobbying of peoples' organisations. The people, particularly indigenous peoples, were excluded from the MEP formulations and in negotiations with the IMF.

The MEP advances a development strategy which is highly dependent on foreign exchange from export earnings for investment loans and aid. The government has decided to pay back its creditors without consulting the people and this means a forced cash flow of much needed currency from the Philippines back to the West and Japan.

The government has also "magnanimously" assumed, acquired or guaranteed the loans of more than 200 private corporations which belong to the top 1 000 corporations in the country. Many of these corporations are subsidiaries of transnational corporations or Marcos' cronies' firms. This includes foreign and domestic banks which are creditors to the Philippines like City Bank, the number one private creditor to the country.

In a breakfast meeting in France with French industrialists, President Aquino said that she was open to a proposal to provide bigger equity participation for foreign businessmen in Philippine businesses.

The implications of all these are mind-boggling. It is no wonder that more than 50 per cent of the Philippine national budget is allocated mainly to debt-servicing and military expenditures.

Friends, what we have prophesied two years ago is coming true.

All these mean that there is lesser state allocation for basic human and community needs like education, health, sanitation, social welfare and the like. If the majority of Filipinos are being neglected, what more of the indigenous people?

Our ancestral domains are being opened up all the more to foreign and local big business for plunder and exploitation. Massive and intensified resource extraction is under way. This means more landgrabbing and displacement.

The pre-condition to more loans and investments is infrastructure and "political stability". Thus, we expect greater repression.

Truly, "...a punishing price..." to pay.

We assure the members of the Working Group and the donor countries today that aid to the Philippines will not mean the promotion of a "...balanced distribution of income among the populace..." nor will it mean "...the promotion of human rights..."

Militarisation and human rights violations continue

In this visit to Europe, President Aquino also defended her government's human rights record saying that:

"...the restoration of democracy has sharply curtailed, if it has not erased, violations of human rights by the military..."



Burned down dwellings among the Buhid, Hanunoo and Iraya Mangyans in the hinterlands of Mindoro in the aftermath of bombings by the military, which continued in 1989. Photo by Danilo Geiger.

This is what she said. But we say to you, in spite of disclaimers to the contrary, human rights violations against indigenous peoples communities and individuals continue.

Just this year, from June 26 to July 1, we went on a fact finding mission sponsored by the Ecumenical Movement for Justice and Peace (EMJP) and the Network of Advocates for Indigenous People's Rights (TABAK) to Tabuk municipality, Kalinga-Apayao in the Cordillera region. Three villages, namely Dupag, Bagumbayan and Naneng were the scene of military operations from June 8 to 15. The military operations were perpetrated by 400 soldiers of the Armed Forces of the Philippines (AFP). They were a composite group composed of the Police, Balweg's CPLA, the CAFGUs, the 114th PC Infantry Battalion and the 21st Philippine Army Infantry Battalion.

As a result of the operation, 400 families were affected, a majority of whom were evacuated to other villages and to the Tabuk town proper. Around 100 hectares of rice fields were either damaged or can no longer be harvested because the people feared going back to their farms. Land that had been prepared for planting was left behind and is now overgrown with weeds and grass. Uncooked rice, *basi* and chickens were either stolen or damaged. Seven houses were strafed while one was hit by a bomb.



*Tribal leaders of the Teduray, Dulangan Manuvu and Lambangian tribes of Mindanaw in the southern Philippines.
Photo by LUMAD Mindanaw.*

A massacre was reported with three dead and one wounded. Illness and malnutrition now stalk the evacuees. 130 children and 165 adults have already suffered from diarrhoea, malaria, upper respiratory tract infection and a host of other illnesses.

Atrocities are being committed against us because they want our land. They won't have it. We will never give it up. We draw our inspiration from the struggles of other oppressed indigenous peoples in this body. We will not be cowed. We are fighting back.

The US Bases in the Philippines

Friends, a few months from now, talks between the government of the Republic of the Philippines and the American government will resume concerning the fate of US military installations in our country. These military installations, more popularly known as US Bases, are a mockery of the national sovereignty of our country. Nuclear weapons are stored there. They thus endanger the life of millions of Filipinos and generations after them.

Furthermore, the two major US Bases, the Clark Airbase in Pampanga and the Subic Naval Base in Zambales are standing on the ancestral domain

of the indigenous Aeta people. These military bases, with their weapons of horrible death, are also sitting on some of the most productive lands of our country that can be put to better use by Filipino farmers.

As you well know, the US government supported the Marcos dictatorship in the past to safeguard their strategic politico-military interests in the Pacific and their billions of economic investments in the Philippines and Southeast Asia. Today, the US government is the number one backer of the unreformed Philippine military who are committing inhumanities against our people. It is the United States of America's transnational corporations that are mainly leading the plunder of our ancestral lands.

We join the Filipino people in calling and working for the total dismantling of these US military facilities in our country. We are also against the existence of any foreign military bases in the Asia-Pacific Region. We ask the members of this body to support us in this struggle.

Our commitment and appeal

Two years ago, when our representatives first appeared before you, we promised to have the Philippine government ratify ILO Convention 107. KAMP's commitment is for the defense of the rights of indigenous peoples in the international sphere. Our own feeling is that the document has its weaknesses particularly in the realm of self-determination of our people. However, we will continue to work towards its improvement - and any document for that matter - that intends to uplift the conditions of indigenous peoples and truly reflects our aspirations.

