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IWGIA

INTERNATIONAL
WORK GROUP FOR
INDIGENOUS AFFAIRS

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IWGIA

INTERNATIONAL
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Newsletter

Nos. 60-61

April - September 1990



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 Documentations Series.

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Cover photo:

Ainu festival in Shizunai in the Hidaka area. Photo: Katarina Sjöberg.

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Introduction

In this double issue that spans the first 8 months of 1990 we are coming out with a completely simultaneous edition, i.e. the same content, same date of publication for both the *Newsletter* and the Spanish language *Boletin*. We continue from our last issue - Newsletter 59 - of printing statements from indigenous peoples during the Seventh Session of the U.N. Working Group on Indigenous Populations in Geneva held from 31 July to 4 August 1989.

We start with Helen Corbett's position paper on aboriginal deaths in Australia, which paints a very grim picture: a high incidence of deaths among aboriginals in police custody which would be equivalent to 3 non-aboriginals dying per day! And for very petty charges such as drunkenness and the like. In the same vein, the National Aboriginal and Islander Legal Services Secretariat (NAILSS) representative, Paul Coe gives a statement calling attention to the fact that even though states are legally bound by the international instruments they are signatories to, "it is however the regional governments who have the power and jurisdiction to impact daily on the lives of aboriginal people, our families, properties and rights." Thus can regional governments continue the process of destruction of the aboriginal nation, while Australia hides behind the "cloak of federalism".

Before the same body, Ingrid Washinawatok, a *Menominee* from Wisconsin focuses on the invisibility of indigenous peoples, and especially indigenous women, and reiterates the commitment to promote the physical, emotional, mental and spiritual well being of her people while 20 years of denial of the right to self determination is the cry of the representative of the West Papuan people.

The grim picture continues in Asia, as presented by Bimal Bikkhu of his own people in the Chittagong Hill Tracts during a meeting organised by the International Network of Engaged Buddhists in Tokyo in October 1989. In the Philippine Cordillera, *open pit mining* or the extraction of mineral from the land surface by stripping the mountains and digging pits, whilst being more productive and economical is however taking its heavy toll environmentally. We reprint a primer on the Grand Antamok Project (GAP) in Benguet province prepared by indigenous organizations in the area.

In South America, the first summit between indigenous peoples from the Amazon and environmentalists from 9 nations spear-headed by COICA, the coordinating indigenous organization in the Amazon, resulted in the May 1990 *Iquitos Declaration* which recognizes "the need ... to advance the territorial and societal rights of the indigenous peoples

and the recognition of the value of their culture, according to the proposals of COICA and the particular conservationist organization." In September, the summit's provisional Coordinating Committee will meet in Washington D.C. to continue finding alternatives and strategies for the indigenous Amazon.

In February, the WCIP and CORPI (The Regional Coordinator of Indian Peoples) organised a seminar entitled "500 years beyond 1992", which stated their refusal "to celebrate their own colonisation". The final document from the seminar made a number of demands for basic rights for indigenous peoples in the region.

Another international event, the Conference on Security and Cooperation in Europe, otherwise known as the Conference on Human Dimension took place in Copenhagen in June 1990. The indigenous participation was channeled through the Parallel activities that ran alongside the official conference under which IWGIA and the ICC (Inuit Circumpolar Conference) joined hands in a number of events. We reproduce here the statements from the indigenous viewpoint in the two seminars on: 1) increasing militarisation in the Northern and Arctic areas; and 2) indigenous rights to their own resources. We also include a presentation on Militarisation in the Arctic from Ole Gaup, the Secretary of the Nordic Saami Council.

Subsistence seal hunting in Northwest Greenland is examined by Mark Nutall, who in a paper, notes that although subsidy of the seal trade under Greenlandic Home Rule ameliorates the effects of the EEC sealskin ban, it is however very difficult to continue a way of life based entirely on seal hunting. This thereby makes way for other compensatory activities like commercial fishing, with all that this entails of radical infrastructure, that is bound to conflict with Inuit traditional way of life.

The struggle for cultural definition among the Ainu who are not considered a distinct ethnic grouping by the majority population in Japan but rather as a "social class" is the subject of a paper by Katarina Sjöberg.

In the North American continent, the agreement-in-principle between Inuit of the eastern Arctic of the Northwest Territories and the Federal Canadian government has been signed in April this year in Igloolik. The address of Paul Quassa, President of the Tungavik Federation of Nunavut, during the signing ceremony is reproduced here, as well as the highlights in such a land claim.

In South America, the Brazilian *garimpeiros* ("gold diggers") continue their inroads into *Yanomami* territory bringing diseases and thereby threatening the very survival of the Yanomami. The government plan to demolish their illegal airstrips is going on at a very slow pace. The new Minister of the Environment Jose Lutzemberger however vowed to prevail upon the Agricultural Minister to abrogate the former (Sarney) govern-

ment's decree creating the now illegal *garimpeiro* reserves in Yanomami territory.

Also encroaching on Brazilian territory are Surinamese indigenous who have crossed the border in order to avoid the crossfire between military and guerrillas. Ecuadorian indigenous representatives made a pointed statement on the occasion of Earth Day (22 April) by demonstrating in black clothing and coffins against oil exploration activities in the Amazon region. In July, *Guaymi* who are direct descendants from the original inhabitants from Costa Rica, also staged a protest demanding citizenship instead of the temporary residence permits they currently hold that put them at par with transient foreign residents.

On a more positive note, the National Organization of Indigenous People (ONIC) composed of some 70 ethnic groups in Colombia, has held its 3rd Congress while the Indigenous Peoples' Technical Commission was formed in Chile composed of many indigenous groupings, and with a view to analysing the political situation in relation to indigenous peoples.

In Africa, where technology transfer impact on traditional African farming systems is not always successful, local input is needed for projects to succeed. An attempt at large scale wheat cultivation being initiated in Tanzania 20 years ago now is the subject of a paper by Charles Lane and Jules N. Pretty, who focus on *Barabaig* pastoralists. That foreign aid-funded monocultural national programs have a tendency to clash with the indigenous way of life is underlined by the second article on Tanzania. On the *Barabaig's* 20-year old land claims, *Africa Watch* from which we have reprinted the article notes: "From its inception, it entailed alienating traditional *Barabaig* land. Land alienation has accelerated in recent years; until now over 100 000 acres of grazing land are under intensive cultivation." The article also touches on the delicate issue of desecration of indigenous burial sites.

Finally, IWGIA has had a series of interviews with indigenous women, and in this issue we are publishing two: one with Faye Ahdemar who represents the West Central native women in Saskatchewan, Canada. She talks about the problems indigenous women face and their initiative to put up a Woman's House (a refuge center). The other interview is with Ellie Gaffney, who represents the Torres Strait Islanders, who for the first time attended the Working Group on Indigenous Populations at Geneva in August 1989. Ms. Gaffney focuses on cultural revival and her own organisation's use of the broadcast media for transmitting indigenous culture and language, during the interview. Ending on the cultural note, we round off the issue with a short report on an indigenous film festival in Canada.

Australia:

“It Seems the Law is different for the Aborigine and the White man”:* Position Paper on the Situation of Aboriginal Deaths in Australian Custody

Helen Corbett

My name is Helen Corbett. I am a Yamagee from Western Australia and I am The National Chairperson of the Committee to Defend Black Rights.

In 1987, I addressed this meeting to talk about the alarming situation of our people dying in Australian Police and Prison custody and said that we were seeking a Royal Commission inquiry. It was in that year that on average, every eleven days, one of our people died in custody throughout Australia.

I also spoke of the fact that we are the world's most imprisoned group of people, a fact which government reports themselves acknowledge.

Up to date figures show that although we make up 1.5% of the total Australian population, we comprise nearly 30% of all those in custody. 63.8% of these offences are for “drunkenness” and against “good order”. They truly represent our social position and economic deprivation in Colonial Australia.

In protest of this situation, there was a groundswell of civil unrest and riots in some Australian country towns throughout 1987 and 1988. The international criticism of the Australian Government also further embarrassed it into establishing a Royal Commission into Aboriginal Deaths in Custody, two days after I spoke at this meeting last time.

The Royal Commission has now been in place for nearly 2 years and we strongly believe that because the Australian government did not negotiate the real issues with us prior to announcement, that it has quickly become a method of political expediency and has served as a way of pacifying criticism against the government during the bicentenary celebrations in 1988.

* Words of the father of a 16 year old Aboriginal youth who died in police custody after a severe bashing by 5 drunken off duty Western Australian police officers on 28 September 1983. All 5 were acquitted of the charge of manslaughter. Several months later, the father died from grief.

The Establishment of The Royal Commission alone has solved nothing. Just last month, during National Aboriginal Week, three aboriginal people died in custody and police fired shots into a crowd of aboriginal women and children celebrating our cultural heritage.

Altogether, in the two years since the announcement of The Royal Commission, another 32 aboriginal people have died in custody. This effectively means that every 2 months, 3 aboriginal people died in custody.

A comparison with the non-aboriginal population would indicate proportionately that 2 562 non-aboriginal people would have died in custody. This effectively means that 3 non-aboriginal people would die per day.

Together with these figures and the repressive actions of the police and prison officers, supported by the Federal and State Governments, what we are describing to this meeting is very much akin to government supported “Death Squads” operating in Australia.

The Australian Government should be adhering to the Convention against torture and other cruel, inhuman or degrading treatment or punishment by ensuring that acts of torture are legally punishable offences. Instead emphasis is placed by the government and mainstream media on the claim that deaths in custody is a law and order issue. Some reports have even suggested that we were committing “copycat suicides” to embarrass the government internationally during the bicentenary year.

In addition, various state governments have supported legal challenges to wind down the Royal Commission, for the sake of winning elections and gaining political power; they have given wide discretionary powers to police to take our people into custody for “behavioural deviations” rather than criminal offences and have called for the complete shutdown of the Royal Commission of Inquiry.

This has effectively given light to custodial officers to continue racist attacks on the aboriginal community. The recent findings of The Human Rights Commission inquiry into racism has clearly indicated that police attitudes to our people have not improved. In fact the evidence shows that they have deteriorated. Police violence based on race remains a major area of concern.

Aboriginal deaths in custody are a breach of The United Nations International Covenant Of Civil And Political Rights of which Australia is a signatory and thus legally obliged to observe. Federal and State Governments have shown themselves to lack commitment in addressing the issue of aboriginal deaths in custody. Under this covenant, they are required to promote, protect and restore human rights at national, regional and international levels.

History of the struggle to stop Aboriginal and Torres Strait Islander deaths in Australian Police and Prison Custody.

Since the invasion and occupation of our land by the Australian colonial regime, our people have experienced centuries of deaths in involuntary majority in prisons throughout the country. Our people have been victims of the Australian colonial legal system that has claimed tens of thousands of our people's lives, bludgeoned to death, shot, hanged, beheaded, raped, robbed by cops, colonists and executioners.

Many of these atrocities are in living memories of our people, which are further evidenced by skeletal remains in places such as Rottneest Island, which was an island penal colony in south west of Western Australia, where an estimated 5 000 of our people have died in custody. The memories of the use of neck and leg chains on our people, as recent as 50 years ago, and the horrific number of Aboriginal people dying in custody, form strong links in the oppressive chain, spanning two centuries of occupation of our lands. And as we speak today, the thud of boot against dark flesh resounds in police stations across the country.

Who pays the cost of such atrocities? It is our people. We pay the costs in human lives! Our men are without wives, our women are without husbands, our kids are without parents, parents are without children, our brothers and sisters are being taken from us. We've lost our good friends, our cousins, our sisters, our brothers, our relations and one of our mobs!

There is a war going on against our people. It is not a "conventional war" and it is far from being over. In Australia, we, the Indigenous people, have no peace and justice. Our courageous resistance remains largely untold and we now ask that you, the International community, listen and hear our struggles and our fight for our sovereign rights.

Towards a Royal Commission

The John Pat case in Western Australia in 1983, aroused public anxiety and anger throughout the community. The circumstances of the case aroused human emotions to a level not often seen in Australian society. The descriptions of a 16-year old Aboriginal boy being brutally assaulted by White Australian Police Officers were too graphic to be denied. In the end, John Pat died of a ruptured aorta, indicative of the force used to procure his death. Ultimately, the police officers who were charged with unlawful slaying were acquitted. It was this end that gives rise to the unease throughout the Australian community in respect of Aboriginal/Police relations, being a judgement that it was alright for police to use brutal force to get their way.

In 1984, the following year, there were the deaths of Charlie Michael and Robert Walker in Western Australian prisons. Both of these cases left

their mark on the Australian public and raised to a new level the unease felt about the nature of Aboriginal custody in prisons. The image of Charlie Michael being trussed up with handcuffs and belts, and with a baton used as a windlass and of Walker dying after a violent struggle with from between 4-6 prison Officers, has been vividly etched in our minds.

The Eddie Murray death in NSW had preceded the Western Australian deaths. It alerted the Aboriginal community to possible breaches in custodial practise. The Aboriginal community argued that it was not possible for a young Aboriginal male, 21 years of age, of sporting background, of a happy outgoing disposition, to go into police custody, so drunk that "he couldn't scratch himself", and within two hours hang himself.

These and other deaths of Green and Majurey led to a sense of disquiet about the Australian custodial system. When Aboriginal deaths in custody throughout 1986 and 1987 started to escalate, the Committee to Defend Black Rights »CDBR« was collecting statistics and it became apparent that there was a real problem. It was manifest in the numbers of deaths, their ongoing nature, and the circumstances.

CDBR was formed after the John Pat death. It was formed by Aboriginal women as a response to the naked racism revealed in this case. It campaigned to expose this racism and to halt the deaths. It campaigned for a Royal Commission.

The campaign launched by the CDBR was successful in that it was able to gain the support of a large section of the community, especially from church groups and Aboriginal people. This was epitomised in the successful Town Hall meeting in Sydney in April 1987 where over 1 200 people attended and launched a Watch Committee into Aboriginal deaths in custody in that state. A similar public meeting in Adelaide was attended by over 600 people - a full hall!

The CDBR based its work on the families of the victims of Aboriginal families on an Australia-wide basis. Prior to the Commission being called, it had initiated a national campaign with the National Chairperson and representatives of 5 Aboriginal families who travelled throughout Australia, calling for a Royal Commission. They were from the families of: Robert Walker, Dixon Green, Tony Majurey, Charlie Michael and Eddie Murray.

In that year, 1987, every 2 weeks on average, an Aboriginal person was found dead in custody. The majority of these were young men, many of whom were found dead within hours of having been arrested for a minor offence. Aboriginal communities right throughout Australia were erupting in protest. This was the year when White Australia was preparing for its Bicentennial celebrations and as such, was keen to promote a "happy" image of Australian life.

The international publicity campaign embarked upon by the CDBR began to embarrass the Australian Federal government. While the government was criticising the human rights records of countries such as South Africa, a series of international heads of state, such as Gorbachev, Mitterand and Botha responded by reminding the government of the situation of Aboriginal deaths in custody in its' own back yard.

At the same time, widespread national publicity was being accorded to a speech delivered in August 1987 by CDBR National Chairperson, Helen Corbett (previously known as Boyle) to the United Nations Working Group on Indigenous Populations.

It was due to the concerted efforts of the CDBR, the resistance of Aboriginal communities and the above-mentioned events that growing social awareness and demands for action were generated. It was in response to this type of social awareness and demands for action that Prime Minister Hawke announced, two days after Corbett's speech at the United Nations Working Group of Indigenous Peoples meeting in August 1987, that the Australian Federal Government would have a Royal Commission Into Aboriginal Deaths in Custody.

On the eve of this announcement, yet another young Aboriginal man, Lloyd Boney was found dead, hanging in a police cell in a small country town, in the state of New South Wales (NSW). The Aboriginal communities in that and nearby towns erupted in protest, attacking the police station and white-owned businesses.

Issues affecting the success of the Royal Commission

The announcement of the Commission came without negotiations with CDBR or the Aboriginal community at large, and raised some major concerns to us at the time. These concerns were expressed to the government and it became quite clear from their response that the announcement came as a result of colonial political expediency. The failure of the Federal and State governments to address itself to these issues from the outset has resulted in fundamental problems and disclarity which today remain largely unresolved.

Federal and State Governments ignore The Royal Commission's recommendations

While the Australian Federal Government has the power and the responsibility to enact legislation in any state or federally with regard to Indigenous Australians and change this shocking situation, it has blatantly ignored the Royal Commission's Recommendations.

On 4 January 1989 Commissioner Muirhead delivered the first "Interim Report" of the Royal Commission which contained some 56 recommendations. These included numerous practical recommendations for changes to a broad range of custodial policies and practices. On handing down the report, Commissioner Muirhead expressed the urgency of implementing these recommendations, so as to impact upon the alarming rate of deaths.

The Interim Report was distributed and published nationally and was discussed at numerous ministerial meetings of Federal and State Government Aboriginal Affairs and Correctional Services.

Despite Commissioner Muirhead's plea for their urgent implementation:

- Only *some* of the recommendations have been scantily implemented in *some places*.
- In fact, as *no one is even monitoring their implementation* it is impossible to find out which of the 56 recommendations have been implemented in any part of Australia.
- Since the delivery of the Interim Report large numbers of Aboriginal people have been found dead in custody.
- The CDBR campaigned for a federally established Royal Commission because Aboriginal people have experienced a history of neglect and ill treatment by State governments. In 1987, when Corbett tabled the issue of Aboriginal deaths in custody at the United Nations, the Federal Government representative responded in the United Nations saying it was a "State issue". Despite the Federal Government only days later establishing the Commission in cooperation with the States, *it has again handed its responsibility back to the States* leaving the implementation of the Interim Report Recommendations to them. In effect this has meant that once again, little is being done.
- Despite the rhetoric of Federal and State governments, the reality is, the implementation of the Interim Report is being left in the main part, to either Corrective Services Ministers or individual Police Stations: the very institutions, whose behaviour gave rise to the demand for the Commission!

Government legislation and criminal "justice" practices remain the same

Minor offences of drunkenness and "order" make up 63.8% of the total offences Aboriginal people have been charged with. By contrast, they are under-represented in the more serious offences such as homicide, sexual offences, robbery, fraud and drug offences (Royal Commission Research Paper No.8, p.6).



Aborigine old man, beer cans and baby. The Royal Commission has recommended the abolishing of the offence of public drunkenness but police in every state are still arresting Aboriginal people on minor charges such as intoxication and offensive language. Photo: Rikki Shields.

Despite the Royal Commission's Interim Report recommendations that "In jurisdictions where drunkenness has not been decriminalised, governments should legislate to abolish the offence of public drunkenness", police authorities in every state of Australia are still arresting and holding Aboriginal people in custody on minor charges, like intoxication and "offensive" language.

Similarly, the recommendations relating to the establishment of detoxification units and those recommending that Aboriginal people should not be locked up for minor charges, including fine defaults are overwhelmingly being ignored.

In 1988 in NSW, the Government in fact reintroduced the "Summary Offences Act" which bestows upon police the powers to arrest on the basis of "behavioural deviations" rather than criminal offences. The reintroduction of the Summary Offences Act thus clearly conflicts with, and goes against the spirit of the Royal Commission's Interim Recommendations.