We have a document in which is compiled the human rights violations against our people from 1986 to early 1989. During our joint information campaign with the Network of Advocates for Indigenous Peoples Rights (TABAK) on the "Stop the Bombing of Indigenous Communities Campaign", this year and last year, we had intended to file a case against the Philippine government in the United Nations. Today we are submitting this document to the Working Group as well as the concerned UN bodies. We ask you to study the document and we request appropriate action.

Friends, two years ago, we also made a special appeal to you. We ask you to consider "for our sake and for future generations", the first recommendation for *immediate action* of the Independent Commission on International Humanitarian Issues, which says:

"Recourse procedures must be established within the UN to examine threats to the well-being and survival of the indigenous peoples. An international ombudsman, under the UN aegis, could help monitor such situations and report to the General Assembly and the Secretary General all crisis situations affecting indigenous peoples such as conflicts, forced relocations, ethnocide and genocide."

At that time, we asked you, “.What is the use of having good international standards years from now, if we no longer exist? What is the reason for harvesting the grass when the horse is already dead?”

Today we strongly feel that the horse is dying if isn't already dead.

Be that as it may, Madame chairperson and members of the Working Group, in 1987 we invited you to the first and founding congress of our Federation, KAMP. Today, we are inviting you once again to the second Congress of our organisation from December 6-9, 1989. Please join us in celebrating our gains and achievements for the past two years.

Finally, allow us to express our gratitude and confidence in you. Thank you for believing in us. Because of your faith we too have confidence in the future. Together, we know that our victory is assured. Thank you very much.

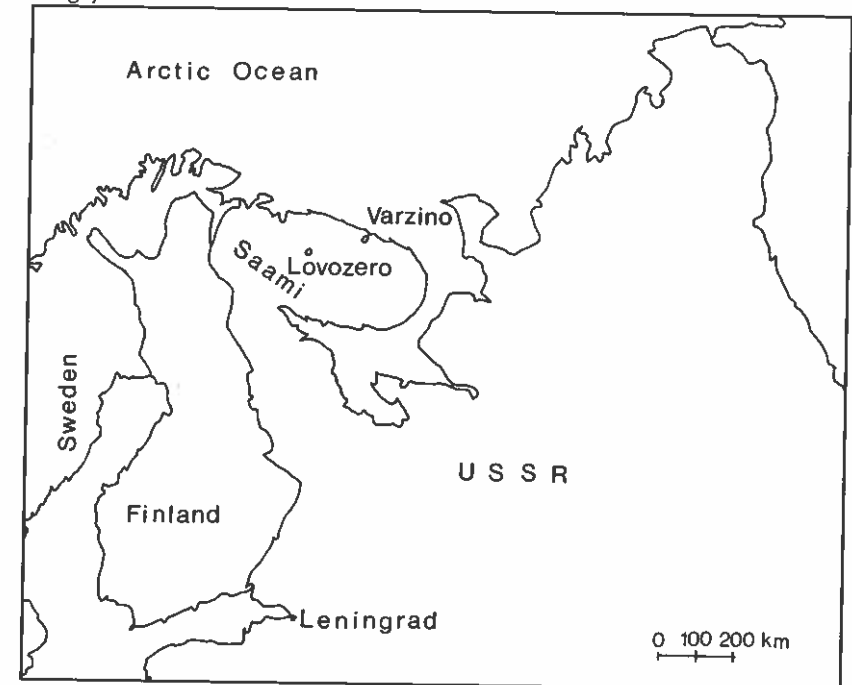
Statement of the Delegation of the Philippine Indigenous Organisations during the 7th Session of the United Nations Working Group on Indigenous Populations, Geneva, 1989.

Soviet Union:

The Problem of the Soviet Saami

By L. Vatonena

Much is being written and said about the nationality problems in the Soviet Union at the moment. This brief report looks at the situation of the Soviet Saami of the Kola Peninsula who number 5 000. Up until the 1950's and 1960's there were still six Saami villages in the Lovozero area but these were later amalgamated because all the buildings had been damaged or flooded. This amalgamation took place very suddenly, with no prior warning. I myself witnessed how the inhabitants of Varzino were transferred to the town of Lovozero. Housing facilities had not been arranged and they had to move in with relatives or live in hovels that were in such a poor state that nobody else wanted to live there. Three families, consisting of 11 people, moved into our house. Imagine, 16 people sharing a house with two rooms and one kitchen! They did not just stay with us for a year, they stayed on for five long years.



Map showing approximate location of Lovozero and Varzino municipalities in Soviet Saami territory. Map by Joan Andersen.

And today one is surprised that there is so much alcoholism among the Saami and that so many of them are breaking laws and regulations.

There have been suicides in one out of every 3 families that moved to Varzino. And so it follows that alcohol is consumed in great quantities? Can you blame anyone for wasting good wages? You can buy a sofa upholstered with walrus skin, clothes, but not much more as there is no room anywhere for even just a cupboard, for example.

The alcoholic parents lost custody of their children. When the children finished boarding school, they were obliged to take care of themselves. But they had nowhere to go whereby they could amuse themselves and divert their attention, so as to be able to escape the vicious circle of an alcoholic environment as their parents'. In this way, the youth had no alternatives to transform themselves; thus were a new crop of drunkards and potential suicides fostered.