Since the announcement of the Royal Commission, 32 Aboriginal people have been found dead in custody. 20 of these died in police custody and 12 in prison custody. Of these 32, 60% were charged with alcohol-related offences. Of these 60%, all but one were dead within 2 hours of their arrest.

As the majority of Aboriginal people who have been found dead in custody since the announcement of the Royal Commission have died in police custody within 2 hours after being arrested on minor charges, the failure of the federal and State governments to act on this and other related recommendations is tantamount to genocide.

These alarming statistics further indicate that the Interim Report's recommendations relating to proper supervision and care of those taken into custody are also being ignored. (For instance, recommendation number 15).

In the case of the death of a young Aboriginal man (Saylor) who died in a police cell in Queensland only weeks ago (13-7-89) for example, the media reported that after being locked up in a cell, the victim was not checked for 2 hours. The pattern of death is therefore in exactly the same category of the majority of recent and highly publicised deaths.

Since the announcement of a Royal Commission, Aboriginal people have been found dead in similar circumstances, right throughout Australia. The failure to implement crucial recommendations is therefore, a national pattern.

Government rhetoric versus the reality of Aboriginal deaths

Although some state governments claim that they have implemented part of the recommendations, the recent deaths in their respective states clearly indicate that there is a wide gulf between the public relations unit of the governments and the practices of custodial officers. Only weeks ago, in Ceduna, South Australia for example, an Aboriginal man died in a custodial place which was proclaimed to have implemented at least one of the Interim Report's recommendations. The man who died was accorded the right to a hearing by a magistrate. He was sentenced by a Justice of the Peace.

The impact of The Royal Commission on police attitudes

Police custody is indicative of the ill treatment and hostility of police officers to those under arrest. The July 1989 Report of the Human Rights Commission Inquiry into Racist Violence concluded that "police violence based on race came through as the most serious area of concern". (Sydney Morning Herald, 25/7/89).

There has been little evidence to indicate that police attitudes and treatment of Aborigines in custody have improved since the establishment of the Royal Commission and the release of the Interim Report Recommendations.

To date, no police officer has been charged in connection with any of the Aboriginal deaths in custody, examined by the Royal Commission. If anything, the police officer has been on the offensive since the Commission's formation.

CDBR's investigations indicate that there has been a marked increase in Aboriginal complaints against police brutality and violence, especially in country towns.

The circumstances surrounding the recent killing of an Aboriginal man, David Gundy, in April 1989, by the Police Special Weapons Operations Squad (SWOS) illustrates the total disregard and contempt of the police for the general mood of insecurity and fear within Aboriginal communities.

Furthermore during National Aboriginal Day celebrations on 14 July 1989, in Sydney, 8 plainclothes police officers fired 4 shots at a crowd of Aborigines which largely consisted of women and children, in pursuit of a wanted Aboriginal man. The callous actions of the police at these peaceful celebrations only helps to further worsen the already strained Aboriginal police relations. As one Aboriginal woman stated, "Coming close on the heels of the brutal killing of an Aborigine, David Gundy, in his own home, in April, by the SWOS, this action has only increased the fear within the Black community that such vicious attacks will continue" (Direct action, July 1989).

Helen Corbett is National Chairperson of the Committee to Defend Black Rights, and she presented this paper before the U.N. Working Group Of Indigenous Peoples (UNWGIP) in Geneva, August, 1989.

Statement of Aboriginal Islander Legal Services Secretariat

by Paul Coe

Madame Chair,

On Considering the review of developments pertaining to the promotion of, and protection of indigenous peoples, we must look closely at the way states give effect to their current obligations under international instruments.

If we cannot learn from experience of the effectiveness of these present instruments in protecting rights, then we run the grave risk of repeating those same mistakes under an instrument that is being drafted to specifically protect indigenous people and their rights.

It is in this regard, Madame Chair, that I wish to draw your attention to the following.

The national Government of Australia signs and ratifies current international instruments. However, under the Australian Constitution, it is the regional governments that have the power and jurisdiction to impact daily on the lives of Aboriginal people, our families, properties and rights.

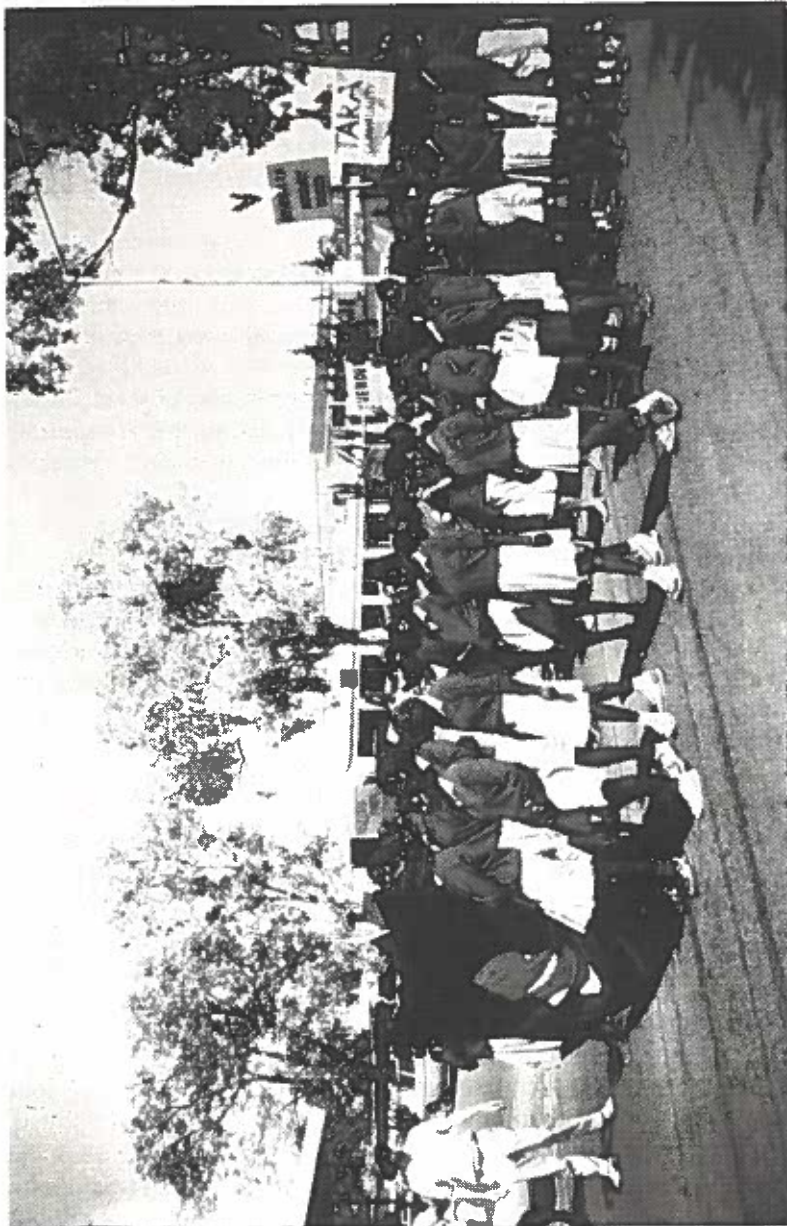
Sovereignty is shared between the national and regional governments. We, the Aboriginal people, have never had any say in this process since the time of Federation in 1901.

This sharing of power is good for the international image of the National Government of Australia. Because, while they have the external obligation to give effect to these international instruments, they can hide behind "the cloak of Federalism" and stand aside, while the regional governments continue the process of destruction of the Aboriginal nation and people.

So that while the Commonwealth Government appears on the international stage to sign and ratify international instruments guaranteeing the right to exist of Aboriginal people, it relies on the regional governments administration of justice to give effect to these instruments.

However, the reality is that the Commonwealth acquiesces while the regional state governments abandon any commitment to these instruments.

It is to this end that some 105 Aboriginal people have found themselves in police and correctional custody of Regional governments. Whilst in that custody, their lives have terminated, or have been terminated.



Aboriginal schoolgirls on National Aboriginal Day, Alice Springs. 1989 celebrations were marred by police firing at a crowd in pursuit of an aboriginal man thereby wounding women and children. Photo: Rikki Shields.

There are five Royal Commissioners inquiring into Aboriginal Deaths in Custody each with his own letters patent issued to him by national and regional governor generals.

As of today's date, the Royal Commission has been conducting inquiries for 19 months.

The four commissioners must complete their individual inquiries by December 1989 and report to Chief Commissioner Johnson by that date, for him to make a final report by November 1990.

Of the 105 deaths, 44 inquiries have been stated, 33 completed and 60 are yet to begin. There have been nine case reports, plus one interim report.

Mr. Patrick Dodson, formerly chairman of the Central Lands Council, has been commissioned to enquire into underlying issues.

While the "underlying causes" of the deaths have received increasing recognition as crucial to the final issue of preventing death in custody, there has been no national strategy for how those issues are to be explored and implemented.

In particular, the Aboriginal bodies given leave to appear before the Royal Commission to represent that interest for Aboriginal people (NAILLS and the CDBR) have still not been included in any formal discussion as to how that task will be addressed.

In addition, the Aboriginal people, or their organisations, have not been consulted nor invited to participate in the implementation of the interim recommendations, apparently being effected in some ways by some of the regional governments.

Whilst we are led to believe that the National Government is sympathetic to Aboriginal participation, the National Government insists that - as a part of the Federal system - regional governments are free to ignore Aboriginal people in this process, if they so desire.

So far, the commission has made only one recommendation for a criminal prosecution. In the Kingsley Dixon case, a prison officer was fined the sum of \$50 (Australian) for breaching prison regulations, by placing Dixon in solitary confinement, instead of sending him to the prison clinic or putting him under medical observation.

On the evidence before the commission, it was established that Dixon was subject to cruel and harsh punishment.

It is the responsibility of the States Attorney-Generals to prefer charges from evidence arising out of the inquiries.

We are still waiting, with bated breath, to see whether any charges are laid by the States Attorney-General.

There has been a finding of genocide as a fact by one commissioner, in the Malcolm Smith case, where - on the evidence - Smith was institution-

alised as a result of the actions of the notorious New South Wales Aboriginal Protection Board. As a child, Smith was abducted from his family to give effect to the board's policy of assimilation. This commission has found that that practice meets the current definition of genocide.

The commissioner found that Smith did not intend to take his own life and so *his death was not suicide*. His death was due to his own action of sticking a paintbrush into his eye, resulting in brain death. This conduct of self-injury was found to be part of *a consistent pattern of seeking not to take his life, but to purge himself of guilt*.

The commission found that the destructive effects of the policy of assimilation (or genocide) on the Aboriginal community contribute to the enormous proportion of Aboriginal people in custody, and therefore at risk.

Aboriginal children make up at least 25 per cent of the institutionalised juvenile population in NSW, although they only make up 1.8 percent of state's juvenile population. In adult jails, we are taken into custody 14 times more frequently than non-Aboriginal people, and are sentenced to prison at eight (8) times the non-Aboriginal rate.

In the Smith case, the evidence showed that in his adult life, Smith was at liberty for less than a couple of months. His life illustrates what is known as *the revolving door approach*.

The commission found that Aborigines, dealt with under the child welfare laws, are routinely abducted from their families. No matter how extensive the kinship system of family support and backup, that is ignored, and the children are assessed as being at risk, and the families considered to be unable to adequately care for them. They are institutionalised in juvenile homes where "an interminable number find themselves in a revolving door relationship with police, hospitals, prisons and various debilitating dependencies."

It has been estimated that 5 625 Aboriginal children were taken from their families in NSW alone up until 1969 and the situation has not changed, although the Protection Board no longer exists.

"Perhaps one in six or seven Aboriginal children have been taken from their families in this century while the figure for white children is about one in 300".

The commission found that it was essential to stop treating Aboriginal people as dependent people whose welfare was looked after by others, and to give them back the opportunities for self-reliance, independence and self-respect that to quote the commission, were "so cruelly taken away and denied them for most of the last 200 years".

It found that racism was entwined in the issues involved in the Aboriginal deaths in custody.

In evidence a parole officer stated that Aboriginal prisoners were stereotyped by prison management as uneducated, unhealthy and futureless people, not worthy of the investment of services and support by the prison authorities.

Further we are concerned about the consequences of the legalistic approach being adopted by parties representing state interests before the Royal Commission. We are concerned that the death of a 32-year-old Aboriginal man will not be investigated by the commission. This man was shot and killed in his house in the early hours of the morning on the 27th of April 1989, when eight armed police, of the SWOS police paramilitary unit, busted into his house on the premise of effecting a search warrant for the property of another person.

This matter is currently before the coroner in NSW; the State Police Minister concerned justified the action of this unit by stating, quote, "the police were uptight and edgy".

In conclusion, we would call on the international community not to allow national governments to avoid their human rights obligations and responsibilities by hiding behind "the cloak of Federalism".

Bangladesh:

Chittagong Hill Tracts

by Bimal Bhikkhu

During the last couple of years, IWGIA has worked for establishing an International Commission to look into human rights violations in the Chittagong Hill Tracts, Bangladesh. The Commission has now been established and has applied for permission to visit the area this year.

The following article is taken from a speech given by Ven. Bimal Bhikkhu who represented the people of Chittagong Hill Tracts, at a meeting during 12 October 1989 in Tokyo, which was organised by the International Network of Engaged Buddhists.

Despite the recent election and creation of the three District Councils of Rangamati, Khagrachari and Bandarban in the Chittagong Hill Tracts, the situation of the Tribal People is rapidly deteriorating. The creation of these Councils is nothing but another hostile act of the Bangladesh Government in its plan to totally exterminate the tribal population of the Chittagong Hill Tracts. The Bangladesh Government, thus is continuing to carry out its systematic program to wipe out the Tribal People from their hearths and homes.

As you may know, the ethnic identity, religious faith, language and cultural tradition of tribal people is quite different from that of the Bengali Muslims living in the plains. Because of this, the human rights and civil liberties of the tribal people have been grossly violated. The Bangladeshi Government has been using all sorts of genocidal tactics including the wholesale burning of Tribal villages, forcible eviction, relocation of the Tribals in concentration camps, looting, rape, torture, detention without trial, desecration and destruction of Buddhist temples and other non-Muslim places of worship, forcible conversion to Islam and mass killings.

Background

The Chittagong Hill Tracts (CHT) is a hilly region and stands as a separate district in the southeastern part of present Bangladesh. The area of the CHT is 5 093 square miles and there are 12 groups of Tribal People with a population of about 700 000 people.

Historically, the Tribal People have lived politically independent lives and have never been ruled by any state or kingdom. In 1860, the CHT was

annexed by the British Empire and integrated into Bengal for administrative purposes only. The Tribal People, however, have nothing in common with the population of the plains of Bengal.

In 1900, the British Administration promulgated the Chittagong Hill Tracts Regulation which restricted the settlement of non-Tribals and non-local population in the CHT. Furthermore, according to Rule 51 of the 1900 Chittagong Hill Tracts Regulation, any outsiders found guilty of any activity prejudicial to the interests of the Tribal People shall be expelled from the CHT.

Today, more than half a million non-Tribal Muslims have infiltrated the CHT; in order to legalise this invasion, the Bangladesh Government enacted legislation on 26 February 1989 to repeal the Chittagong Hill Tracts Regulation of 1900. On the same day, the Government passed the District Council Law. This law has not only made the illegal Bengali Muslim settlers eligible to vote in the CHT District Council Election, but it also reserved 30 seats out of 90 in the District Council Election, for the settlers. The 1900 CHT Regulation, however, neither allows any non-Tribal the right to settle in the traditional homeland of the Tribal People nor the right to vote in the CHT. The settlers have no legal right to settle and live in the CHT and, moreover, are committing the genocide of the Tribal People.

The District Councils have no say in the affairs of the CHT. The Councils have neither legislative power nor executive power. It can be dissolved at any time by the Bangladeshi Government. The Councils have no power either to formulate a budget or to plan any development project without obtaining the prior approval of the Government. It also can not levy taxes without the consent of the Government and it has been given only insignificant responsibilities such as primary education, primary health care, welcoming special guests, observance of National Days and so forth. The Councils are thus essentially powerless.

The Councils have no control over the Reserve and Protected Forests, the Kaplai Hydroelectric Project and the Lake Area, nor the industrialised areas of the CHT. This means that the Tribal People have lost control over areas equal to 90% of their homeland.

The Councils can employ only Class III and Class IV personnel. The overall policy of the Council is controlled by the Government through Government appointed Executive Officers. The Council thus has no executive power at all and is nothing but a rubber stamp of the government of Bangladesh.

The Government has recommended: 1) a 10% quota reservation of the Tribals in all Government contracts in the CHT; and 2) a 10% quota reservation of the Tribals for employment as labor in all local development works in the CHT. According to this Government order, 90% of the

Council's jobs will be filled by the illegal Muslim settlers. Likewise, the District Police Force will consist of 90% non-Tribal illegal Muslim intruders. All these jobs should go to the Tribal People according to the 1900 CHT Regulation.

The Councils have no power to appoint police personnel higher than the rank of Assistant Sub-Inspector. In word and practice, the District Council Law has deprived the CHT Tribal People of both official and police protection. It is nothing but a blueprint of the Bangladesh Government to completely annihilate the Tribal People to open up the Tribal Homeland for Muslims.



The Chittagong Hill Tracts, a hilly region in southeastern Bangladesh. View of the Interior. Photo: IWGIA archives.

For this reason, the CHT Tribal People rejected the District Council Law. In return, the Bangladesh Government terrorized the CHT to force the Tribals to accept the District Council Law. From the time of the June 25th 1989 District Council Election until August 1989, the Bangladesh Security Forces in league with the illegal Muslim settlers killed about 200 Tribals in CHT villages. The villages of Manikchari, Khagrachari, Nanyachar, Burighat and Jurachari were raided. Now, the Bangladesh Government is planning to send the Tribals to concentration camps, and has already increased checkpoints on the roads and waterways to harass the Tribals. There are 8 checkpoints on the 14 mile Chittagong - Rangamati Road.

The Tribals, unable to live in their ancestral homes, have fled to India to save their lives. At present 90 000 Tribal refugees have taken shelter in 6 refugee camps in the Tripura State in India. Their living conditions are appalling.

Development Policy

Development has been the keyword for the Bangladesh Government. To the Bengalis, development has meant the acquisition of the natural and human resources of the Chittagong Hill Tracts. To the Tribal People, however, development has meant the deprivation of communally owned resources, exploitation of their lands, eviction from their homeland and, finally, genocide.

Let us consider the Kaptai Hydroelectric Project. This dam was built in 1964 to secure a constant energy supply for the residential areas and the port of Chittagong. The dam resulted in the submersion of 50 000 acres of cultivable CHT land under water. This is fully 40% of all the cultivable land in the Chittagong Hill Tracts. One hundred thousand Tribals were displaced and 45 000 migrated to India where they have neither citizenship nor refugee status.

Other development projects which did not benefit the CHT Tribal People include the 1) Karnafuli Paper Mills, 2) Karnafuli Rayon and Chemicals Factory, 3) Pilot Scheme for Jhum Control and 4) Horticulture Development Program.