People were torn away from their native villages and their natural environment without being offered compensation. What else can be expected? This is really *a road to hell paved with good intentions*.

The famous Roman philosopher, Tacitus, wrote about the Saami in the first century A.D.: *And yet these people consider their destiny far more marvelous than working the soil, or be engaged in house building and who, full of hopes and fears, are always thinking of their own and others' possessions. Oblivious to either human beings or their gods, they (Saami) have reached the most difficult of ideals: they know not even the need to wish for anything.*

Has it really been necessary to decide matters on behalf of these people? Has it really been necessary to announce that these people are not living the right way and that they must live like everyone else?

The Soviet authorities have done a lot for the Saami people: they have been given access to education, they have had the right to decide things for themselves according to their own wishes, they have been able to eradicate diseases and lower infant mortality. But this is not the issue today. At present when discussions on questions of nationality have resurged, we should not commit the same mistakes as in the past.

Why are the Saami sending their children from the boarding school in Lovozero to other schools in the region? Why are they doing this when it has already been decided to convert the boarding school into a national school? So far the problem of housing for those who finish boarding school and are without parents, has not been solved. It is true that they are provided clothes and other necessities, but housing is the most fundamental thing.

Is it not strange that the housing problem of an indigenous people is not being dealt with in the main town? The Saami comprise 20 % of the entire population of Lovozero. Between the years 1986 and 1987, the housing policy for the Saami came to resemble compulsory charity: *We offer you housing by*

letting you jump the queue. It should be openly admitted however that this was a debt which was only then being paid back after a long delay to the Saami families who had been transferred from their villages.

It is far too early to say that the Saami housing problem has been solved. There are still 15 families and 22 individuals living in dwellings in a poor state, although "living" is too generous a term to use in this context. We must also bear in mind that when the youth come to form families of their own, it will be necessary for them to have their own place to live. Two, three and even four families are living under the same roof in some of the houses. It is very important to ameliorate the housing situation of these families.

Presently 60 % of Saami men of marriageable age remain unmarried. One of the reasons is the housing situation. It is quite normal to find 2 - 4 families living under the same roof. Another reason is that only the men are involved in working with the reindeer.

In the state collective Pamjat Lenina the men usually do all the work in the tent which was traditionally women's work. They spend most of their lives on the tundra, where there are no girls. The girls are not willing to participate in the work with the reindeer herds and the wives do not wish to work under these hard conditions. And so this is another reason why so many men remain unmarried.

Presently a lot of the local reindeer herders - both Saami and Komi - are worried about the planned transferral of the people from the Archangelsk area to our area in order to expand the reindeer herding. Will this not mean that the local inhabitants will be driven away from their own trade now, that the situation on the tundra is starting to get better? When conditions were tough we were all right, but now we are suddenly considered unable to manage without help. If this happens, the whole of our history will be repeated. It would be interesting to have an explanation to this question from the management of the Tundra Collective.

*Source: Lovozerskaja Pravda, Lovozero, Kola; 5 November 1988.
L. Vattona is Vice director of the local Statistical Bureau in Lovozero.*

Tanzania:

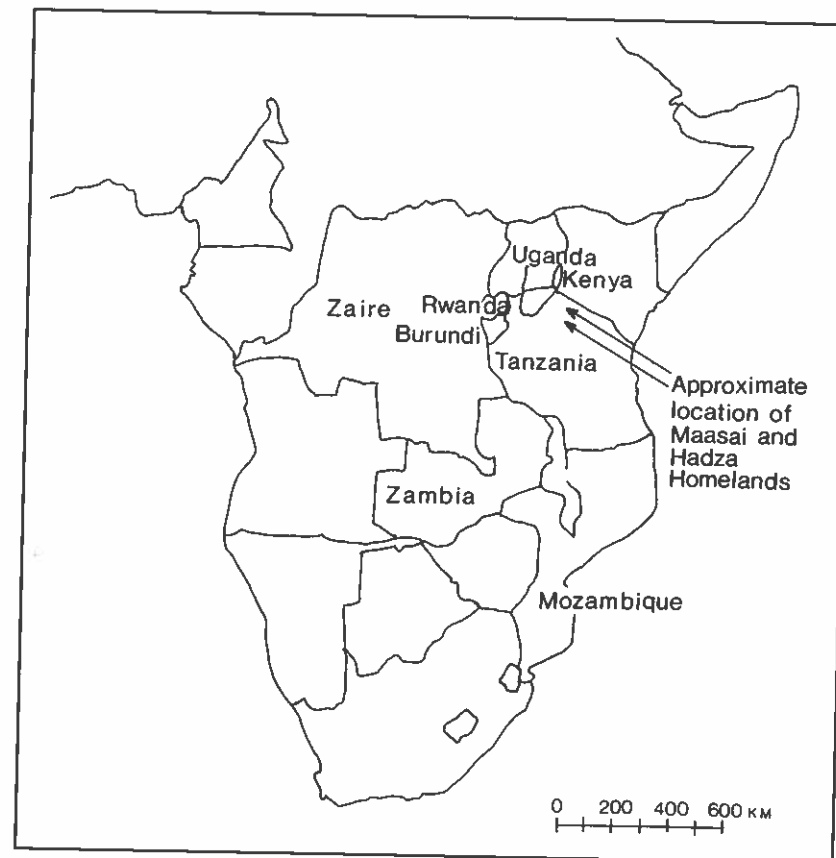
The indigenous peoples' rights question in Africa

By Moringe Parkipuny

This paper was presented at the 7th session of the UN Working Group on Indigenous Peoples in Geneva (UNWGIP) August 1989.