International Development Aid

As one of the poorest countries in the world, Bangladesh depends heavily on foreign aid to carry out its development programs. Foreign aid has been used to implement a number of foreign aid programs.

The Chittagong Hill Tracts Development Board was created in 1976 in the name of development of the economic conditions of the Tribal People

in the CHT. In actuality, it destroyed the Tribal economy and supported the illegal settlement of Bengali Muslims in the CHT.

The United Nations UNICEF organization sponsored a drinking water supply program in the CHT. This program, however, benefited only the army camps and Bengali Muslim colonies in the CHT.

The World Health Organization (WHO) organized a malarial eradication program which also protected only army personnel and non-Tribal settlers.

The Asian Development Bank financed the Livestock and Fisheries Project which benefited only the illegal Bengali Muslim settlers. The Asian Development Bank also financed the Jouth Khamer Project which is called a concentration camp by the Tribals.

The International Aid for Road Building Program built roads in the CHT but the purpose of these roads is to facilitate the movement of the Army in the CHT and to enable Bengali settlers to push deep into the district.

The Telecommunication, Electrification and Tourism Development Programs have all been used to benefit the Security Forces and the illegal Bengali Muslim intruders in the CHT.

The end result of all of these so called development programs has been to encourage the Bengali Muslims to settle in the Chittagong Hill Tracts, to promote the destruction of the Tribal economy, and to evict the Tribals from their traditional homeland.

Population Migration

At the time of the partition of India in 1947, The Tribals accounted for 98% of the total population of the total population of the Chittagong Hill Tracts. After 1947, a large number of non-Tribal Bengali Muslims migrated to the CHT with the coordinated support of the State Authority. The non Tribals constituted about 9% in 1951, 17.7% in 1961, and 27.5% in 1980. From 1975 to 1981, the total population of the CHT grew 46.85% compared to a growth rate of only 21.81% for the total population of Bangladesh. These figures indicate the extremely fast growth rates in the CHT during this time due to the influx of illegal Bengali Muslims.

The continuous and planned influx of Bengali Muslims in the CHT has aggravated the miseries of the Tribal People. These Bengali Muslims from the plains have settled in the CHT in phase after phase.

Phase	Year	Settled in the CHT
Phase 1	1980	25 000 Muslim Bengali families
Phase 2	1981	100 000 Muslim Bengali families
Phase 3	1982	250 000 Muslim Bengali families

Compounding the crisis of the large influx of non-Tribals, the limited land resources is also a major problem of the CHT. The region is hilly and one third of the CHT is set aside as forest. As 40% of the arable land was flooded by the Kaptai Lake after the dam was built, the land shortage in the area has become just as acute as in the plains of central Bangladesh.

Land Use Pattern in the Chittagong Hill Tracts

Land Type	Acres	Total
Land suitable for rice cultivation	77 000	2%
Land suitable for horticulture and 3 crops	670 000	21%
Forest Land	1 600 000	51%
Reserved forest	800 000	26%

Since the liberation of Bangladesh in 1971, the Tribals of the CHT have been struggling for their survival against the genocidal policies of the successive Bangladesh Governments. The accumulated gross violations of human rights in the CHT have been well documented by various international human rights organizations and the international press. *According*



Refugees from the Chittagong Hill Tracts. At least 90 000 have fled to refugee camps in Tripura, India. Photo: IWGIA archives.

to the International Work Group for Indigenous Affairs (Copenhagen), 200 000 people were killed by the Bangladesh Security Forces from 1971 to 1987 in the Chittagong Hill Tracts.

In 1977, the Bangladesh Government sent troops to massacre the Tribals and to clear the area. A total of 50 villages, including Matiranga and Manikchari, with a population of 75 000 people were raided. On 25 March 1980, a savage massacre took place in Kalampati: 300 people were killed on the spot. The Bangladesh Security Forces also killed 10 000 people in the Khagrachari area. In 1986, a large-scale attack was carried out on Panchari, Dighinala, Logang and other villages by the Army in collaboration with new Bengali Muslim settlers: at least 1 000 people including women and orphaned children were killed on the spot.

It has been estimated (May 1984) that the following Security Forces have been deployed in the Chittagong Hill Tracts by the Bangladesh Government.

Bangladesh Army 24th	Infantry Division	80 000 men
Bangladesh Rifle	6 Bns	25 000 men
Ansars (Islamic Force)	2 Bns	5 000 men
Armed Forces	5 Bns	10 000 men
Training Center		800 men

Besides these, Naval and Air Force personnel are stationed in the CHT to assist the Armed Forces when needed. With one Security Force for each six Tribals, the Chittagong Hill Tracts is nothing but a huge military camp. It is closed to foreigners and journalists.

Islamization

A large sum of money from Saudi Arabia has been channeled into the CHT to finance the construction of mosques and Madrashas (Islamic school) and for forcible conversion of the Tribals to Islam. The new educational policy adopted by the Bangladesh Government introduced the teaching of Arabic in primary School. The activities of the Islamic Center and the Islamic Foundation in the CHT are not only tools for the Islamization of their Tribals but also serve to strengthen Dhakka's control over the CHT.

The Tribals of the Chittagong Hill tracts are helpless in the face of this invasion. We desperately need the protection of the rest of the world since Bangladesh does not speak the language of justice, humanity and tolerance. Moreover, Islamic fundamentalism is growing rapidly in Bangladesh. In these hostile circumstances, the Tribal People of the CHT will

not survive unless the International Community comes forward to protect us.

I would like to appeal to all democratic Governments in the world, to come forward to protect the Tribal People of the CHT by taking the following measures to put pressure on the Bangladeshi Government:

1. Put pressure on the Government of Bangladesh to stop killings and atrocities against the Tribal People of the Chittagong Hill Tracts as well as to restore human rights in the CHT by blocking economic aid.
2. Send a special team consisting of members of Parliament, religious leaders and representatives from human rights organizations to investigate the real situation of human rights violations in the CHT committed by the Government of Bangladesh.
3. Compel the Government of Bangladesh to bring back 90 000 Tribal Refugees from India and rehabilitate them on their own lands under the supervision of the United Nations High Commissioner for Refugees and expel all the illegal non-Tribal Bengali Muslim settlers from the Chittagong Hill tracts.



Non-Tribal Bengali traders smuggling rice from the Hill Tracts. Photo: IWGIA archives.

Brazil:

The situation of the Yanomami worsens

Despite the measures announced by the new President, Fernando Collor de Mello and his government, the illegal gold-diggers, the so called "garimpeiros", continue their activities in *Yanomami* territory. In the past few months, the situation of the Yanomami has seriously deteriorated. Malaria, whooping cough and tuberculosis – all diseases brought by the garimpeiros – which already have mortally affected a great number of Yanomami, are now beginning to spread to areas where there are no garimpeiros, and are thereby threatening the survival of the entire Yanomami people.

Collor de Mello showed concern for the indigenous problem, when in his second week of government he visited a Yanomami hamlet in the Surucucu region. On this occasion he declared that the illegal airstrips of the gold diggers in the Yanomami territory were to be blown up with dynamite. Of the 110 airstrips in the Territory only 11 are official airstrips serving the FUNAI posts, the missions and military purposes. But although 73 airstrips were designated to be destroyed, the government's plan has been proceeding at a very slow pace. So far only 14 airstrips have been blown up, and now the plan has been stopped altogether because of the rains. Of these 14 airstrips, 7 have already been put into service again by the garimpeiros.

Lately, the new Minister for Environmental Affairs, the well-known ecologist José Lutzenberger, asked the Minister of Agriculture, Antonio Cabrera, to draw up a plan that included the garimpeiros in the national project of land reform, with the objective of being able to throw them out of the Yanomami territory.

Lutzenberger also asked the President to immediately abrogate the decree promulgated by the former Brazilian president, that created the illegal garimpeiro reserves within the Yanomami territory.

Lutzenberger is supported by the press, and if the President does not reply favorably and solve the situation, the office of the Federal Prosecutor has declared its intention to ask the Federal Minister of Justice to revoke the three garimpeiro reserves. This would force the government to take the necessary measures to solve the situation, and once and for all, impede the work of the gold diggers in the area. An estimated 150 million cruzeiros (some US \$ 2 000 000) and the political will of the Collor government are necessary to rid the area of invaders.

Sources: IPS, CCPY update



FAB (Brazilian Air Force) helicopter pilot carrying sick Yanomami woman from Hemosh maloca (longhouse) to a field hospital. Photo: Charles Vincent/CEDI-CCPY.

Canada:

On the Land Claims Agreement-in-Principle between Inuit and the Government of Canada

by Paul Quassa

On 30 April this year the Inuit of the Eastern Arctic of the Canadian Northwest Territories (Nunavut) signed a Land Claim Agreement-in-Principle (AIP) with the Federal Canadian Government. The final agreement is expected to be signed at the end of 1991.

The following is the address made by Paul Quassa, President of the Tungavik Federation of Nunavut (TFN) at the signing ceremony on 30 April 1990, in Igloolik.

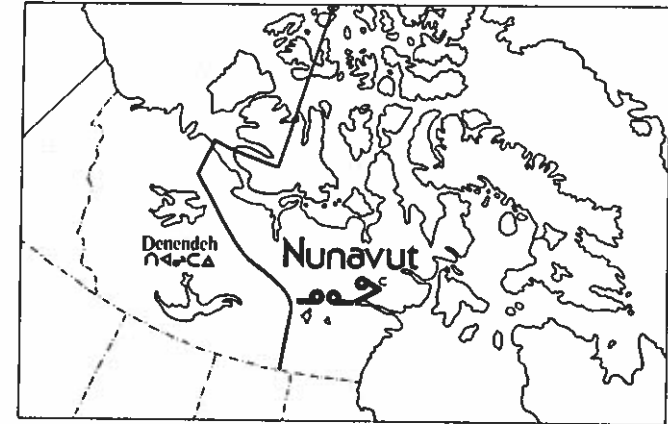
My friends, I want to welcome everyone here today in Igloolik for the signing of our Land Claim Agreement-in-Principle with the Federal Government. In particular, I want to welcome Tom Siddon, the new Minister of Indian Affairs and Northern Development, and his family.

I would also welcome all in Mr. Siddon's party, most of whom are joining us today from the South. In particular, I would point out Tom Molloy, the Federal Government's chief negotiator and his colleagues. Tom and I have argued a lot - it's what our jobs require - but throughout the Land Claim negotiations he has been courteous and straightforward and for this I thank him. We should not forget that the Land Claim Agreement-in-Principle that we are signing today is a product of hard work by Government as well as Inuit.

I would also welcome our friends from the Territorial Government. Here with us today is Dennis Patterson, the leader of the Territorial Government and Titus Allooloo, the Minister of Renewable Resources, and Associate Minister of Aboriginal Affairs.

Finally, and most importantly, I want to greet all Inuit gathered here from communities across Nunavut.

I shall not make a lengthy speech. But, I do want to talk a little today about the future of our land, our culture, and ourselves as a people; about the Agreement-in-Principle we are signing, and the final Agreement to follow; and about dividing the Northwest Territories to create - *Nunavut* - the Inuit Homeland.



Map of Canadian Northwest territories showing Nunavut boundary toward the Dene-Metis in the south and the Inuvialuit in the north.

Improving our relationship

On 22 March, Mr. Mulroney addressed the nation on the compelling issue of the Meech Lake Accord. The Prime Minister said "All of us without exception have been blessed by citizenship in this splendid land, our home." I would echo this statement today, and the sentiments that underlie it. The Agreement-in-Principle we are about to sign is a contract, a social and political contract, through which Inuit are showing their commitment to Canada, and Canada is showing its commitment to us. We want to be full citizens in our home and country, our native land. Settlement of the Land Claim and creation of a Nunavut Territory will bind us closer to Canada and to all Canadians; and promote a more productive relationship between Inuit and the Federal Government.

The Inuit agenda and the future

We are both proud of our past and look forward to our future with growing confidence. We are trying to build a society and economy up here that will blend the best of the old ways with the best of the new. The land must continue to sustain us, but our children must also have a good formal education so that they can be equipped to obtain jobs. We must have a mix of skills that will enable us to survive in a rapidly changing world, and to reduce our economic dependency upon government.

The definition of our rights regarding lands, water and the offshore, and the creation of a Nunavut Territory should provide a political and

constitutional base from which we can build a better future for Inuit. Our goal is to ensure that our culture, society, economy, and our very way of life will flourish in the twenty first century. We should never forget this goal. It is what motivates TFN and will motivate the Inuit institutions that will be set up through the Land Claim Settlement.

We intend to control our own lives and to shape our own destiny. As such, the Inuit agenda is comprehensive and still evolving. It includes many issues that have been dealt with in Land Claim negotiations. It also includes issues that the Federal Government has not been prepared to discuss. For example, we assert the right to use *Inuktitut* in all facets of life in Nunavut. Along with English and French, *Inuktitut* should be recognized by the Government of Canada as an official language in Nunavut. We insist, too, that our children have the constitutional right to be educated in *Inuktitut*. Social and economic programmes for Nunavut need to support our goals and objectives, and our vibrant renewable resource based economy, not those goals and objectives defined by well meaning outsiders. Such reforms are urgently needed if we are to tackle the social problems in our communities with which we are all familiar. The justice system, police, and correctional services in Nunavut too must be changed to reflect not only our values, but our ways of doing things. Much work needs to be done.

The key to a better future for Inuit lies in us taking control of more and more of the political and economic levers that affect our lives. We must determine our own future. The Nunavut Agreement-in-Principle should be evaluated with this fundamental goal in mind.

The Agreement-in-Principle does not deliver all that Inuit want or need, and it requires us to release, subject to certain conditions, our Aboriginal title. TFN has approved the Agreement-in-Principle because we are convinced that a careful weighing of the costs and benefits of the Agreement-in-Principle demonstrates that it moves Inuit forward along the path of self-determination.

The Agreement-in-Principle

I would like to turn now to the Nunavut Agreement-in-Principle. The Agreement-in-Principle describes an exchange between the Federal Government and Inuit, an exchange that will take place upon ratification of the final agreement. We will give up our Aboriginal title in and to land in Nunavut in exchange for a constitutionally protected Land Claim Agreement. Under this exchange we are to receive a variety of constitutionally protected rights dealing with land, money, wildlife and social, economic, and political development.

In this Agreement-in-Principle, the Government makes many



Classroom situation from Coral Harbour. Photo: IWGIA archives.

promises, and takes on many duties and obligations toward us and toward Nunavut. Upon ratification of the final Agreement Inuit will have, amongst other things:

1. The right to own approximately 136 000 square miles of land, of which 14 000 square miles will include ownership of oil, gas and minerals.
2. The right to harvest wildlife as we have always done, and the right of first refusal on sport and commercial development of renewable resources.
3. The right to equal membership with government agencies on new institutions of public government to manage the land, water, offshore, and wildlife of Nunavut. These institutions include the Nunavut Wildlife Management Board, the Nunavut Water Board, the Nunavut Impact Review Board, the Nunavut Planning Commission, and the Nunavut Planning Policy Committee.
4. The right to \$ 580 Million (1989 Canadian Dollars) payable to Inuit over 14 years;

5. The right to share Government's royalties from oil, gas, and mineral development on Crown Land;
6. Where Inuit own the surface, the right to negotiate with industry the economic and social benefits from non-renewable resource development;
7. The right to increased employment within government in Nunavut, and increased access to government contracts.

In addition, the Federal and Territorial Governments and TFN have agreed to evaluate how best to establish and implement a comprehensive wildlife harvesters income support programme. We expect that such a programme will be put in place at the same time that the final agreement is reached. Finally, Article Four of the Nunavut Agreement in Principle commits the two governments and TFN to: "Support in principle the creation of a Nunavut Territory, and the financing of a Nunavut Government, outside of the Claims Agreement, as soon as possible."

The Federal Government will get much from the Land Claim Settlement; certainty and clarity of title to land and resources; better management of the Arctic's fragile environment; national and international recognition and applause for its willingness to negotiate with its arctic people; and a very clear expression of Canada's sovereignty over the disputed waters of the Northwest Passage. We are a living symbol of Canada's sovereignty here in the Arctic.

Political Development

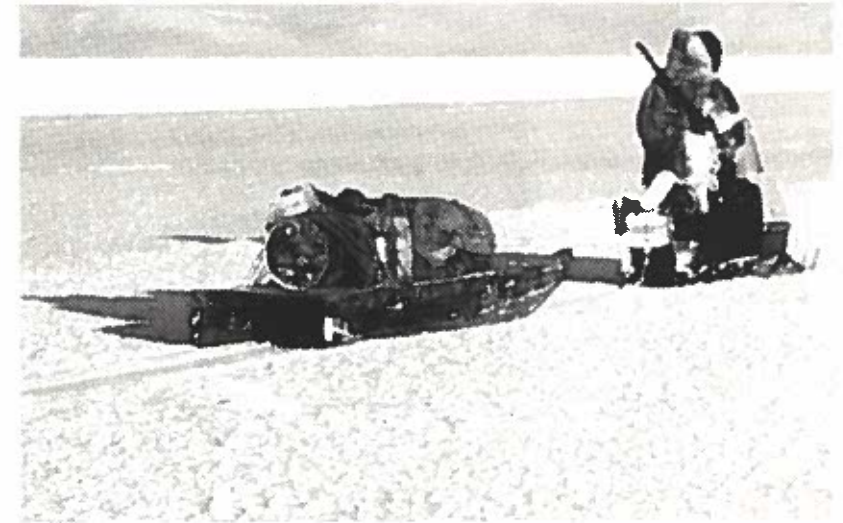
I think we now have sufficient good will and mutual respect to help us through to a final agreement. I am convinced that we will be able to reconvene in November or December 1991 to sign a Final Agreement. Yet, an early test of our intent to honour our commitments lies ahead. I am talking, of course, about the provisions dealing with a Nunavut Territory.

I and my colleagues on the TFN board of directors look forward to dealing with you and Dennis Patterson personally on this issue. However, I want you to realize that concluding a final agreement rests on how the Federal and Territorial Governments work with Inuit to implement article four. We take the promise in this provision seriously and we know that you do too.

Based on the 1982 plebiscite on division, and with the repeated commitments of support from federal and territorial elected leaders, it is no longer a question of whether Nunavut will be created, but when.

Last year, TFN tabled with the Federal Government the Inuit position on political development in Nunavut. I want to read this to you now, for it remains our position.

1. The Government of Canada undertakes to, on or before the *fifth* anniversary of the ratification of the Final Agreement, cause legislation to be enacted amending the *Northwest Territories Act* by dividing the territories into two parts and erecting the northeast segment thereof including the communities listed in schedule "A" into a separate territory to be called "Nunavut Territory".
2. The constitution of Nunavut Territory shall be in all respects the same as the constitution of the Northeast Territories as erected under the *Northwest Territories Act*, save that the legislation referred to in paragraph 1 hereof shall provide:
 - (a) The English, the French, or the Inuktitut language may be used by any person in the debates of the Legislature of Nunavut; and those languages shall be used in the respective records and journals of the Legislature; and any of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada established under the authority of the *Constitution Act*, 1871. The ordinances of the Legislature of Nunavut Territory shall be printed and published in Inuktitut.
 - (b) Notwithstanding anything contained in Sections 13 and 14 of the *Northwest Territories Act*, residents of Nunavut Territory whose first language learned and still understood is Inuktitut have the right to have their children receive primary and secondary school instruction in Inuktitut in Nunavut.