Madam Chairperson, fellow representatives and friends in the struggles of indigenous peoples rights, first, I convey from Africa the message of unity and resolute determination to consolidate the striving for our common course. I have learnt that this is the first time that representatives of any community in Africa have been able to attend this very important forum. This is a historic moment for us. We are only two in attendance, both from Tanzania, of the Hadza and Maasai Communities. I take this opportunity to express our very profound appreciation of the generosity of the UN Voluntary Fund and the NGO Human Rights Fund for Indigenous Peoples which have helped sponsor our trip to Geneva. We look forward to the future when more delegates from Africa will be able to make use of this valuable forum. Would you please accept my wish for your attention and time to introduce our plight and to provide you with some basic information about the situation in Africa which has not been aired in this forum before.

The environment for human rights in Africa is severely polluted by the ramifications of colonialism and neo-colonial social and economic relationships in which we are compelled to pursue our development and sovereignty in a global system replete with injustices and exploitation. Let us keep in mind the fact that the overwhelming majority of African countries attained political independence only in the decade of the 1960s. That is, most have existed as sovereign political entities for a period of less than three decades. And indeed the process of decolonisation is still in progress in Africa. The struggle of the peoples of South Africa against direct and indirect bondage of apartheid allied with the might of Western economic hegemony provides ample testimony of the agonies of Africa in its determination to overcome the inhumanities of colonialism and neo-colonialism. In that ahistorical context, African countries are at present going through a necessary phase of consolidating the fabric of national identity and unity of all their peoples, free from the destructive afflictions of tribalism which have already created massive losses of life in several countries. These historical factors are crucial in seeking to place into perspective the question of the human rights of indigenous and distinctive cultural communities in Africa.



Map showing the approximate location of the Maasai and Hadza homelands in Tanzania. Map by Joan Andersen.

However, in common with other regions of the world, Africa is not composed of a monolithic human cultural population. This holds equally true in the case of the different countries of our continent. Most African countries have peoples of diverse cultural roots. What is more, almost a century of colonialism has left a legacy of very unequal access to education which has in turn created wide disparities in participation in the apparatus of the state and the national economy. Yet there is hardly any African state that has a charter of rights that gives recognition to the existing cultural diversity.

Preoccupation with the promotion of the rights of the majority and the vital need to consolidate national identity and unity are, beyond doubt, necessary undertakings. But these concerns should never be pursued to the exclusion of the protection of the legitimate rights of vulnerable minorities.

To do that undermines the very objective of national unity and places a primary component of human rights to cultural diversity outside the agenda of national ethics, integrity and freedom to development options.

In Africa, uniformity of approach and state monopoly of interpretation of national identities, and also the conception of what development actually means, have thrown wide open the door for prejudices against the fundamental rights and social values of those peoples with cultures that are distinctly different from those of the mainstream of the national population. Such prejudices have crystallised in many African countries into blatant cultural intolerance, domination and persistent violations of the fundamental rights of minorities.

In East Africa there are two main categories of vulnerable minority peoples who have been, in consequence, subjected to flagrant violations of community and individual rights. These are hunters and gatherers, namely the *Hadza*, *Dorobo* and *Sandawe* together with many ethnic groups who are pastoralists. The *Maasai* of Tanzania and Kenya are the largest and most widely known of the many pastoral peoples of East Africa.

These minorities suffer from the common problems which characterise the plight of indigenous peoples throughout the world. The most fundamental rights to maintain our specific cultural identity and the land that constitutes the foundation of our existence as a people are not respected by the state and fellow citizens who belong to the mainstream population. In our societies the land and natural resources are the means of livelihood, the media of cultural and spiritual integrity for the entire community as opposed to individual appropriation. The process of alienation of our land and its resources was launched by European colonial authorities at the beginning of this century and has been carried on, to date, after the attainment of national independence. Our cultures and ways of life are viewed as outmoded, inimical to national pride and a hindrance to progress. What is more, access to education and other basic services are minimal, relative to the mainstream of the population of the countries to which we are citizens in common with other peoples.

Let it be understood, we do not advocate separatism but assert the fundamental human right to maintain our cultural identity within the framework of United Nations of Africa. We do not expect overnight change. We trust that our modest plea in this most appropriate forum of the United Nations has been understood. We speak with the total conviction that respect for our differences strengthens unity and national identity in our countries and the world at large.

With the greatest respect to Mother Earth, the cradle of all life, I salute you all. Thank you very much for your time and attention.

Moringe Parkipuny is the member of Parliament for Ngorongoro, Tanzania.

Tibet:

Refugee accounts of human rights violations in Tibet

By Dr Blake Kerr

During the summer and fall of 1987, I travelled to China and Tibet for four months with John Ackerly to help organise a medical expedition with US and Tibetan physicians. In Lhasa, a Tibetan woman told me that she had been sterilised the previous summer. After delivering her third child at one of Lhasa's Chinese hospitals, she saw a nurse kill her baby with a lethal injection, and she was then sterilised against her will. The woman went on to say that forced abortion, sterilisation and infanticide are part of China's birth control policy in Tibet.