Typical scene of traditional way of life using blend of modern and traditional technology, in typical Nunavut landscape. Photo: TFN.

To the Future

The Agreement-in-Principle commits us both to work toward and to conclude a Final Agreement within eighteen to twenty four months. Much remains to be done if this timetable is to be met. Final Agreement and Implementation Plan negotiations, as well as Land Ownership negotiations, should start soon. Political development discussions, initially with the Territorial Government, will start within weeks. Later this year we will establish a list of Inuit beneficiaries from every community in Nunavut, and Inuit who currently live outside Nunavut. Such a list will give every Inuk a vote on the acceptability of the Final Agreement.

The message that I want to leave with everyone here today is that a Final Agreement is achievable within eighteen to twenty-four months. TFN will do its part to live up to this target date. We have confidence that you will devote sufficient time and energy to the Inuit Land Claim, and give direction to your negotiating team so that together we can sign a Final Agreement by the agreed to target date. In particular, I want to stress the need for senior people with your Department to be directly involved in planning to implement the Land Claim Settlement.

Finally, let me say once more that I am glad, after many years of negotiation, to be signing the Nunavut Agreement-in-Principle. Today is an important day in the long history of the Inuit of Nunavut.

Paul Quassa

The Inuit Land Claim in Brief

Claimant: Tungavik Federation Nunavut (TFN).

Area: more than 2 million square km claimed in Northwest Territories - central and eastern Arctic.

Population: approx. 18 000 Inuit, 80 % of the population in the settlement area.

Negotiations:

- Claim originally presented in 1976 by Inuit Tapirisat of Canada, revised and resubmitted in December 1977.
- 1979 - impasse over proposal to create Nunavut Territory.
- 1980 - negotiations resume as agreement reached to deal with creation of Nunavut outside claims process.
- 1982 - TFN replaces Inuit Tapirisat as negotiating body for claim and Tom Molloy appointed as chief government negotiator.
- By 1986, a number of major sub-agreements initialled and federal comprehensive claims policy revised.
- 1987 - government approved mandate for negotiator to proceed on outstanding topics.
- December 1989 - final elements of AIP negotiated with Minister of Indian Affairs and Northern Development.

Highlights of the TFN AIP

Land Title

- Approximately 350 000 sq.km. of land, 36 257 sq.km. with subsurface mineral rights.
- Access to settlement lands is governed by provisions in AIP.

Economic

- \$ 580 million (1989 Can. \$), \$ 54 million on signing of Final Agreement and remainder over 14 years. \$ 3 million on 30 April 1990, and a further \$ 2 million between the signing of the AIP and Final Agreement (18 months), depending on progress.
- Inuit to receive 50 % of the first \$ 2 million of resource royalty received by government and 5 % of additional resource royalties within settlement area.
- Increased Inuit participation in government employment in settlement area and government contracting.

Wildlife

- Nunavut Wildlife Management Board to be established with equal Inuit and public membership to oversee wildlife harvesting.

- Specific wildlife harvesting rights and economic opportunities related to guiding, sports lodges and commercial marketing of wildlife products.
- Compensation where developers cause provable damage to property or equipment used in harvesting wildlife or for loss of income from wildlife harvesting; Surface Rights Tribunal to be set up to determine liability when claims are not settled.
- Three national parks to be established in settlement area after final agreement.

Land and environmental management

- Detailed provisions ensuring equal Inuit representation on boards with responsibility for land use planning, wildlife management, environmental and socio-economic reviews of development proposals, and water management.

Political Development

- Reaffirms government support, in principle, for creation of a separate Nunavut Territory, subject to northern consensus.
- Within six months of the AIP, the GNWT and the Inuit will develop a process to pursue creation of this Territory and government outside the claims process.

This excerpt is from an article in Nunatsiaq News, 4 May 1990.



Chile:

New Indigenous Organization created

The Indigenous Peoples Technical Commission, that was created in November 1988, convoked in January 1990, 27 organisations representing the *Aymaras, Mapuche, Rapa Nu-i, Huilliche, Pehuenche, Kawashkar and Atacame* people to a meeting with the view of analysing the new political situation of the country in relation to the indigenous peoples.

The representatives agreed to:

1. Create the National Council of the Indigenous Peoples of Chile (CNPI) and transform the actual Technical Commission into the new Council's Executive Commission. The objective of this new structure is to secure indigenous representation and participation in the social and political processes arising from the new situation.
2. Take direct contact with the rulers of the State in order to make them sensitive to, and confront them with indigenous claims for constitutional and legislative recognition in order to promote the participation of indigenous peoples in the municipal and regional governments.
3. To participate in the creation of the Special Commission for the Indigenous Peoples (C.E.P.I.), that is to be created according to the Act of Intention signed in December by the President elect, Don Patricio Aylwin.

During its first National Congress, celebrated in April May, the C.N.P.I. confirmed its support of the democratic government's proposal to the indigenous peoples of Chile, and in May, the decree establishing the C.E.P.I. was finally promulgated by President Aylwin.

The C.E.P.I. has 10 indigenous representatives, of which 7 have been designated by the C.N.P.I.

Source: C.N.P.I.



Representatives of the Mapuche-Huilliche peoples of Chile. Photo: Chilean Commission of Human Rights.

Colombia:

ONIC holds 3rd National Congress

Three thousand indigenous individuals belonging to some 70 ethnic groups that live within the Colombian territory met at the end of June with the purpose of analysing different issues of common interest for their communities.

This Third National Congress, which took place in Bosa, in the center of the country, was organised by the national indigenous organisation ONIC, which counts some 30 regional organisations and represents 95 per cent of the indigenous population, which according to the official census totals 700 000 persons, belonging to some 80 different ethnic groups and speaking 120 different languages and dialects.

Among the issues discussed during the meeting were:

- indigenous participation in the Constitutional Assembly, newly approved by a national plebiscite on the 27th of May.
- the activities of the "colonos" (settlers) in Indian territories.
- the 500th anniversary of the "Discovery" of the Americas.
- health and educational problems.

Anatolio Quira, ONIC's president, stated that among these issues, maybe the most important is the one connected with the activities of the colonos, since it affects directly the land rights of indigenous communities.

Source: IPS.



Guaymi girl, Photo: Pedro M. Angulo.

Costa Rica:

Guaymi protest on citizenship

Guaymi Indians staged a protest march to the Government House in the Costa Rican capital in July, demanding to be recognised as citizens of the country.

“We are Costa Ricans and we want an identity card” said the Guaymis, who live in four reserves near the border to Panama, in the south of Costa Rica.

Despite the fact that the 5 000 Guaymi are the direct descendants of the original inhabitants of Costa Rica, they do not have Costa Rican citizenship papers, but can only hold a temporary residency permit, like the one demanded of Costa Rica’s numerous foreign residents. However, renewal of this permit costs US \$43, a stiff burden for the Guaymi, most of whom live off the land.

Because they do not have citizenship papers, Guaymi are ineligible for Costa Rica’s nationalised health services and social security benefits. Nor can they purchase land, request bank credit, hold seats on local government boards or participate in any activity requiring citizenship papers.

Costa Rica’s President Rafael Angel Calderón has promised the Guaymi his support through a legislative reform granting identity cards to the native Indian population. The reform proposes the extension of identity cards without requiring the Indians to first obtain the temporary residency permits.

However, the reform proposal poses numerous difficulties for the Guaymi. For instance some Guaymi do not speak Spanish and do not know their date of birth.

Therefore the Guaymi have drawn up their own proposal, and are asking the government to accept it. They add that any government changes to their proposal must be approved by local Indian communities.

Source: IPS.



Shuar indians from Pastaza Province. The Federation of the Shuar people have protested against future oil exploration and now demand that companies consult them before operations in the Amazon. Photo: Rolf Blomberg.

Ecuador:

Indigenous protest against oil exploration

More than 200 persons belonging to Ecuadorian ecologist groups, dressed in black and carrying a big coffin, staged a march on 22 April – the Day of the Earth – to the Ecuadorian Oil Company (PETROECUADOR) in protest against the notice of a new international oil licitation in the Amazon region.

17 foreign companies have shown interest for the licitation, which is for the exploration and the exploitation of an area covering 1.4 million hectares. The licitation areas correspond to the National Yasuni Park, which has been declared a “reserve zone for the biosphere” by UNESCO. Sectors inhabited by indigenous peoples will also be affected.

Since 1982, Ecuador has issued 13 exploitation contracts to 30 foreign companies, covering an area of four million hectares on the coast and in the Amazon region.

The Federation of the Shuar people, who live in the Amazon region, and whose territory is included in the present licitation, have protested against the future oil exploration and warned the companies to consult them before starting their operations.

Since 1970, when Ecuador first started exploiting its oil resources – today it is its main export – some 400 thousand barrels of crude oil have been spilled into the Amazon rivers, causing irreversible environmental damages. The oil contamination is also causing illness and poverty. Children are severely affected by skin diseases and the polluted water is directly responsible for chronic diarrhea and intestinal ailments, and indirectly for malnutrition; in many rivers and lakes, fishing is no longer possible. And as one peasant said: “On my farm we grew rice, coffee and yucca, but last December there was a 350 barrel oil spill. Everything was lost, the chickens died and the cow got sick.”

In order to protect themselves physically and culturally, many indigenous peoples are moving deeper and deeper into the jungle. Some are even moving to neighbouring Peru.

Source: IPS.

Greenland:

Subsistence seal hunting in Northwest Greenland

by Mark Nutall

For the last four and a half thousand years Greenland has been inhabited by hunters. The first Paleo Eskimo ancestors of the present Inuit population arrived in the north of the country sometime around 2120 BC. These people were coastal nomads who hunted seals, walrus and musk ox. Although there were variations in subsistence patterns, successive waves of migrants from the Canadian Arctic continued to harvest the sea, subsisting on seals and other renewable marine resources.

Danish settlement in Greenland goes back to 1721, when Hans Egede founded a trading and mission station near present day Nuuk. In 1776 the Danish government established a closed trade monopoly which was to last until after the end of the Second World War. This policy of positive isolationism was inspired by a Rousseauesque conception of the Noble Savage, implicitly recognising the hunting culture of the Greenlandic Inuit. Although the underlying tone was a paternalistic social philosophy, the Greenlanders were implicated in a trading economy, based mainly on sealskins, and became dependent somewhat on a number of trade goods to supplement their diet and technology.

However, the Greenlanders managed to continue their hunting way of life. The sea continued to be the main resource base, with the ringed seal *Phoca hispida* providing the mainstay of the local economy and its skin underpinning the trade network.

The period from the end of the nineteenth century until the 1920's, however, saw a warming of Greenland's southern coastal waters. This resulted in a migration of seals to colder waters along the northwest coast and the appearance of cod in the now warmer waters of the south. These climatic changes led to a profound revision of policy. A major transition from hunting to fishing was encouraged by the Danes and many hunters in south and west Greenland had to change their attitudes towards fishing, traditionally seen as a lowly pursuit, and abandon sealing and whaling activities.

In 1953, colonial status was abolished, theoretically giving Greenlanders equal status to Danes. Massive modernisation of Greenland since this constitutional amendment has led to profound changes in Greenlandic society. There have been improvements in health care, education, and

in housing, albeit improvements from a Danish northern European perspective. In the 1950's and 1960's, development of the fishing industry was seen as the way forward to bringing the benefits of civilisation and a higher standard of living to the Greenlanders. Continued migration from rural areas was encouraged and government policy stated that the fishing industry infrastructure was to be developed in the ice free towns of Paamiut, Nuuk, Maniitsoq and Sisimiut. This resulted in a progressive marginalisation of the rural areas, particularly the more remote hunting districts.

In 1979, Greenland became the first population of Inuit origin to achieve a degree of autonomy. Although still nominally part of Denmark, the country is now led by a Home Rule government. Danes as well as ethnic Greenlanders have the right to vote for, and to be elected to the Greenlandic Parliament. At the moment there are no Danes elected to the Parliament. There are eighteen municipalities, or districts, that are concerned with politics and development at a local level.

Despite the rapid modernization of Greenland, based on a commercial fishery, the districts in the northwest and on the east coast have managed to retain a distinctive hunting lifestyle and have escaped the rather severe infrastructural changes that have transformed most of the country beyond recognition. The hunting of sea mammals is the principal occupation of the districts of Uummannaq (pop. 2 637), Upernavik (pop. 2 369), Avanersuaq (pop. 849), Tasiilaq (pop. 2 861), and Ittoqqortoormiit (pop. 564). The total Greenlandic Inuit population of these districts is 8 462, with 4 347 living in the many outlying villages. In addition, there are a number of Danes working in administration, health and education. Today, after just over ten years of Home Rule, these districts are undergoing a transition from hunting to fishing.

In the spring of 1987 I arrived in Upernavik district, in the northwest of the country, to begin 20 months of intensive social anthropological fieldwork in a small hunting community. Hunters now constitute a minority in modern Greenland. In particular, the population in Avanersuaq, Tasiilaq and Ittoqqortoormiit are distinct ethnic groups, distinguishing themselves from West Greenlanders by dialect, mode of production and history. In addition, even in West Greenland there are considerable differences in dialect making people aware of a separate identity. For example, in Upernavik district, the dialect is quite divergent from standard West Greenlandic, and even at the local level such differences are used and played upon in effective identity boundary maintenance.

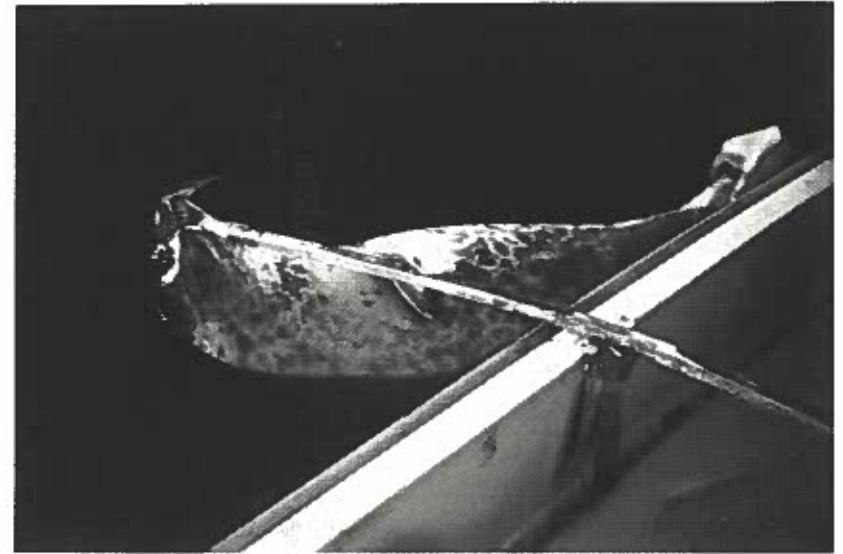
My project was concerned with the contemporary ideology of subsistence, particularly the local response to changes in the subsistence economy. The data gathered has formed the basis for an ethnography of the southern part of the district.

Upernavik is the most northerly district in West Greenland, extending from the Svartehuk Peninsula at 71 28'N up to Melville Bay at 75 N. The majority of the Inuit population live in ten settlements which are served by the administrative centre of Upernavik town, founded as a colony in 1772. Geographically, Upernavik district is a pattern of islands with several larger areas of land jutting out from the inland ice. The southern part of the district encompasses a wide area cut by fjords which push deep into an ice-free landscape stretching some 120 km from the inland ice. The hinterland includes J.P. Koch's Land and most of Svartehuk and boasts table mountains and other peaks that rise to a height of over 1 600 m. Towards the coast, the height of the land falls to some 600-700m. The northern part of the district is characterised by the absence of the long fjords found in the south. Instead, there are tidewater glaciers that calve continually into ice fjords such as Upernavik and Gieseckes Isfjords. A maze of islands predominate, with Nuussuaq the only notable peninsula at 65 km long.

For the people who live in the settlements, the sea remains the most salient physical feature affecting life. The land is not as important a resource base and the population continues to be dependent upon marine resources. Hunters depend on the ringed seal during winter and spring (and to a lesser extent in summer), with the harp seal *Pagophilus groenlandicus* and hooded seal *Cystophora cristata* being of importance in late summer and early autumn. The hunting household is a unit of both production and consumption. Seal hunting in modern Greenland has a commercial element in the sense that sealskins are sold to Kalaallit Niuersiat (Greenland Trade), but it is more truly subsistence hunting in the sense that it is production for the household economy. Furthermore, it is a mode of production which is small-scale and vulnerable to outside forces, particularly the international sealskin market and environmental pressure groups.

The cultural fabric of the Upernavik district has until now been founded upon and bound up with sealing, which entails a physical and philosophical relationship to animals and the environment. Dependence on marine mammals for food is reflected in community hunting regulations and in the attitudes of hunters towards the animals they hunt. Thus, the avoidance of a wasteful use of animals is usually emphasized together with a spiritual relationship. The hunting household utilises the meat, fat and skin of the seal and complex local rules exist that determine the sharing and distribution of the catch. A woman who throws away the kidneys of a seal while flensing it will say "thank you" or "let there be more", as failure to recognise that the seal has given itself up to the hunter willingly may result in a period of lean hunting.

The cultural expression of respect for animals is also manifest in the first catch celebrations. A boy who catches his first seal will distribute gifts of meat to every household in the community and people are invited to his parent's home for coffee and cake. The first catch celebration is a recognition of the boy's development as a hunter and of the relationship he begins to nurture with his environment. Furthermore, it is an implicit statement of the vitality and continuity of the hunting way of life.



The ringed seal, Phoca Hispida was a mainstay in the local economy for the Inuit in Greenland during the colonial era, when the sea was the main resource base. Today, their way of life is still bound up with subsistence seal hunting but influenced by western technology such as speedboats. Photo: Mads Fægteborg.

However, seal hunting has not escaped from the influences of western technology, such as speedboats, rifles and seal nets, although hunters in Upernavik have managed successfully to incorporate such innovations into a traditional mode of subsistence production. Over the last fifteen years there has been a dramatic decline in the use of the *kayak*, and now very few hunters in the district use kayak for open water seal hunting during the summer. For example, in 1988 only one man in the settlement of Nutaarmiut (pop. 66) was still using a *kayak* for hunting purposes. Although hunters still use kayaks in the spring for narwhal hunting and for retrieving seals shot from the ice edge, fibre glass dinghies fitted with outboard motors are now the dominant means of transportation for hunting and travelling.

Technological innovations have meant a further dependency on a monetary economy. Hunters now need outboard motors, fuel, firearms and ammunition. A hunter can easily use up to twenty litres of benzine (at a cost of 100 Danish kroner in 1988) and D kr 100 worth of ammunition on one hunting trip, yet possibly be unsuccessful. Sealskin prices are dependent on an erratic sealskin market. Average prices during my fieldwork fluctuated between D kr 85-350. There are nine categories of skin according to size and quality. Low prices have resulted in part from North American and European anti-sealing movement protests that led to an EEC ban on the import of seal products into Europe from 1983, except sealskins from Greenland.

In 1989 this ban was extended indefinitely. Although directed originally towards the harvesting of harp and hooded seal pups off Atlantic Canada, the argument advanced by animal rights groups is that the adoption of modern western technology has actually removed Inuit subsistence activities away from any "traditional" context. Here, the view of tradition is that of a romantic idealised past. Again, the Noble Savage is used as a symbol of a time when both humans and animals were part of an integrated biological harmony. The animal rights position seems to accept native hunting of sea mammals if it involves indigenous technology and minimal western influence. Seen from this perspective, the image of a "happy, smiling Eskimo" crawling about on the ice, killing seals with a harpoon is a legitimate way to hunt. Travelling at eighty kilometres an hour, shooting seals from speedboats, however, offends the balance and harmony of nature. Inuit are seen as being involved in commercial hunting and, because of their participation in a cash economy, the prime motive is now money rather than meat.

Inuit regard the arguments advanced by animal rights groups as another form of cultural imperialism. Although Greenpeace has withdrawn its campaign against Inuit sealing, recognising the rights of northern native peoples to hunt, it has not been as vocal about this as they were in their original opposition. Nevertheless, many other organisations regard Inuit hunting as morally reprehensible.

Although the Home Rule government subsidizes the trade in sealskins, thereby ameliorating the effects of the EEC ban, the hunters in the Upernavik district now have great difficulty in continuing a way of life based entirely on seal hunting. One way of compensating for the loss of sealskin markets is to fish for Greenlandic halibut *Rheinhardtius hippoglossoides*, and a small scale inshore fishery was beginning to develop at the time of my fieldwork. An ambitious plan to develop the district has been laid down by the municipal authorities, again with an emphasis on a commercial fishery as the way to create jobs and improve social standards. A rather radical infrastructural upheaval is envisaged, including the con-



Kayaks are still being used in spring in hunting for narwhal and retrieving seals from the ice-edge but otherwise, fibreglass dinghies and outboard motors are the norm.
Photo: Claus Oreskov.

struction of fish and shrimp processing plants, new housing, an airport and the development of tourism.

Such a transformation of what is still an isolated, peripheral area must be seen against the background of the process of *Greenlandization* (policies pursued by the Home Rule government in an attempt to increase autonomy). Along with fishing and sheep farming, the Home Rule authorities see hunting as one of Greenland's main occupations. However, the Greenlandic economy continues to rely on Denmark for expertise and economic investment. The desire for independent economic viability is leading the Home Rule authorities to concentrate on increasing revenues from renewable and non-renewable resource exploitation. The Home Rule government's need for money does not seem compatible with the continuation of non profit making subsistence hunting. Alongside this, even political aspirations at the local level tend to result in the view that subsistence hunting is rather anachronistic and blocks development. The problem comes in attempts to reconcile Home Rule and local government commitments to the continuation of hunting and development of what is seen as the more modern and economically attractive inshore fishery.



*Small-scale inshore fishery for Greenland halibut, *Rhinopterus hippoglossoides* is a way of compensating for diminished sealing. Photo: (from Quasigiannuit) Mads Fægteborg).*

Such a view conflicts with the way people in the villages define themselves in relation to seal hunting, which continues to have profound social, cosmological and ideological importance. Furthermore, the success of an inshore halibut fishery in Upernavik district is hampered somewhat by a short summer season and by the fact that in winter, ice conditions determine whether the fishing grounds can be reached by dog sled. However, some families are giving up subsistence hunting for several months of the year, and are diversifying investing time, money and energy in fishing. Still, many hunters tend to regard the halibut fishery as a way of compensation for the drastic fall in sealskin prices.

The crucial difference between seal hunting and halibut fishing is that, while sealing entails a minor commercial element, halibut are regarded only as a source of income. This is also different from subsistence fishing for Arctic char and salmon. Meat, char and salmon are consumed locally while halibut are seen as "money in the water". Once the summer halibut fishery ends in early autumn, people revert to seal hunting. Thus, subsistence needs continue to be satisfied by marine mammal hunting.

Once in a summer fishing camp, a young hunter reprimanded me for cutting too much fat off my seal meat: "Put it back in the pot", he said. "It's life". Such local sentiments apart, it remains to be seen whether the Home Rule government's commitment to the villages will favour the continuation of subsistence seal hunting, and indeed whether it does have a place in future economic strategies.

Mark Nutall is an English anthropologist who did research on a hunting community in Northwest Greenland for the Scott Polar Research Institute at Cambridge University. He is now teaching at the University of Edinburgh.

Indonesia:

20 Years of denial of the right to self-determination of the Peoples of West Papua

by Organisasi Papua Merdeka (West Papua Peoples Front)

Madam Chairperson, we thank you for giving us the floor to talk about the right to self determination of the Indigenous Peoples of West Papua.

Madam Chairperson and distinguished members of the Working Group, Together with the other Indigenous Peoples present today, we sincerely hope that the tools of the UN Working Group will effectively defend justice, peace and security and protect us, that the justified rights of the Indigenous Peoples may be really endorsed through a strong and determined Universal Declaration on Rights of Indigenous Peoples.

We hope that the United Nations may rightly carry its name by not only representing and defending the interests of the actually recognised States, but also the rights and interests of the Indigenous Nations.

We, the West Papuans have to say that such a Declaration can be needed as an instrument to be applicable to our case.

Since the 1812th Plenary Meeting of the UN General Assembly on 19 November 1969, we the peoples of West Papua experience that our country and our peoples continue to be colonised in all its forms and manifestations, including discrimination and the exploitation by foreign and other interests of our economic and human resources.

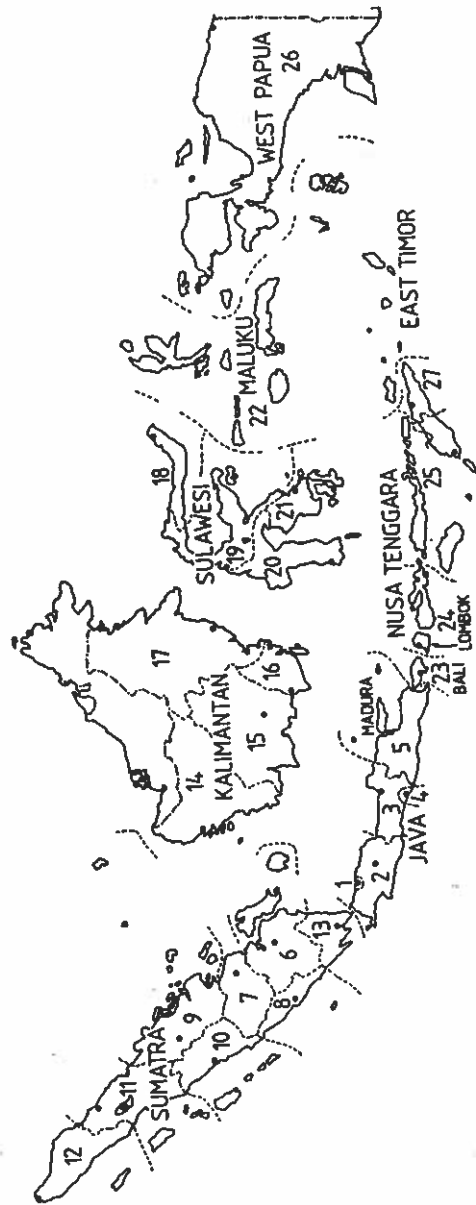
We respectfully urge the distinguished members of the Working Group to look into our case and see if our rights can be defended and guaranteed through a Universal Declaration on Rights of Indigenous Peoples.

We want to express our concerns about the effectiveness of the present draft since we notice some shortcomings: the approach of Indigenous Peoples versus States. For instance, when States are violating any principles laid down in a Universal Declaration, are there any legal instruments at the disposal of the victimised Indigenous Peoples to charge the offending State?

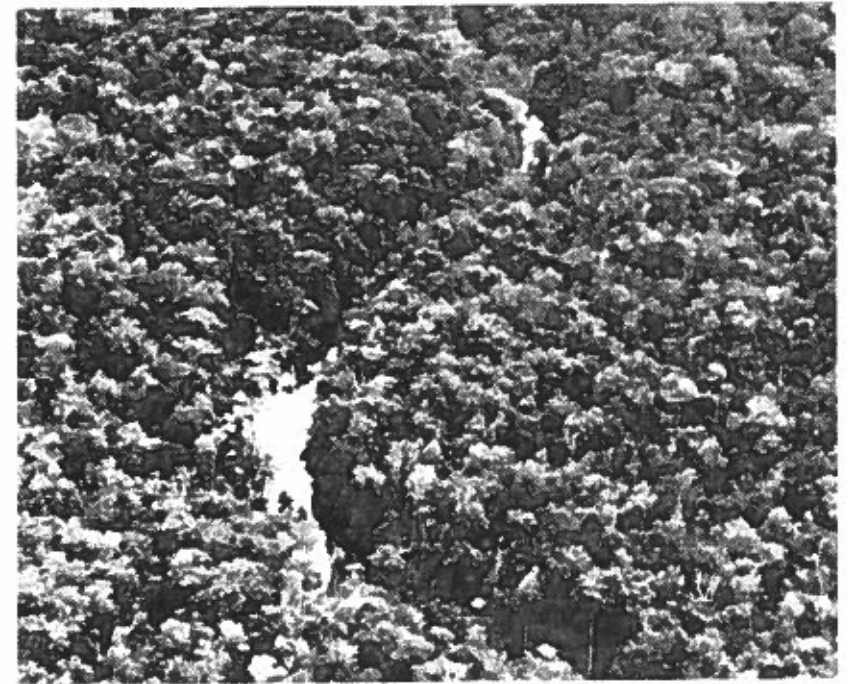
As a contribution to the work of the Working Group and as an example of how States may decide upon the future and the status of Indigenous Peoples, we like to recall our experiences in the 1960's:

We, the peoples of West Papua were subjected to the New York Agreement of 15 August 1962 (NYA) between the Netherlands and Indonesia. The New York Agreement was an agreement between two states. We the peoples affected were never consulted, yes even ignored.

Before 1962 the Netherlands did what it wanted, after 1963 Indonesia came and acted in the same colonial manner.



Map of Indonesia from Biro Statistik Indonesia where both West Papua and East Timor figure as provinces. Source: Komitee Indonesia.



Aerial view of Asmat villages on the bank of a river in dense jungle. Photo: ILO.

In the NYA both countries had promised to safeguard the right to self-determination of the West Papuans. Twenty years ago the Indonesian authorities undertook in West Papua a fraudulent "Act of No Choice": Between 14 July and 2 August 1969, 1 025 hand picked inhabitants of our country complied with Indonesian wishes and chose to be part of the Indonesian Republic.

Among others we are discussing the contracts made, and to be made between States and Indigenous Peoples. Regarding the New York Agreement of 1962, we criticise the fact that it was an agreement between two states concerning the Indigenous Peoples of West Papua without even consulting these peoples.

The NYA was very vague on the implementation and it paid no more than lip service to the principle of self-determination.

While in the English version of the NYA the term "self-determination" is used, the Indonesian translation does speak of "pepera", an acronym for "the determination of the people's opinion". This equivocation affects the validity of the contract between Indonesia and the Netherlands.

In the sense of the Universal Declaration, the NYA lacks therefore any legitimacy; the consequently executed "Act of No Choice" can not be seen as a valid contract between the Indigenous Peoples of West Papua and the two colonial States.

Ever since, we the peoples of West Papua have been experiencing the negative impact of the NYA. We sincerely hope that the final Universal Declaration will provide more legal and political power regarding the right of the Indigenous Peoples.

Madame Chairperson,

In the past, States have made contracts with, or concerning Indigenous Peoples; today many Indigenous Peoples come to Geneva to bring forward their sufferings.

Madame Chairperson, we are confident that the Working Group will be able to evaluate all the old and existing contracts in the light of the Universal Declaration.

We have often heard the United Nations condemning European colonialism and South African racism, but it never seems to think of Asian colonialism and racism; and this is what is happening in our country West Papua. We as Melanesians are being discriminated and colonised by an Asian state: Indonesia.

The tribal *Asmat* peoples today are a clear example of our peoples being economically and culturally exploited and politically oppressed by Indonesia. They are denied the right to live according to their own beliefs and culture. Yet at the same time, Indonesia is making money out of their traditions by selling their handicrafts, by making the Asmat people perform for tourists, and even by bringing these people to Europe to show them to the Western public.

The *Amungme* people are still suffering from the first foreign company who signed a contract with Indonesia concerning our territory. Freeport Indonesia Inc. (F11) as part of the American Freeport Minerals, started its mining operations in 1967, still before the "Act of No Choice" which eventually could bring West Papua under Indonesian control. Since 1967 many transnationals got permission from the Indonesians to exploit our national resources.

At the end of 1988 the joint venture PT Astra Scott Cellulosa got permission for a US \$ 653.8 million investment which will turn 790 000 ha. into a eucalyptus plantation. The tribal landowners have never been consulted nor are their land rights recognised. So what will happen to the 15 000 *Ayu-Papuan* tribal people who inhabit the area; and what will happen to the vulnerable ecological balance which they have been able to preserve for many centuries?



Asmat traditional woodcarvers. Photo: ILO. According to OPM, Indonesia is making money out of indigenous traditions through tourism and handicrafts.

On 14 December 1988 West Papuans again showed their determined aspirations of establishing an Independent Papua State. They had sent invitations to the Governor (civil authorities), Panglima (military authorities), Padapol (police authorities) and others for a ceremony of raising our national flag "the Morning Star". The Indonesian authorities did not react on the invitations and instead arrested many of the participants. The military forced the demonstrators to strip to their underwear and then beat and kicked them repeatedly. According to the latest report, 35 people are still in custody. They are to be tried on charges of inciting a riot.

Madame Chairperson,

in the spirit of the final Universal Declaration we the peoples of West Papua sincerely hope that:

- the UN takes clear note of the historic developments and the present situation of the indigenous peoples of West Papua;
- it is acknowledged that the peoples of West Papua have been denied their right to self determination;
- the UN resumes its responsibility from which it withdrew twenty years ago on 19 November 1969, regarding the peoples of West Papua;

- a special rapporteur will be sent down to our country and investigate how our peoples' rights can be implemented.
- that you consider our demand for External Self-Determination by putting it forward into the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and peoples, or any appropriate body within the United Nations.

Concerning the Universal Declaration on Rights of Indigenous Peoples we hope the following tools can be made accessible to the Indigenous Peoples:

- Indigenous peoples should have the right in case of conflict to address directly the International Court of Justice;
- Indigenous Peoples should have the possibility for juridical and political assistance free of charge at any time needed;
- the UN Working Group should install a permanent fund to supply the indigenous peoples' representatives at any time needed; States and companies inflicting on Indigenous Peoples' territories should be obliged to make contributions to this fund.

Papua Merdeka!

O.P.M.

International:

Conference on Security and Cooperation in Europe: The Conference on the Human Dimension

In June 1990, Copenhagen hosted the Conference on Security and Cooperation in Europe (CSCE), with special emphasis on the Human Dimension. Besides the official conference, parallel activities were organised by a large number of non-governmental organizations.

The International Work Group for Indigenous Affairs (IWGIA) and the Inuit Circumpolar Conference (ICC) collaborated on a number of activities, under the common theme of "Indigenous Rights". Among these events were the two seminars on 1) "Militarisation in Arctic areas" and 2) "The Rights of Indigenous Peoples to their own resources". The statements from these seminars are printed below including the presentation by Ole Gaup, Secretary of the Nordic Saami Council.

Statement from the Seminar on Indigenous Peoples and Increasing Militarisation in the Northern and Arctic Areas. Copenhagen, 6 June 1990.

The efforts made in recent years by East and West towards disarmament are naturally welcomed by all. The end of the Cold War is a milestone in relations between East and West after the Second World War. The danger of a world war has decreased significantly in recent years, but it is nonetheless a regrettable fact that disarmament as it has taken place so far, is a European phenomenon.

Military installations in the Circumpolar North are, together with naval forces, if not directly being rearmed, then at least being modernised. This has meant that the superpowers' potential confrontation areas have not only been shifted towards the North, but have also encroached upon an especially vulnerable region ecologically: the Arctic and the Sub-arctic.

Both *Inuit* and *Saami* are justified in asking, "Who is actually defending us?" Both peoples have their homes in both camps: NATO and the Warsaw Pact. The Saami also live in the two neutral countries, Sweden and Finland.

Increased militarisation in the North is not only a threat to peace in that area. Modern and advanced weapons also pose a threat in times of peace, a threat to the ecosystem and thus to the people who live there. No catastrophe has taken place yet, but accidents add up in the statistics:

In 1968, an American B 52 bomber with 4 H bombs crashed near Thule Air Base in Greenland, resulting in radioactive pollution and injuries.

In 1989, two Soviet nuclear powered submarines sank in the Norwegian Sea, with the danger of radioactive leaks.

The Distant Early Warning system, forming a link stretching from Alaska via Canada, Greenland, Iceland and the Faroe Islands, to Scotland, is partially obsolete, and several of the link's radio stations have been abandoned. It is known with certainty from Canada that widespread pollution with PCBs (polychloryl biphenyls) has taken place at these stations.

Thule Air Base has been the focus of attention several times in connection with the dumping of environmentally dangerous poisons. An American experimental station under Greenland's inland ice had a small nuclear power plant installed in 1960-63. According to information from 1980, the U.S.A. had permission to release radioactive wastes into the inland ice.

One of the most serious threats to the indigenous peoples in the Arctic area is the plan to resume nuclear testing in Novaya Zemlya. At a large scale meeting of indigenous peoples in the Russian Soviet Federated Socialist Republic in March this year, the *Nentsy* reindeer nomads lodged a sharp protest against these plans. Parts of Novaya Zemlya were previously inhabited by *Nentsy*, who were forcibly moved when nuclear testing began decades ago. The Finnish parliament has also strongly protested the proposal to move nuclear testing back from Semipalatinsk to Novaya Zemlya.

As Western Europeans have opposed NATO's training with low-flying supersonic aircraft, the Canadian government has offered its allies the option of making these flights from Goose Bay. There are ca. 7 500 flights with a speed of about 1 300 km/hr at a height of about 30 m over hunting grounds used by *Innu* (Indians) and Inuit. Both man and animals exhibit severe stress symptoms from these activities.

The U.S.A., with Canada's permission, tests Cruise missiles over the Northwest Territories and the Beaufort Sea, despite the express opposition of the local population.

The mere presence of major military installations in the Arctic and Sub-arctic areas affects the existence of local populations. The establishment of the Thule Air Base required that the local population be moved. Supplies to the installations are brought in by plane almost daily the year round. During the summer period, however, there are several daily flights and ship transports. In the summer of 1977, the prescribed shipping lanes were not respected, and the walrus catch was ruined for part of the population in the Thule area. Later the same year, an American tanker collided with an iceberg, causing oil pollution.

With the establishment of military air fields, civilian society is able to build up its infrastructure. When the same military installations are shut down once again for strategic or economic reasons, no compensation is given to make it possible to continue civilian operations.