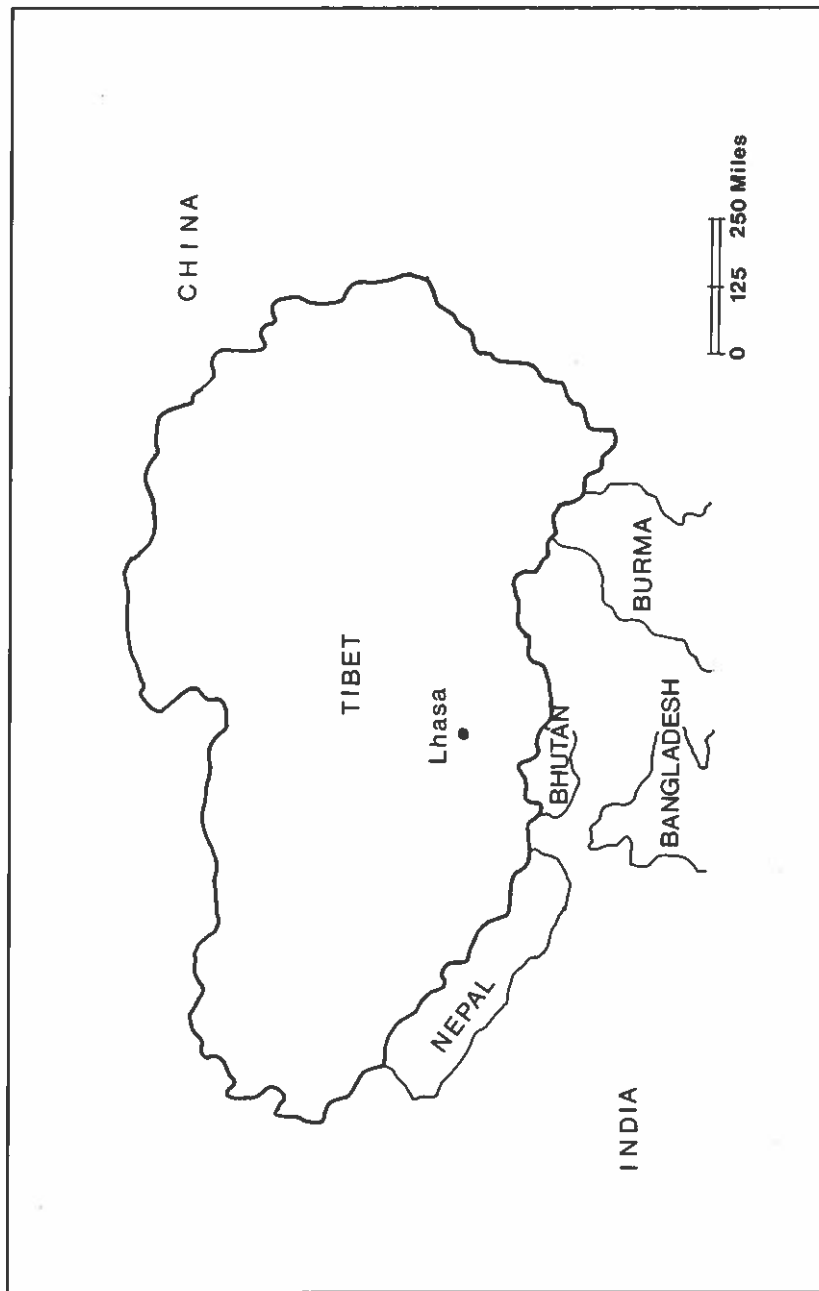
This woman's story would have seemed preposterous to me if I had not observed a wide range of human rights violations in Tibet. In Lhasa on 27 September, 1 October, and 6 October 1987, I witnessed demonstrations against Chinese rule in Tibet. On 1 October I also confirmed the deaths of six Tibetans by gunshot wounds and beatings. An estimated 100 Tibetans became fugitives when those wounded with bullets or beatings were denied medical care at Chinese hospitals. Some of the wounded died. Others were dragged from their homes in the middle of the night and taken to prison.

Given the political nature of human rights violations in Tibet, it is difficult to interview indigenous Tibetans on human rights abuses. In the last year the People's Republic of China (PRC) has restricted independent travel and journalists, denied requests from international human rights groups that would investigate human rights violations in Tibet, and insisted that foreign queries constitute meddling in China's "internal affairs."

This fall, John Ackerly and I travelled to Tibetan exile communities in India and Nepal to interview recent Tibetan refugees on China's birth control policy in Tibet and the torture of political prisoners. We collected 25 interviews with an interpreter. Each interview was notarised. Some of the findings from these interviews were published in the *Washington Post* on 26 February 1989, in an article entitled "Witness to China's shame." The following is an abbreviated summary of our findings:

Torture

Thousands of Tibetans have been arrested since September 1987 for suspected participation in demonstrations against Chinese rule. Tibetans in-



Map showing Tibet and neighbouring states. Map by Joan Andersen.

jured during demonstrations have been denied access to local Chinese hospitals in Lhasa, the only access Tibetans have is to a Western hospital. Many Tibetans admitted to hospitals have been questioned, photographed, and taken to prison before they were properly treated for their injuries.