The indigenous peoples who inhabit the arctic and sub-arctic areas are their legitimate spokesmen. The indigenous peoples are spread across national boundaries and are in a unique position to promote peace, security and arms control among arctic and sub-arctic states.

For obvious security reasons, the total demilitarisation of the arctic and sub-arctic regions is not possible at the moment. The process could, however be started by establishing smaller peace zones. The following four principles could serve as basis for the establishment of a peace zone in the arctic and sub-arctic regions:

1. Each peace zone in the Arctic must promote international cooperation on peaceful utilisation, and the zones must be nuclear weapon free. The testing of nuclear weapons or other weapons of mass destruction shall therefore not be permitted in the zones.
2. Environmental conservation must, as a principal rule, be given priority over military exercises and activities.
3. No military activities must be allowed, which in peace time interfere with the rights of indigenous peoples and other inhabitants, or their security in their societies and territories.
4. International and national surveillance systems to verify disarmament must be developed.

The seminar panel included representatives from the Inuit Circumpolar Conference and the Nordic Sami Council.



The panelists for the Seminar on the Rights of Indigenous Peoples to their own Resources, one of 2 IWGIA-ICC sponsored seminars on indigenous rights during the CSCE June 1990 conference. Photo: Filomenita Mongaya Hoegsholm.



ICC Vice-Chairman Aqqaluq Lyngø expressing his objections over the WWF advertisement on their "Adopt a Whale" Campaign. Photo: Karsten Barsøe.

Statement from the Seminar on the Right of Indigenous Peoples to their own Resources. Copenhagen, 7 June 1990.

Indigenous peoples have a right to utilise nature's living resources. The circumpolar peoples are vulnerable to decisions made by international agencies and organizations which these peoples cannot influence. Indians in Alaska and Canada, Inuit in the U.S.S.R., Alaska, Canada and Greenland, and the many peoples of the northern and far eastern U.S.S.R. are thus hit hard by international conservation organisation campaigns against the hunting of fur bearing animals, seals and whales.

As a direct result of these campaigns, the EEC adopted a directive in 1983 that banned the import of skins from baby seals which paradoxically also affected other areas of sealing. This directive, which has especially harmed hunting by indigenous peoples, has now been extended for an unspecified length of time.

The populations of the Circumpolar North have been dependent on hunting, trapping, fishing and reindeer herding for centuries. Earlier, it was purely a matter of providing a subsistence. Today, when all indigenous peoples live in modern, complex societies, there are many types of hunting, fishing and reindeer herding. Fishing, however, is the only

field where the modern industrialised use of resources has gained the upper hand.

Indigenous peoples also wish to have a share in general economic development. In Greenland, endeavours are thus being made to promote certain forms of whaling on a sustainable level. These are often, however, met with firm opposition from European and American quarters, which in practice almost always block development on indigenous peoples' own terms.

The question is whether the European and American nation states should have the right to destroy the last cultures that still live on the basis of the viable utilisation of nature's resources. Faced with EEC and national and multi-national oil companies, indigenous peoples time after time find that they have hardly even been given the rights that people wish to give animals.

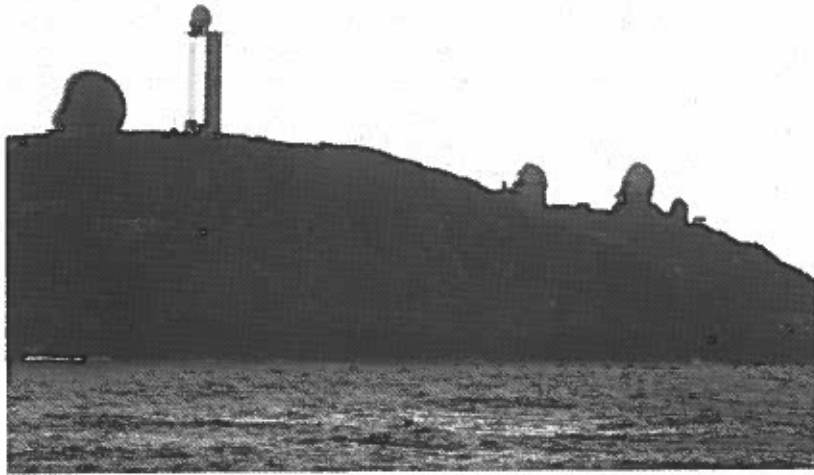
In the whole circumpolar region, whaling, sealing, trapping, fishing and reindeer herding form the most important basis for continued cultural and economic survival.

It is important for those dependent on nature's resources that they make use of the resources in such a way that future generations can also benefit from them. This is why indigenous peoples have taken a number of initiatives with a view to preventing the ruthless exploitation of these living resources.

In urban areas, in Europe and North America, where hunting, sealing, trapping, etc. have no economic importance, certain groups have focused on the use of resources by indigenous peoples. "Anti sealing", "anti trapping" and "anti-fur" campaigns are among the latest assaults of cultural imperialism by western civilisation upon indigenous peoples. The organisations that are behind the campaigns have had great success with their lobbying.

These activities contravene the Brundtland report which states that consideration should be accorded indigenous peoples. The basis for a just and humane policy towards these peoples is the recognition and protection of their traditional rights to land and resources. This should be done in accordance with the traditions of these peoples and with respect for institutions that have traditionally regulated relations between man and nature.

The seminar panel included representatives from the Inuit Circumpolar Circumference, the Nordic Saami Council, the Organization of Hunters and Fishermen on Greenland and the Siumut Party's representation in the Danish Parliament.



Militarisation of the Arctic as shown by this fortress at Vardø (facing USSR) which houses a warning system after Norway became a member of NATO. Photo: Claus Oreskov.

Indigenous Peoples and the Militarisation of the Arctic

By Ole Gaup

The Nordic Saami Council's Secretariat is situated on the Finnish side of the Finnish Norwegian border, right in the heart of the Tana River Valley. The Tana River is known as the best salmon fishing water in mainland Europe and therefore has great significance for the Saami's subsistence in the region. It also naturally attracts large numbers of tourists who compete with the locals in the catch, thus creating an increasing mistrust in the will and ability of the authorities to secure the prior rights of the Saami to the salmon resource.

The Danish Minister of Foreign Affairs, Mr. Ellemann Jensen, in his speech on 5 June, 1990, to open the Conference on Security and Cooperation in Europe (CSCE) in Copenhagen, clearly stated the necessity of dealing with the rights of national minorities within the framework of the negotiations on peace, cooperation and disarmament.

IWGIA and the ICC presented a pamphlet on the theme of Indigenous Rights to introduce the two organisations' activities under the umbrella of Parallel Activities, by grassroots and NGOs that took place side by side

with the official Conference. The short introductory paper entitled "Militarisation in Arctic areas" forms an excellent basis for discussion during this seminar. However, we must ask whether the term "militarisation" is appropriate. Is it not obvious that the Euro American and Soviet North is in the midst of carrying out an extensive abolition of weaponry and armies? Yes, convincing achievements are taking place. We all welcome the efforts towards increasing disarmament. However, vast deployments still remain to be dealt with, for as we are well aware, the cold war resulted in an unprecedented arms build up. Therefore the arms scrapping being implemented these days, although remarkable, is just a small but of course highly appreciated beginning, the ultimate aim being future non-military co-existence. All of humankind longs for that.

As mammals belonging to the Earth's fauna, we must acknowledge our status: we are parts and sharers of an entirety, peasants cultivating a common field. Only recently the superpowers have come to the conclusion that peaceful co-existence is a just cause to aim for. A Soviet marshal at the recent US Soviet summit said: "Up to now we have been, if not antagonists, then at least competitors. Now relations are turning towards partnership discussions." Considering today's peace talks in relation to the well being of our globe, it would be true and more sincere to admit that Nature itself has compelled states to give priority to the dismantling of armies. Nature has responded with the force of the Almighty. In the battle against global exhaustion of resources and pollution, that is, the incipient collapse of the natural environment, even superpowers are dwarfed.

However, I shall dwell on the conditions in Saami areas. History reveals that the Nordic national borders were definitely settled as early as after the Great Nordic War in 1751, the borders being the second oldest in Europe. A document, known as the *Lapp Codicil*, was attached to the Border Treaty Protocol. This Codicil has never been nullified but of course it was superseded later by several Conventions. The treaty, including the Codicil, was a bilateral agreement with the kingdoms of Sweden including Finland and Denmark-Norway. The border with Russia was defined later.

The Codicil guaranteed the Saami freedom of movement and trading across the borders. Moreover it declared that the Saami could not join any of the countries' armies or take part in any war activities. Being inhabitants of both nations, they were to remain neutral.

Today it can be disputed whether Finland and Russia are bound by this Codicil. History, though, tells us that in World War II, Saamis fought Saamis. Without elaborating on the past, we can only state that borders gradually fenced off the Saami effectively into their respective nation states. Fortunately the Nordic countries have introduced passport free

travel within Scandinavia and other common citizens' rights since the last war. Because of the cold war, however, the Saami in the Kola area ceased to exist for their brothers and sisters in Scandinavia for a long period. For the sake of defence strategies, the Saami on the Kola peninsula were forced to leave their homes and traditional way of life. Large portions of the Kola coast and border zones with Norway and Finland were declared no go areas, a situation which still exists. These prohibited areas have since then been kept free from exploitation. Norway, on the other hand, with its obligations to NATO, has built up an advanced defence system.

Indeed, Norway imposed restrictions on Allied activities in peace time by forbidding the storage of war material and NATO manoeuvres in the region of Finnmark and parts of Troms. This is being more than fully outweighed by a large scale national build up in Norwegian Saamiland. Finland and Sweden are similarly extending their defence in the North, it seems, as a response to Norway's activities. In the last two years the Norwegian Ministry of Defence has launched two large war games along the Finnish border in the Tana Valley. This has, of course, been followed by some exercises on the Finnish side. It's incredibly childish, but nevertheless true.

The defence strategies cause severe damage to Saami lifestyle:

- tight surveillance of civilian border area activities,
- pollution and soil and grazing land degradation,
- vast areas of land permanently occupied for military use.

Particularly detestable examples are: the enormous amount of reindeer grazing land put out of production by Soviet introduction of a no man's land 100 kms wide on the Soviet side of the frontiers; the long range shooting ranges in Finland, Sweden and Norway - Porsangmoen in Finnmark is twice the size of Upper Pasvik Valley National Park - and worst of all, the Soviet "shoot to kill" policy in cases of illegal border crossing.

We thus observe that despite the peace processes in progress, military escalation in the North continues. The U.S.S.R. recently reinforced its marine retaliation capacity by deploying two new battleships in the Kola fleet. One Soviet submarine, propelled by nuclear power and equipped with nuclear warhead missiles, sank last year off the coast of Norway.

Also last year, a civilian Norwegian passenger aircraft narrowly avoided collision with a Soviet fighter plane. We could list a number of incidents of coastal fishing vessels being brought in by the marines, the crew thus suffering annoying interrogations. The U.S.S.R. is considering resuming nuclear arms testing on Novaya Zemlya. The Norwegian Ministry of Defence is about to begin constructing an immense arms depot in

the middle of Saami reindeer herding and tracking land at Lake Skoddeberg in Troms. Furthermore, the Government, in the name of fighting unemployment, has allotted vast sums of money to extending and renovating military installations in Northern Norway.

In the hope that the disarmament talks and the revolutionary development in Central and Eastern Europe do not obscure the arms race in the Arctic, the Saami join with other indigenous peoples to forcefully press for a development in Northern Scandinavia and the Kola to end all military activities in the North, to open up the borders to trade, and to permit communication, cooperation and co-existence across frontiers.

The Saami political programme states that:

- the Saami are one nation and national borders shall not prevent co-existence;
- the Saami have never released or formally surrendered their territories to any invader;
- therefore according to international law, the Saami are to be accepted and respected as a nation with its own culture.

Forced by Nature itself, to implement common efforts, the nation states now seem to have bowed to the fact that:

- disarmament is inevitable;
- nation states as defined at present are losing significance;
- states cannot defend themselves against environmental deterioration by the use of arms;
- global pollution does not respect borders.

We now see, as has been clearly pointed out by prominent persons and indeed by indigenous peoples, that mankind must come together to face the threat of disaster brought about by the arms race, wars and over exploitation. Militarisation and disarmament questions can no longer be dealt with separately, as has been the custom up till now. Fortunately we see clear signs emanating from the superpowers' disputes that negotiations are increasingly becoming measures for wide ranging cooperation, thus in line with the meaning of the CSCE, the Conference on Security and Cooperation in Europe. I end by reminding you that the Saamis never waged wars.

This paper was presented at the Seminar on "Militarisation in Arctic Areas" which was jointly sponsored by IWGIA and the ICC held under the umbrella of "Parallel Activities" under the Conference on Security and Cooperation in Europe, otherwise known as the Conference on the Human Dimension held in Copenhagen in June 1990.



Evaristo Nugkuag Ikanan, President of COICA, the Amazon organization which spearheaded the first summit between indigenous peoples and environmentalists that resulted in the Iquitos Declaration. Photo: IWGIA archives.

International:

The Iquitos Declaration

First Summit Between Indigenous Peoples and Environmentalists

During 9-11 May 1990, the Coordinating Body for Indigenous People's Organizations of the Amazon Basin (COICA) met with environmental and conservationist organizations from 9 countries, who in their commitment towards territorial rights of indigenous peoples, formed an alliance with the natives of the region in order to put an end to the destruction of the Amazon by landowners and developers.

"Recognising the importance of the proper role of the indigenous peoples in the administration and conservation of the Amazon region," the Declaration was signed by indigenous leaders as well as by representatives of 30 environmental groups in North America, Europe and Peru.

The indigenous people hoped that ecologists from Greenpeace, Friends of the Earth and other groups would also advocate autonomy based on the traditional way of life in the Amazon region, a theme which according to ecologists raises some very thorny political questions.

The resulting document from the meeting now known as the Iquitos Declaration is printed below.

The Iquitos Declaration

Having met in the city of Iquitos from May 9 to 11 1990 between the Coordinating Body for Indigenous Peoples Organizations of the Amazon Basin (COICA) and environmental and conservationist organizations to analyse the serious deterioration of the Amazon biosphere and look for joint alternatives;

We consider that the recognition of territories for indigenous peoples, to develop programs of management and conservation, is an essential alternative for the future of the Amazon.

We recognise that we must look for adequate mechanisms to reach this objective, that include ways to channel international technical and financial resources.

We recognise the importance of indigenous peoples' own proposals for the management and conservation of the Amazon.

We recognise the need for actions of diffusion, studies or projects to advance the territorial and societal rights of the indigenous peoples and

the recognition of the value of their culture, according to the proposal of COICA and according to the particular objectives of each environmental and conservationist organization.



Map of the Amazon (shaded) in South America. Map: Jørgen Ulrich.

We conclude that in order that these considerations be put into practice, it is necessary to continue working as an "Indigenous and Environmental Alliance for an Amazon for Humanity".

We decide to make this joint work concrete through the formation of a provisional Coordinating Committee of the environmentalists that are present and COICA, which will meet in September 1990 in the city of Washington D.C., to continue analyzing and designing the best strategies for the defense of the indigenous Amazon.

We the undersigned, express our solidarity with the agreements arrived at in the First Summit between Indigenous Peoples and Environmentalists, in which we participated, and which are presented in the text of **The Iquitos Declaration**, signed in the city of Iquitos on May 11, 1990.

Dominique Irvine
Cultural Survival

Mary George Hardman
Survival International U.S.A.

Klaus Lengefeld
GTZ

Nicolette Arena
Terra Nuova

Raymond Offenheiser
Ford Foundation

Jay Herman
Buzzworm

Carlos Macedo
Gesellschaft für bedrohte
Völker-Osterreich

Luis Miguel Dominguez
Survival International (España)

Armstrong Wiggins
Indian Law Resource Center

Amora Simonet
Survival International (España)

Chuck Kleymeyer
Inter-American Foundation

Kathe Meentzen
Gesellschaft für Bedrochte
Völker

James Arena Derosa
OXFAM America

Cristobal Tapuy Papa
CONAIE

Juan Aulestia
OXFAM America

Domingo Cerda Chimbo
CONFENAIE

Richard Chase Smith
OXFAM America

Luis Angel Chaurra
ONIC

Clarita Muller-Plantenberg
Campaign for Life in Amazonia

Emilio Fiagama Suárez
ONIC

Alvaro Fernandez Sampaio
UNI

Estabao Carlos Taukane
UNI

Leonidas Lopez Chikae
FECONA

Julio Yaikate
FECONA

Barbara Bramble
National Wildlife Federation

Peggy Hallward
Probe International

Joe Kane
Rainforest Action Network

Doug Nethercut
The Rainforest Alliance

Vawter Parker
Sierra Club Legal Defense Fund

Bruce Cabarle
World Resources Institute

Carlos Saavedra
World Wildlife Fund

Mary Lou Higgins
World Wildlife Fund

Alonso Zarzar
Fundacion Peruana para la Con-
servacion de la Naturaleza

Marijke Torfs
Friends of the Earth, U.S.A.

Margaret Ruby
Greenpeace

Eloy Lopez Algobe
FECONAFROPU

Joaquin Coquinche Sahuá
ORKIWAN

Enrique Coquinche C.
ORKIWAN

Manuel Ramirez Lopez
FECONABABAN

Artemio Santana Cahuache
FECONABABAN

Pedro Casas
FEDECANAL

Oscar Janasere Meresiene
FEDECANAL

Arnulfo Shupingahua Yumbate
FEDECANAL

*As witnesses to our participation in this historic first encounter, and of
the solidarity that animates us in these objectives, We sign this Declara-
tion.*

Iquitos, 11 May 1990

Evaristo Nugkuag Ikanan
COICA Presidente

Wilfrido Aragón Aranda
COICA Vice Presidente

Jose Uranavi Yerogui
COICA Secr. General

Roman Shajian Sakejat
AIDSESEP

Eli Sanchez Rodriguez
AIDSESEP

Valentin Muiba Guaji
CIDOB

Jose Gabriel Guasebe
GPIB

Chad Dobson
Bank Information Center

Liliana Campos Dudley
Conservation International

Maria Theresa Ortiz
Conservation International

Francisco Estremadoyro
Fundacion Peruana para la Con-
servacion de la Naturaleza

International:

Seminar on "500 Years Beyond 1992"

In February, the World Council for Indigenous Peoples (WCIP) and the Regional Coordinator of the Indian Peoples (CORPI) organised a seminar in Terraba, province of Puntarenas, Costa Rica entitled "500 Years beyond 1992". The seminar was attended by indigenous delegates from all over Costa Rica, and from Indian communities in Mexico, Guatemala, Nicaragua, Honduras, El Salvador, Belize and Panama.

The seminar's final document stated a number of claims, the most important among which were:

- the reform of the Indian Law;
- the refusal to celebrate the fifth centenary: "We, Indians, should not celebrate our own colonisation;"
- the abrogation of the decrees that establish the celebration of 12 October, known as the Day of the Race, for its colonial content;
- a thorough revision of the educational programmes for native peoples adopted by the different ministries of education and the rejection of the new forms of educational colonialism;
- the recognition of our land rights;
- the recognition of our right to organise;
- the integration of Indian women into the social process in those nations and countries where there are socially and culturally differentiated groups.

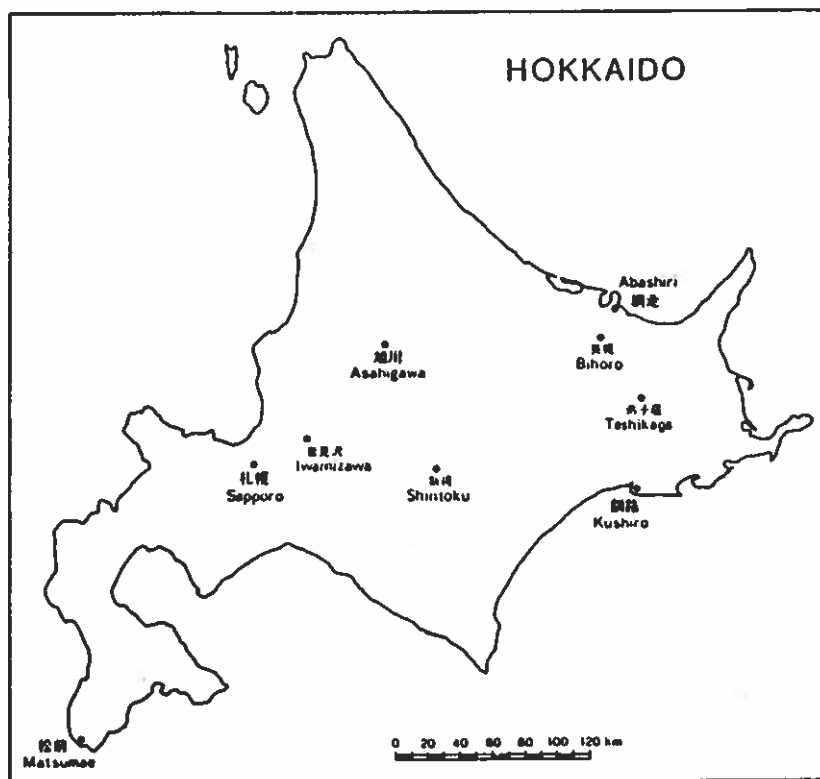
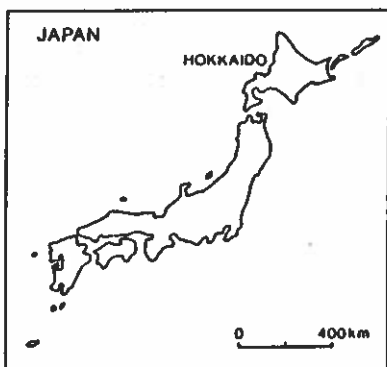
The seminar also stressed that religious institutions should support the liberation of oppressed peoples and respect their culture, while religious sects supported by imperialist forces should be rejected by the indigenous community because they induce acculturation and passivity.

During the seminar, the delegates also analysed and discussed the North American invasion of Panama on 20 December 1989. The delegates agreed to condemn the invasion as "brutal, inhuman and an aggression without reasonable or legal foundations". They also condemned the invasion for its "excessive degree of human, material, environmental, economic, sociopolitical and moral destruction and in terms of human sufferings of the people of Panama" as well as for the consequences on the cultural, political and economic life of the indigenous peoples of Panama.

In a final resolution, that was sent to the Human Rights Committee of the United Nations, the delegates called for:

- the immediate withdrawal of American troops;
- a guarantee for the physical and legal security of the people of Panama;
- an indemnification by the USA to the families of the Panamanians killed during the invasion and for the material losses caused by the invasion.

Source: CORPI.



Map of Japan and Ainu homeland of Hokkaido. Map: Jørgen Ulrich.

Japan:

“Mr. Ainu” in the Japanese culture

by Katarina Sjöberg

Preface

The *Ainu* people are, according to themselves, the earliest settlers in Japan. Since 1868, they have officially and on equal terms been incorporated into the Japanese nation. Although they differ culturally, linguistically and biologically from the majority population, the *Wajin*, they are not officially recognized as a distinct ethnic group by the latter, but rather as a “social” class. As a result, matters concerning the Ainu people fall under various social organisations. Futile attempts to raise the living standard of the Ainu people have resulted, in 1974, in the establishment of a separate welfare policy on their behalf, called “The Hokkaido Utari Welfare Policy”, a policy which does not come under the category of ethnic policy but rather general welfare policy.

The Hokkaido Utari Welfare policy has no legal relationship with the “Hokkaido Former Aboriginal Protection Act”. This act was enforced on the Emperor’s orders in 1899, two decades after Japan’s annexation of Hokkaido, former Ainu territory. It consists primarily of the following subjects: 1) transfer of land to promote agriculture; 2) medical policies; 3) education policy; 4) housing policy; and 5) the management of joint property. The act, containing 13 articles in its initial form, maintain a policy aimed at converting the Ainu to “Japanese nationals”, Japanese, “Nihonjin”, engaged in agricultural occupations. On account of continuous violations of restrictions and regulations as regards the articles presented in this Act, an organisation to protect the interests of the Ainu appeared in 1930. It was called the “Hokkaido Utari Kyokai” and it still exists. Since the start, this organisation has been preoccupied with questions related to social work and welfare, and in 1974, on the initiative of the Kyokai, a separate welfare policy on behalf of the Ainu was established, namely the above mentioned “Hokkaido Utari Welfare Policy”.

Traditionally, the Ainu lived in egalitarian societies. They were hunters with a strictly organised division of labour. Ainu men were engaged in hunting and fishing activities, whereas Ainu women were engaged in the gathering of medical and edible plants, and also in agriculture. Agriculture was not a new experience; it had been practiced for centuries. It was however, classified as a female activity by the Ainu. This fact made it

difficult to persuade Ainu men to participate in it and it had never been undertaken on a large scale. These factors, among others, made it difficult for the Ainu to support themselves, and as a result many of them lived under extremely bad conditions.

Despite preoccupation with questions related to social work and welfare, the living standard of the majority of the Ainu is well below the Japanese average. Six out of ten Ainu households rely on social welfare for their survival, a fact which places them among Japan's frontier poor, which apart from the Ainu, include Japan's outcasts: the *Eta*, or *Burakumin*, Okinawa, Chinese immigrants, Koreans, etc. – in short, people of non-Wajin descent.

Today the official number of Ainu is 24 831, a figure regarded as much too low by the Ainu themselves. According to their representatives, 300 000 is a more realistic figure. But then again, they say with a shrug, "keeping our number at a low level lies in the interests of the Japanese nation". Regardless of which numbers come closest to the truth, the Ainu are a minority not only in Japan as a whole but in Hokkaido, formerly Ezo, which is commonly referred to as Ainu Native Land. There is however, insufficient evidence as to the reliability in this assumption. It could well be that all Japan is in fact Ainu land, as well as some Russian areas. The majority of the present day Ainu population, however, are to be found in Hokkaido.

Around 70 % of today's Ainu population are engaged in various agricultural activities. Of these, the majority lease the land, or are engaged as part time labour. The remaining 30 % find their livelihood in tourism, fishing, mining, etc. Here again, the majority do not work for themselves, but are leased on various labour contracts. Prevailing racial and cultural discrimination (70 % of the Ainu claim – unspecified – that they feel that they are being discriminated) contributes not only to a high rate of unemployment among the Ainu people, but also to a decrease in their self esteem.

Causes of the unsatisfactory position of the Ainu

The Ainu see their unfavourable position and their low self-esteem as a direct effect of destructive acts such as the policy of assimilation, where the welfare policy with social work as its main ingredient, made them passive, and prevented them from taking actions by themselves. Another factor perceived by the Ainu as promoting unfavourable conditions among them is the establishment of "Ainu reservations", the "landplots" "given" the Ainu to promote agriculture, and enforced in 1899, which circumscribed their freedom of residence and employment opportunities

outside the agrarian sector. The effect this "reorganisation" had on the Ainu can best be described in their own words:

We were thus bereft of our land forest and sea. Hunting deer or fishing salmon became poaching, while collecting firewood became theft. Meanwhile people from the mainland flooded the land and initiated destructive development.

(Interview with an Ainu in Hidaka region, 1988).

To the Japanese authorities, the direct cause of the unsatisfactory position of the Ainu relates to the following:

This their disadvantageous situation relates to difficulties for them (the Ainu) to, within a century only, catch up with development.

(Interview with government representative, Sapporo, 1988).

A Change in the Relationship between the Ainu and the Wajin

In recent years the Ainu struggle to alter their poor conditions and to gain "cultural status", has been intensified. It is also now more structured than previously. At present a change in the relationship between the Ainu and the Wajin can be noted. The contemporary relationship between the Ainu and the Wajin originates in the two groups' conflicting interests as regards the policy of assimilation which is a rather recent phenomenon but with roots in constantly unsatisfactory conditions among the Ainu, dating back four centuries, when the Wajin first settled in Hokkaido and restrictions on both freedom of residence and hunting grounds first began. Previously the Ainu had none or little objection to the policy of assimilation. On the contrary, they devoted a considerable portion of their time to becoming "properly" assimilated and much effort was spent on forgetting their Ainu identity. Today there is resistance both against the policy of assimilation and the way in which their land and resources are used.

The policy of assimilation such as is maintained by the state supporting group, the Wajin, includes an acculturation of the Ainu people. Acculturation as a concept is defined as one kind of cultural change, specifically the processes and events which come from the conjunction of two or more formerly separate and autonomous cultures. The conjunctive relation in the Wajin-Ainu relation, relates to such measures as legislation against maintenance of Ainu traditional lifestyle and language, and an incorporation of their resources in the interest of the Japanese nation as a whole. As a result of the latter, the better part of Hokkaido land is now used for cattle breeding, rice cultivation and other imported activities and farming products from Honshu, the main Japanese island. Furthermore, Hokkaido now accounts for the greater part of the rice production in Japan as a whole.



Ainu children practicing their traditional dances. The Ainu put strong emphasis on themselves as a distinct ethnic identity. Photo: Katarina Sjöberg.

Contribution to Ainu resistance against the policy of assimilation

A plausible contribution to Ainu resistance against the policy of assimilation is, beyond doubt, the switch in perspective, away from development optimism and materialism to an increasing interest in primitivism and culturalism, that has taken place during the last decades. Another contributing factor is of course the fact that assimilation, in the eyes of the Ainu, albeit not in the eyes of the ruling authorities, is considered a failure. The Ainu themselves have become marginalised whereas their resources and their land have become central to the prevailing economic system in Japan.

Explanation to the contemporary direction of development

At the same time a plausible explanation for the contemporary direction of development is to be sought in the prevailing hierarchical system in Japan. The ideology on which the system is based is called *giri/ninjo* (moral duties and obligations towards persons higher in rank). This was created in the Tokugawa era, – preceding the annexation and succeeding the Sengoku Kidai, epoch of wars – after a full century (1500 to 1600) of

endemic wars and endless feuds between lords of Honshu, where defeat meant total destruction to a leader and his vassals. Hence, to effectively control the people and bring peace and tranquility to Japan, the society was frozen in a legally immutable class structure: warrior, farmer, artisan, merchant (*Shi-no-ko-sho*) (see e.g. Matsumoto, 1960: Reischauer & Craig, 1973: Takakura, 1960).

Of relevance in this context, apart from a class devoid of social mobility within, is the fact that the system gives no room for people outside the class structure, such as the *Burakumin*, the Okinawa, and the Ainu. The people who today constitute Japan's minority people, today, as in ancient Japan, are classified with reference, not to function in a hierarchical system, but to place of birth.

The cause of this development i.e. the Ainu being included in the group of low-ranked people without being recognized as a distinct ethnic group, can in their case be connected with a view of the Ainu as a defeated people. It is also from this perception of themselves as a defeated people that the Ainu now seek to obtain redress. Hence, their efforts are directed towards getting rid of a picture of them as an inferior "race" with an inferior "culture".

Redress

Today, the Ainu people object to existing "scientific" interpretations of their own past, and take active part in critical analyses of foreign as well as Wajin writings about them. In some cases, their own versions may even compete with official science. One example of this is the picture presented by Mr. Shigeru Kayano, an Ainu from Hidaka region in the eastern part of Hokkaido. The main critique is directed towards the absence of an Ainu view in matters concerning their own culture and customs. Such neglect of an internal view, leads, according to Mr. Kayano, both to conceptual misreadings of cultural and traditional values, and to a history writing where Ainu culture and tradition are used as a contradistinction, uncivilized vs. civilized, to Wajin culture and tradition.

Tourist Centres as basis for the redress

Ironically, Ainu tourist centres came to constitute the basis for their redress. The irony in this lies in the fact that these centres, in their initial shape, had more in common with the commercial Japanese interests than with anything else. The tourist centres were initiated by Japanese authorities to increase the profit of tourism and as such, they had very little to do with genuine Ainu culture and tradition. They were arranged as Ainu traditional settlements. "Unchanged since the dawn of historical time" these were shown as "the contemporary Ainu way of life".

Hence, the way in which their culture was presented in these centres came to symbolise for the majority of the Ainu people the final blow against the true essence of traditional Ainu culture. Not only did the centres present a static and a historic picture of the traditional Ainu way of life, but the people who joined the centres did so for the sake of tourism rather than for the sake of presenting a true picture of themselves and their culture.

The main purpose of today's tourist centres, without ignoring their commercial aspects, is to function as information centres, with ambitions not only to attract tourists, but first and foremost Ainu people from all areas in order to come to terms with the ignorance of their own people, and to establish a network of Ainu people, skilled and trained in issues related to traditional beliefs and customs. Further, if we consider the time and efforts the Ainu people spend on increasing their knowledge about their own culture from an angle other than the commercial one, we find that these factors also can be interpreted as a determinant of increased knowledge of Ainu traditional culture in general.

Hence, when further looked into, that today's center also function as places where Ainu feelings of common understanding and mutual belonging can be displayed. The Ainu people who work in the tourist centres are not only local people but Ainu people from all Hokkaido. Thus, the tourist centres offer a picture of manifoldness, not least because the Ainu people who work here add local and regional varieties of Ainu language, culture, beliefs and customs to the prevailing biased one. Ainu people who visit recognise products coming from their own area, and they discuss and compare these with those from other areas.

Within this framework, the manifoldness of traditional Ainu way of life reveals itself in the different ways in which the Ainu at present approach their culture. This in turn makes up the infrastructure of contemporary Ainu communities. The basis of knowledge obtained in this way, allows for assignment for particular or specific purposes. These purposes are orchestrated in a number of ways. Thus according to such plans, some Ainu areas may function as national parks, others as traditional Ainu settlements »*kotan*«, or as "knowledge centres", etc.

Their approach

Today, the Ainu have far-reaching plans presented in "A counter plan to a proposal for legislation concerning the Ainu people"(1984:1987) to replace farming products such as rice, corn, etc. imported from Honshu, with Ainu crops and vegetables, and to make National Parks of forests and mountains located in former Ainu territories. In the proposal, the

Ainu also present a wish to introduce the Ainu language, *Ainu Itak* as a compulsory subject for pupils of Ainu descent. This wish is both connected with the Ainus disapproval of the way in which their language is studied today and, with a hope of maintaining their language as a living language. The Ainu have no written language; their Ainu Itak is an oral one. Today, they feel that studies of their language are undertaken to determine the origin of the Ainu people, a question which is still unresolved. The Ainu position is that studies of their language should be undertaken in order to facilitate the transmission of Ainu culture to the young.



Archaeological site in the vicinity of Nibutani village (Hidaka area), Photo: Katarina Sjöberg).

To obtain public approval for the issues presented in the proposal, the Ainu are at present engaged in giving lectures in Ainu culture, language and history, and they are also arranging different types of excursions. These include camping arrangements where the public is invited to take part in "traditional" Ainu hunting and gathering activities, and excursions where the public is invited to areas where important Ainu settlements (kotan) previously existed. During these events, the participants are given instructions about former Ainu place names, the way in which they have been corrupted, and how this, in turn has contributed to that essential knowledge about the characteristics of the places that are lost. With a hope to substituting the standard picture of ancient Ainu life with a picture of manifoldness, the participants are also informed about local and regional varieties of Ainu culture and tradition.

The way in which the Ainu now seek to gain cultural recognition can, in many respects, be likened to some sort of folkloristic approach, mainly because of the strategy's obvious emphasis on cultural aspects, and less obviously on economic and political ones. However, their efforts to attach a "face" to their culture, something like presenting a "Mr. Ainu" can only be understood if we consider the fact that their culture has been underestimated for centuries, and the fact that the concept "Ainu" to the majority of the Japanese is unknown. There are people who think that Ainu stands for some kind of food or even a new computer. Hence, what today, on the surface, might look as some "folkloristic" approach might, when further looked into, reveal the hidden face of the Ainu people in the renaissance of Ainu culture.

How to get a fair picture

To get a fair picture of contemporary Ainu way of life and to understand the strategy they use to change their situation, we must in our analysis single out circumstances specific to the ongoing direction of their efforts. Which circumstances we choose to emphasize depend on what kind of perspective we have, what kind of questions we frame, how we analyze official figures, and last but not least, whom we ask. Above all, we have to reject the idea that the Ainu still try to "become more Japanese than the Japanese". True enough, there was a time when many of them tried but today we have ample evidence pointing in the opposite direction, envisaged at present in ways of identifying themselves. Today, many Ainu use an old Ainu concept for identification. The way they refer to themselves originates from the old Ainu concept *un guru* where *un guru* "person" or "man" has a meaning of "belonging" e.g. a group or a place. Hence people living in Nibutani call themselves "Nibutani un guru",

people living in Shiraoi call themselves ... Shiraoi un guru, etc. Another indicator is the fact that the concept "utari", an Ainu word for fellow, comrade, used since the incorporation of Hokkaido to depict Hokkaido natives - on their own request - now gives room to "Ainu", a concept that was previously regarded as stigmatising.

Previous work

Before discussing which perspective we should choose, and what questions might be proper to ask, let us look further into the choices and results of previous research.

Apart from pure descriptive works by missionaries (Batchelor: 1901, 1924, 1942, 1971 and Hilger: 1967), explorers (Lander, 1987 and Fisher, 1949) or Japanese colonisers to be found in archives annexed to various Ainu museums, studies of the Ainu people concentrate on their past and try to characterise them, their culture and society as primitive and backward.

These studies are carried out as community studies in a functionalistic tradition. They view traditional societies in a historical and static terms. Much of value, however, can be found in their analyses of structures of meaning and symbolic practices within such societies and a number of interesting studies of religion (Deriha, 1985; Kodama, 1970; Munro, 1962; Philippi, 19789), kinship (Levin, 1963; Ohnuki Tierney, 1976; Seligman, 1962; Sugiura and Befu, 1962) medicine (Ohnuki Rierney; 1981) and language (Batchelor, 1938; Pilsudski, 1912; Tagushi (Refsing) 1987; Tamura, 1983; Voi, 1983 and 1987) have been undertaken.

Studies of social and cultural change, whether historical or ecological evolutionary, have likewise stressed endogenous factors in accounting for cultural and social situations of the Ainu at present. They have stressed and attempted to demonstrate that apart from agriculture, which must necessarily have been imported, the Ainu have not been amenable to development (Munro, 1911; Saito, 1912; Takakura, 1960) or that their ecological adaption is itself an example of a less developed form of existence. (Watanabe, 1972 & 1975).