Once arrested or detained, Tibetans are routinely beaten and interrogated. Interrogation is always accompanied by beatings and frequently by torture. Youden, a 29-year old health professional who worked in Lhasa, said:

Ten days after the 5 March 1988 demonstration, the police came to my work place and took me to the police station, where they produced a thick book that, I was told, contained all my crimes. They never opened the book. At first I tried to tell the police that I had not done anything wrong. Then women police took me to a different room where they kicked me in the chest. They touched my mouth with an electric stick many times, which felt as though my mouth had exploded, and I lost consciousness.

Then I was taken to Drapchi prison where Chinese policemen tried to strip me again. I cried as my clothes were being ripped off, with the help of Chinese women police. Then I was beaten all over my body with the electric stick, many times on my breasts, mouth and head. I lost consciousness from this many times. I did not confess to committing any crimes, other than throwing rocks. Before being released from Drapchi, I was told not to say anything about what had happened to me in prison, and that if I ever participated in another demonstration, I would be treated much worse.

We interviewed seven Tibetan men, women and monks who described their interrogation and torture that lasted from 4 days to 8 months. One Tibetan policeman described how he tortured his own people. Our interviews confirm earlier reports in the literature, accounts from other travellers to Tibet, and reports from human rights organisations that the torture of Tibetan men, women, monks, nuns and children is routine. Political prisoners are beaten with virtually anything available to the torturers: gun butts, truncheons, clubs with nails driven through the ends, rocks, and electric "cattle prods", often until the prisoner loses consciousness.

Other forms of torture commonly used on political prisoners include hanging prisoners by their wrists, ankles or thumbs for periods of hours or even days, submerging prisoners in ice water or dousing them with cold water, making prisoners stand or run for hours, and setting trained guard dogs to attack prisoners. We also received disturbing, but unconfirmed, accounts of debilitating and lethal injections being given to some recalcitrant prisoners before their release.

From our interviews, we are not able to say if women or nuns are treated any worse than men or monks. We received reports of men who had their testicles crushed and women and nuns who had the "cattle prods" repeatedly jabbed into their vaginas. The torture meted out to women, and nuns

in particular, is certainly extreme. A nun friend of Youden's (mentioned above) was taken to Drapchi prison for four months for participating in the 5 March demonstration:

The first time I visited Ngawang in late March she looked very healthy. When Ngawang came out, she had lost a lot of weight, was limp, and had difficulty walking. She could hardly walk from damage to her right hip. She had received daily beatings and torture for four months, all the while stripped naked. They (police) forced women to run for hours while the police beat them with cattle prods. Ngawang was tied with an electric cord, beaten with cattle prods, and had dogs attack her many times.

I saw Ngawang after she was released. The dogs must have had very sharp teeth because there was one place in the nun's right thigh that had a large hunk of flesh missing. Ngawang told me that she decided to be beaten, instead of running and have the dogs eat her even if they beat her to death... I wanted to bring Ngawang to India with me, but she was not able to because of her weakened condition.

There are numerous reports of Tibetans dying as a result of torture in prison, which is not surprising as prisoners apprehended for attending demonstrations against Chinese rule are often imprisoned and tortured for several months. Medical attention, if provided, is done so only if the prisoner is in danger of dying. The purpose of torturing a prisoner, according to a Tibetan policeman who admitted to torturing Tibetans himself, is to prolong the torture as long as possible. "If a prisoner dies during the beatings," the policeman said, "the police are not responsible because it is the prisoner's fault if he or she dies. The police have the upper hand and are free to beat prisoners to death."

Birth control

China's national birth control policy states that Tibetan "minority" women are allowed to have two children, while Chinese women are allowed to have only one child. In order for a Tibetan or a Chinese woman to have one child, she must be married and between the ages of 25 and 35. A Tibetan woman desiring a second child must wait 4 years before becoming pregnant again. Women who become pregnant outside of the parameters must have an abortion and/or be sterilised, or face severe social and economic sanctions.

Economic sanctions for Tibetan and Chinese women who have additional children include permanent demotions and the potential loss of employment for both parents, as well as fines from 500 to 3 000 yuans (one to six years salary). Tibetan women who live in town or work with the Chinese are strongly encouraged to have only one child, like the Chinese women.



*Tibetan woman engaged in weaving at refugee camp.
Photo by Kim Andersen.*

Fines imposed on additional children are more severe than those imposed on the parents. Illegal children are denied legal papers that give them the right to exist, attend school, own property, travel, participate in organised work, or obtain a ration card. A ration card entitles a child to receive a monthly allotment of the Tibetan dietary staples at government stores. Thousands of children without legal papers or ration cards are said to live in villages. Their economic and social exile may be producing a growing generation of "illegal" children committed to a lifetime of menial jobs, like the collection of refuse or dung.

Infanticide is the killing of a newborn. Three women interviewed described how a relative or acquaintance of theirs had delivered a healthy baby, only to have the nurse kill it with a lethal injection in the *soft spot* on the forehead. Additional cases of infanticide are considered abortion under Chinese law. While working as a nurse at the People's Hospital, Chimi noted that women "nine months pregnant are injected in the abdomen to induce abortion. If delivered alive, the foetus is also injected so it will die."

In China it is legal to inject women nine months pregnant to induce abortion, and to kill infants still in the birth canal with a lethal injection.

According to Tibetan physicians and nurses who worked in Chinese and Tibetan hospitals, monks and lay people who lived in Lhasa, Amdo and Kham, two types of birth control teams operate in Tibet. Birth control

units in Chinese (not Tibetan) hospitals implement birth control policy for Tibetans living near a hospital. Mobile birth control teams implement birth control policy for Tibetans living in small villages and nomadic areas. Both teams appear to have a monetary incentive to do abortions and sterilisations on as many women as possible. The more names the doctors collect, the more money they get from their government, and from the women who are charged for the operation.

Accounts of forced abortions and/or sterilisation are particularly disturbing. We collected 92 accounts of women who were alleged to have had abortions and/or been sterilised; 20 per cent (18) of these procedures were forced; two thirds (62) of these women were sterilised immediately after an abortion. These procedures are allegedly done without regard to the woman's state of health or the legal status of their pregnancy. Reasons given to Tibetan women forced to undergo abortion and/or sterilisation are that she was too young or too old to have children, too poor or unemployed, unmarried or unfit.

The most shocking allegations came from two monks in Amdo where:

In autumn of 1987, a Chinese birth control team set up their tent next to our monastery in Amdo (northeastern Tibet). The villagers were informed that all women had to report to the tent for abortions and sterilisations or there would be grave consequences. For the women who went peacefully to the tents and did not resist, medical care was given. The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out.

During the two weeks the birth control tent stood in their village, the monks claimed that *all* pregnant women had abortions followed by sterilisation, and every woman of childbearing age was sterilised.

We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build up outside the tent, which smelled horrible. The birth control teams do not round up Chinese women who live in these villages.

"The birth control teams were initiated in 1982," the monks continued, "but since 1987 there has been a tremendous increase in the number and frequency of the teams that move from town to town, and to nomadic areas. Tibetans are outraged that the Chinese are trying to wipe out the Tibetan race. At the same time, Tibetans are helpless to prevent this."

Conclusion

Since the late Seventies, China has denied that forced abortion and sterilisation are part of its national birth control policy, and that prisoners are tortured. A growing number of reports and eyewitness accounts indicate that there has been a resurgence of these practices against Tibetans in the Eighties.

Interviewing indigenous Tibetans would have been preferable to interviewing refugees. Refugee accounts could be fictitious, biased, or represent aberrations in Chinese torture and birth control policy. However, these accounts are so widespread, and consistent with accounts from other travellers in Tibet, that we are convinced that they are cause for an internationally supervised investigation.

Tibetan refugee accounts of forced abortion, sterilisation and infanticide refute China's official birth control policy that allows Tibetan "minority" women to have a second child, while Chinese women can have only one. Human rights violations in China's birth control policy, coupled with the routine torture of Tibetan political prisoners, make China host to human rights violations of staggering proportions. Eyewitness accounts of mobile birth control teams that sterilise every Tibetan woman of childbearing age, in isolated villages and nomad areas, carry a much more serious charge. To Tibetans, this is a matter of survival.

Recommendations

Governments around the world have expressed concern at China's continued human rights violations in Tibet as well as in China. China insists that all such inquiries are an "internal affair" of China's. However, institutionalised human rights violations, wherever they occur, in South Africa, Nicaragua, Afghanistan or Tibet, are the responsibility of free people everywhere on the planet. In light of China's continued unwillingness to cooperate with an internationally-supervised investigation of human rights abuses in Tibet, the following recommendations are offered:

1. Place Tibet on the United Nations list of occupied countries.
2. Grant Tibet Observer Status in the United Nations.
3. Eliminate China's Most Favoured Nation status.
4. Impose a 100 % tariff on all Chinese imports.
5. Halt World Bank loans to China under article 701 that prohibits international loans to countries engaged in systematised human rights violations.
6. Halt high technology (arms) transfers to China.
7. Employ an international boycott of all goods originating in the Peoples Republic of China.
8. Boycott companies that do business with the Peoples Republic of China.
9. Conduct vigils at every Chinese Embassy and mission throughout the world.

Source: *Tibetan Review*, vol. XXIV, no. 8, August 1989.

Nobel Peace Prize to Dalai Lama

By Anders Højmark Andersen

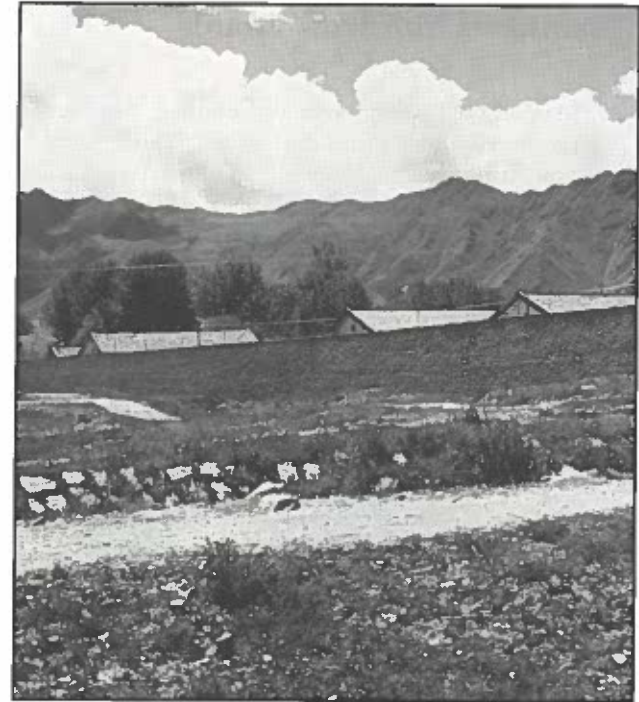
Some 200 Tibetans came to the University of Oslo to greet their political and spiritual leader in exile, the Dalai Lama, when he received the Nobel Peace Prize the 10th of December, for his lifelong work to promote peace. Among those who attended the ceremony were the Norwegian Royal Family and leading members of the Norwegian Government, headed by the Prime Minister, Jan P. Syse. As expected the Chinese Ambassador did not attend the occasion.

Emotions ran high in the tightly packed university hall when Tenzin Gyatso, the 14th Dalai Lama, in his very informal way spoke right into the hearts of everyone. The Dalai Lama started his acceptance speech by singing a Buddhist prayer and saying a short thanksgiving in Tibetan. Then he accepted the peace prize with these words: "Because violence breeds more violence and suffering, our struggle must continue non-violently and without hatred. We shall try to put an end to our people's suffering, not to make others suffer. Ruthless politics is against human nature. I feel that the humanistic perspective is about to gain the upper hand."

The Peace Prize came precisely at a time when Tibet had been pushed into the backwaters of world public opinion, and the prize must be considered both as a reprimand to China over its brutal repression of the Tibetan people and its own demonstrators, as well as a recognition of the Dalai Lama as the worthy leader of the Tibetan people. In his address to the Dalai Lama, Egil Aarvik, Head of the Nobel Peace Prize Committee, said "with the Peace Prize we say Yes to the weaponless march in many countries for freedom, peace and human dignity." "The Dalai Lama is awarded the prize because in his fight for his people's liberation, he has consistently opposed the use of violence," said Egil Aarvik who likened the Dalai Lama to Mahatma Gandhi.

Since 1950, when the sovereign state of Tibet was occupied by China, the Dalai Lama has constantly sought a conciliatory line towards the Chinese. In 1988 in a speech before the European Parliament in Strasbourg, he proposed that Tibet become an autonomous state and peace zone whose foreign and security policies continue to be under China. Even after the massacre in Lhasa (5 to 7 March 1989) of over 100 Tibetans by Chinese troops, the Dalai Lama called on his countrymen to respect the enemy and practice non-violence.

From 1955 to 1980, Tibet had to endure what the U.N. in 1959 and 1960 termed "genocide": a systematic annihilation of a whole people and



Gutsa prison 6 km north of Lhasa, one of 5 big prisons for "separatists" and "reactionaries": Tibetans aged 14 to 70 of both sexes often imprisoned without trial. Photo by Anders Højmark Andersen.

"sinification". Over a million Tibetans have died from executions, acts of war and famine. All religious art and almost all of the 6 250 monasteries which functioned as schools and centers for Tibetan culture were destroyed in the years 1955 to 1970. Even after 1980, Tibetans were economically and politically discriminated against. A massive relocation of Chinese into Tibetan territory is about to transform the Tibetans into a minority in their own country, while the Chinese ravage on Tibets natural resources threatens the country's delicate ecology, the stability of which is essential to the Asian continent's climactic balance.

Since 1987, Tibetans growing in strength, have defied the increasing police brutality especially in Lhasa, and have demonstrated for Tibetan independence and the return of the Dalai Lama. The awarding of the Nobel Peace Prize is a much needed support to this forgotten people.

Anders Højmark Andersen is Chairman of the Tibet Support Committee in Denmark.

IWGIA-sponsored film wins awards

The first IWGIA-sponsored video production entitled, "Indian Summer in Geneva", has garnered third prize during the Third Latin American Cinematic Festival on Indigenous Peoples held in the Venezuelan capital of Caracas from 12 to 16 October 1989.

The film, which has been jointly produced by two Swiss filmmakers, Volkmar Ziegler and Pierette Birraux, from Geneva, and supported by several Swiss organizations, is a moving portrayal of indigenous struggle in the Americas. By using five examples, the film illuminates the issues of nationhood, land, genocide, ethnocide and self-determination. "Indian Summer in Geneva" is also a film about indigenous participation during the United Nations meeting in the Swiss city, where statements presented by the delegates were related to what is actually happening to indigenous peoples in the United States, Brazil, Guatemala, Bolivia and Hawaii. Representatives of the Commission of Andean Lawyers also commended the film for its advocacy for the defense of human rights.

A second film by Volkmar Ziegler entitled "The Yanomamis of Brasil Speak", won special mention at the same festival. The film is about an extremely moving ceremony where 10 000 Yanomamis were gathered from all over Brazil. The Yanomamis are on the edge of extinction because of the invasion by tens of thousands of gold diggers into their ancestral domain bringing epidemics, massacres and pollution by mercury.

The Latin American Cinematic Festival on Indigenous Peoples is a manifestation of one of the most important festivals on the genre. It is held every two years (1985 in Mexico, 1987 in Rio de Janeiro and in 1991 in Peru) under the auspices of the Institute of Interamerican Indigenists, which sorts under the Organization of American States (OAS).

The jury of the Festival which was composed of 6 members with 3 Indian representatives deliberated their choices on the basis of how the productions depicted the values, identity, wisdom and knowledge, and the forms of organization as well as struggle by indigenous people.



*A Yanomami with a motion picture camera.
Photo by Volkmar Ziegler.*

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