The few studies that focus on the conditions of the Ainu today, deal with the Ainu as an indigenous population, thus reflecting the integration of the Ainu into an expanding Japan (Cornell, 1964; De Vos, 1971; Newell, 1967; Peng & Geiser, 1977; Refsing & Tagushi, 1980; Sanders, 1985; Sjöberg, 1986, 1987; Tomi, 1985).

Of these, a considerable part have been occupied with questions related to the consistently highly discriminatory treatment of the Ainu population by the Japanese majority. At best, they reflect and oppose the prevailing discriminatory tendencies, at worst they admit that they once

existed and deny that they still exist, pointing at such trivial factors as “Today Ainu and Wajin are often seen working side by side” (Hilger, 1967). Previously, explanations were sought in various cultural and racial factors, whereas today, among those who do not deny that they exist, they are sought in social ones.

Previous assumptions such are quoted below were common:

The Ainu in so far as they are altogether without the element that go to make up what we call “modern civilization”, and may be described as savage.

(Kajima, Jr., 1895:1).

The Ainu must be held to have undergone some degeneration. Yet I am confident that they are capable of partaking in a higher culture. The children are proving capable and industrious. The Ainu seem to be on excellent terms with the Japanese peasantry, but a little official encouragement and sympathy would do much to elevate them.

(Munro, 1911:662)

Speaking in general terms, studies of Ainu “traditional” and contemporary society have for the most part taken an internalist view, and have not attempted to understand the relation between expansion and contraction processes in the larger system and their consequences for the transformation of Ainu local society. Furthermore, most researchers have been preoccupied with signs indicating that “racial” and “cultural” assimilation has been achieved, something that can be connected with the adaptation of a Wajin perspective.

The Wajin view

When dealing with works about the contemporary Ainu situation and their integration into the larger society, we find that far too much attention has been paid to the Wajin strategies of assimilating the Ainu and far too little to the Ainu strategies of adopting themselves to new terms. Consequently, the ideology of the Wajin – the conquerors – has continuously permeated our perception when dealing with questions related to their situation. When analyzing the integration situation, Western sociologists such as Cornell, Geiser, DeVos, Newell, etc. have put heavy weight on social factors in general, and intermarriages with Wajin in particular. Hence, inclinations that they have adapted a Wajin view, become obvious.

The contemporary problem of the Ainu is structured in terms more relevant to social work than to anthropology. The living Ainu are regarded as one kind of “frontier poor”.

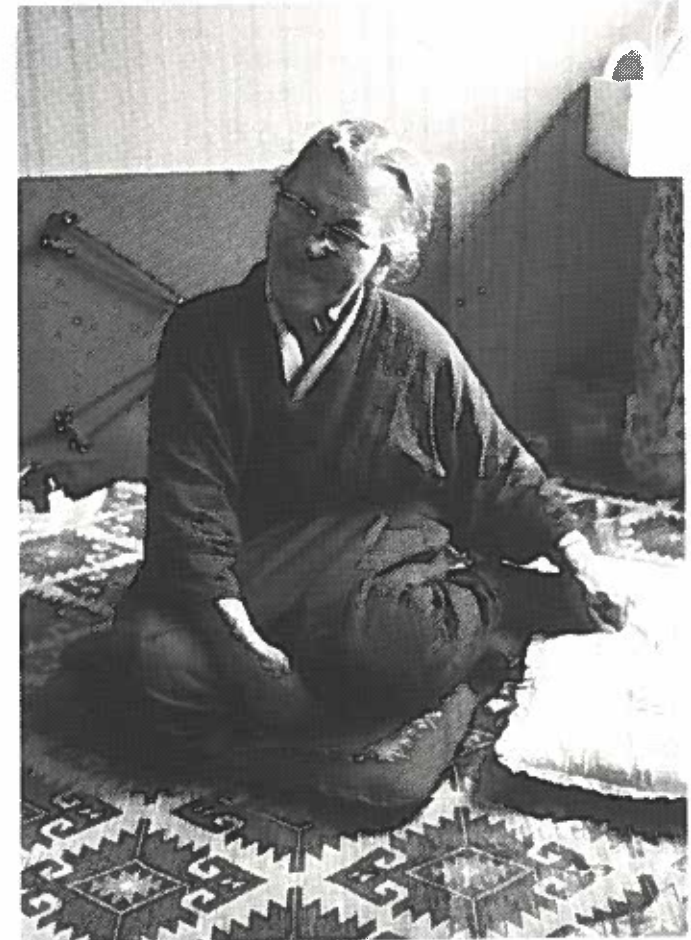
(Cornell, 1964:302).

Social factors appear to differentiate the Ainu, but these factors are difficult to isolate and describe for the Ainu have existed in increasing intimate relationship with the Japanese ... and have adopted in addition to the language (Japanese) most their customs and habits”.

(Peng and Geiser, 1977:20).

The Ainu are not a present day social problem for two reasons. First, they have almost entirely disappeared through intermarriages and second, others have followed a very conscious self imposed policy of assimilation”

(De Vos, 1971:18).



Kinarapok Sugimura (1888-1976) one of the last fluent speakers of the Ainu language. Asahikawa, 1969. Photo: IWGIA archives.

The contribution of intermarriage between Ainu and Wajin has to a considerable extent, been interpreted as a means to escape Ainu status. Although previously, this might have been their intention, today nothing could be more wrong. The contemporary Ainu opinion is that every person with Ainu blood in his veins is an Ainu, no matter how he earns his living, or in what part of Japan he is settled. With this view, children born of an Ainu and a Wajin are Ainu by descent not Wajin, and so are the future children, since as they themselves express it, "quality and quantity is accounted for."

Furthermore, in today's Japanese society, with its hierarchical system based on functions for the "inside" people and place of birth for the "outside" people, persons who marry Ainu are more or less forced to give up their Wajin identity. In a way, they have become "naturalised" Ainu. Their Wajin relatives may in some cases even regard them as dead. Nevertheless, they are not Ainu, i.e. Ainu people do not identify them as Ainu, nor are they Wajin, although they identify themselves as Wajin, but they are integrated into Ainu society, i.e. they adopt themselves to the Ainu way of life, and in this regard, intermarriages do not contribute to the total destruction of Ainu tradition. On the contrary, more often than not, they work both to activate and stimulate traditionally based activities.

There are ample examples of this envisaged not only in these people's engagement in Ainu traditional activities, such as wood carving, cloth making, ceremonial performances, etc. The commercial aspect cannot be ignored, nor can the time these people devote to educate themselves in matters concerning Ainu old time belief and customs, be it on grounds of increasing their profit, their knowledge, or both. Hence, the time has come to look at intermarriages between Ainu and Wajin for what it really means to the Ainu as a people with a distinct culture, instead of what it means to researchers with ambitions to analyse intermarriages as an important ingredient in what they see, as a result of a "successful" assimilation. After all, official figures of the total number of the Ainu (24 831) and likewise, official figures of how many of them are engaged in agricultural activities (70%) work in favour of a "successful" assimilation. Furthermore, previous "unstructured" Ainu attempts to alter their conditions - Ainu individuals internally divided into groups or fractions supporting various action groups - have, owing to a lack of structure, contributed to leading research astray. Hence, solutions looking good in theory have turned out to promote discriminatory tendencies.

Tendencies, which become obvious if we look at the high percentage of unemployed Ainu and ask questions like: What would you prefer to do? Or why do you work here? In nine cases out of ten, they would have preferred to work with something else, and again in nine cases out of ten,

they say: "What other choices do we have? We are Ainu." Furthermore, the majority of the children do not see "agriculture" as a preferable option in their choice of occupation, neither do they think of fishing and mining industries as attractive alternatives. Instead, many of them see a future engagement (unspecified) in their own culture as something which they would consider.

Because discriminatory tendencies today are connected with social factors, they lend "legitimacy" to the continuation of discriminatory acts and attitudes, since they envisage a picture of the Japanese as "helping hands" willing to give their utmost in an otherwise helpless situation. Note for instance:

The Ainu fall far behind economically, occupationally, educationally and also in terms of welfare ... we feel obligated to help raise their living standard and improve welfare services for them. (Draft from the 1 st Diet, the 3rd Subcommittee of Lower House Budget Committee Session, 5 March 1973).

The predominant emphasis on cultural and racial factors, and attempts to single out factors that work in favour of a successful assimilation, can best be understood if connected with a Wajin desire for a single homogeneous nation. A national self-representation which is hierarchical in the extreme, and which has encouraged researchers to look for signs confirming or supporting the idea that the Ainu are a "proto Wajin" type, doomed centuries ago. However, on account of these peoples' relative isolation, although on the verge of vanishing, they do in fact still exist. Note for instance: "The Ainu are a vanishing people." (Hilger, 1967). "Their culture is a closed chapter." (Egenter, 1986). These quotes are backed up by official low figures as regards their numbers, and the officially high percentage of Ainu engaged in "Japanese" activities.

The Ainu view

The present day Ainu resistance against the policy of assimilation and what follows in its wake, can best be understood if we take a closer look at the path they and their resources play(ed) in the interaction with the Wajin. As for the present situation, we have to consider that their resources/territories are essential to the nation as a whole, whereas their skills are of minor importance. Hence, conceptual tools useful to work with derive from this their situational context.

Within this framework, Ainu contact with the larger society has taught them not only how to go about restoring what is left of the traditional society and its institutions, but also what niches one successfully can exploit.

In this regard, the use of an Ainu perspective will, for obvious reasons, be the best suited one. Such a proceeding enables us to provide a picture of the interaction with Ainu as actors or active subjects, thereby opposing the picture hitherto provided of the Ainu as sleeping partners. Furthermore, we must refrain from preoccupations with issues related to the Ainu as a "marginal" minority people, where focus is put on the peripheral position of the Ainu in a center periphery context, and where the center is regarded as a "logical" starting point. The Ainu themselves do not refer to themselves as "indigenous", neither do they talk of themselves as "marginal". To the Ainu, the Ainu people are "central" as are their resources, their activities and their lifestyle – in short their own situation. Thus, the methods they employ in the interaction situation emanate from what they perceive as "center", rather than from a center-periphery context, where they are marginal. Today's center is beyond doubt the tourist centres, at first a Japanese innovation with Japanese goals to fulfill, but at present, places from which dynamic thinking and new ideas emanate.

By employing an Ainu perspective, we add an alternative cause both to previous Ainu attempts to become "even more Japanese than the Japanese", and why it failed. The fact that the Ainu people, at the time of the annexation of their land were left in extreme poverty, seems to have been as obvious to the emperor as it was to the Ainu themselves. The cause of the condition was however differently interpreted.

To the emperor, "the immigrants and the innocence of the Ainu" have caused this effect, whereas to the Ainu, the effect was caused through "bad" relations with "Nature". They felt that Nature had deserted them, and their own exploitation was connected with the fact that they had not fulfilled their obligations towards Nature. Hence, due to their own "disgrace" and the favourable position of the Wajin, the Ainu choose to "become Japanese". After all, the gods of the Wajin had turned out to be the most powerful ones. The parallel in this solution and revitalisation movements of different types is as striking as it is logical. Revitalisation movements develop in situations where there is extreme material and other inequalities between societies in contact. Now, difficulties and obstacles in achieving this status, which they in fact never did have formerly, has exclusively been interpreted as "incapabilities" on behalf of the Ainu, whereas complex mechanisms, such as prevailing hierarchical mechanisms in the Japanese system that make transgression impossible have, for the most part, been ignored.

The strategy used by the Ainu at that time did not fulfill the promises of a future ideal life, neither did the mere copying of Japanese customs. Instead, the Ainu found that their resources and territories were incorporated into the Japanese system while they themselves were left with circumscribed possibilities to enjoy their fruits. It is with these circum-

stances in mind that analyses of both the contemporary Ainu situation and the strategies they employ, must be undertaken.

The method chosen to illustrate ongoing changes emphasize the efforts of individuals to exploit various niches, that became accessible to them by their ongoing contact with larger society. Such a method may, at first glance, appear too fragmentary and thus less suited to reveal the overlapping structure of what governs the everyday life of the Ainu today. In the case of the Ainu, however, it is the best suited one.

The infrastructure of contemporary Ainu communities can best be revealed if we look at the way in which the efforts of individuals orchestrate various aspects of the Ainu way of life in its contemporary guise. If not, we might find ourselves in the situation of previous research and likewise arrive at the conclusion that assimilation is successful, led astray by statistics regarding matters concerning their present occupational situation, and the total number of the Ainu population. These facts are backed up by Japanese authorities who use these circumstances both as signs indicating improved conditions among the Ainu, and as signs indicating that the policy of assimilation has been successful. The present day Ainu strategy to gain cultural status is viewed by Japanese authorities as small scale enterprises disguised in the shape of charismatic leaders, liable to put forth "personal" interpretations of Ainu language, history and tradition, obtained either through personal experiences or interviews with local Ainu people and presented in the form of novels rather than works of science.

Ainu identification

The different ways in which the Ainu manipulate their identity work as an important instrument in revealing uniting factors beyond what is exposed on the surface.

An example of this is the fact that Ainu people who have migrated to the metropolitan areas, hide their Ainu identity – they identify themselves with reference to (un)employment situation – seek their recognition as Japanese and claim to have close contact with them and identify them as either Ainu, which is also used by the Wajin, or *un guru*, which is used by the Ainu people exclusively.

Another illustrative example is the way Ainu, engaged in agricultural activities, seek recognition as farmers, peasants, etc. Nevertheless, in the case of Ainu ceremonial performances or other activities, many of these people are not only seen as observers, but dressed up in Ainu cloth, they also take active part. Hence, if these people reject their Ainu identity in words, they reveal it in practice.



Ainu women harvesting inakibi (Ainu cereal). Ainu identify themselves with reference to employment situation, thus they seek recognition in f.ex. agricultural activities. Photo: Katarina Sjöberg.

Speaking in general terms, we may, among the Ainu, discern at least 2 major strategies used for identification. One is used by those Ainu who put strong emphasis on themselves as a distinct ethnic identity. The other is used by Ainu who put strong emphasis on cultural and traditional similarities between themselves and the Wajin.

Common to the latter group is that they, in a national context, identify themselves as “Japanese”, whereas in a regional and local context they identify themselves as “Japanese of Ainu descent”. These people employ what we might call double identities, used in a hierarchical sense. They stress that it might be positive to deal with Ainu affairs in a more “in-

dividually specific way”. Ainu people maneuvering their identity in this way are to be found among those who seek their outcome in the rural sector, or, in other sectors connected with the various industries in the big cities.

The former, on the other hand, identify themselves as “Ainu” in a national context, whereas they, in a regional and local context, identify themselves as .. *un guru*. These people can be said to use their identity for “clarification” purposes. Hence, the use they make of their identity must be interpreted in a strictly horizontal sense. These people stress the necessity to unite people, so that “strong and united” they can put sufficient pressure behind their claims. The people who maneuver their identity in this way, are occupationally engaged in various Ainu activities.

The pattern that reveals itself today may, in many respects be viewed as related to Ainu responses to their own occupational and situational context. Hence we have: a) Ainu people who use their identity to achieve a specific purpose, a cultural definition. The two concepts that they use when they identify themselves (Ainu, .. *un guru*) are exchangeable in the sense that the one concept does not feather one’s nest in a better way than the other; and b) Ainu people who use their identity in a chameleonic sort of way. The two concepts that they use when they identify themselves (Japanese and Japanese of Ainu descent) are not exchangeable in the sense that the concepts are used with respect to which purposes they best may serve. Hence, one concept is favored at some occasions and another at others.

Mr. Ainu

In the final and conclusive paragraph, I will place the reader in a village, Nibutani, where the majority of the population are of Ainu descent. My aim is to fix the readers’ attention to what Japanese authorities interpreted as “personal interpretation of the true essence of Ainu cultural heritage”. The reason for my choice of village, Nibutani, relates not so much to the fact that the Ainu are in the majority – 80% are of Ainu descent – but that this village is regarded both as a center of the study of Ainu traditional culture and as a center from which innovations and dynamic thinking emanates – a point on which both Ainu and Wajin agree. In this village, we find Mr. Shigeru Kayano, an Ainu who has become very influential throughout Japan – he figures both on television and the radio – and it can be said without too much exaggeration that he has influenced the direction of development in this village.

Nibutani is a rather small village of about 120 households. It is situated in the Hidaka region of eastern Hokkaido and is divided into 9 autonomous towns or *cho*, of which Biratori cho is one. Biratori cho in turn con-

sists of several villages or *mura*, of which Nibutani is one. Nibutani belongs, as far as administration is concerned, to Biratori cho. Here we find the town office, with 24 popularly elected town officers. The town officers belong to the different villages which are subordinate to Biratori cho and the number of representatives in each village depend on the population of the village. Nibutani has only one representative, Mr. Shigeru Kayano.

Biratori cho is the most densely populated Ainu area in Hokkaido, and Nibutani is the most densely populated Ainu village in Biratori cho. When it is time for Ainu festivities, ceremonies, lectures in the Ainu language, history and traditional customs, etc., people from Hidaka, Biratori cho in particular, but also from Hokkaido areas and Honshu, come together in Nibutani, which is the center for such activities on a regional as well as a national level.

Nibutani is also the tourist centre of Hidaka region. Here one can buy genuine Ainu products, manufactured by Hidaka Ainu in a traditional way, taught by experienced elders, *Ekashi*. Among the elders, Mr. Shigeru Kayano is supreme. He is also a prominent member of Utari Kyokai in Sapporo and Nibutani village representative in Biratori cho town office.

Mr. Shigeru Kayano is a "self made" man whose interest in Ainu tradition took a concrete form, when in his young days as a ditch digger, he returned home and found that his father had given the family treasure, *ikupasui*, a ritual object, to a foreign scholar, in return for rice wine, *sake*. Since then, Mr. Kayano has devoted his life to the preservation of Ainu culture artifacts, and the transmission of the spirit of Ainu life to posterity.

He began his work with the construction of an Ainu Exhibition Hall, "Shiriyoka". A work completed in 1972, this hall does not enjoy the status of a museum since the items exhibited here never underwent the evaluation of scientists. The items exhibited have either been collected by Mr. Kayano himself, or they are manufactured by him or under his guidance. Since the opening day, he has taken an active part in exhibiting the items. Furthermore, Mr. Kayano is the initiator of lectures in the Ainu language, history, etc. Since he is a skilled carving craftsman, a skill inherited through generations, he is also engaged in transmitting the technique of manufacturing carved products sold as souvenirs to the Hokkaido souvenir shops. His contribution to keep the knowledge of old Ainu traditions alive can be found in his many books about his own experiences and those of his forefathers.

Today, Mr. Shigeru Kayano is considered an important source of knowledge and expertise by scientists, Japanese authorities and Ainu people, and he is frequently consulted about Ainu matters. At present he is determined to make Nibutani an "Ainu Genuine Knowledge Center",

an idea supported with national (Japanese state), regional (Hokkaido government) and local (Biratori cho town office) funds. The work with the center has been going on for about two decades, and is thus far advanced.

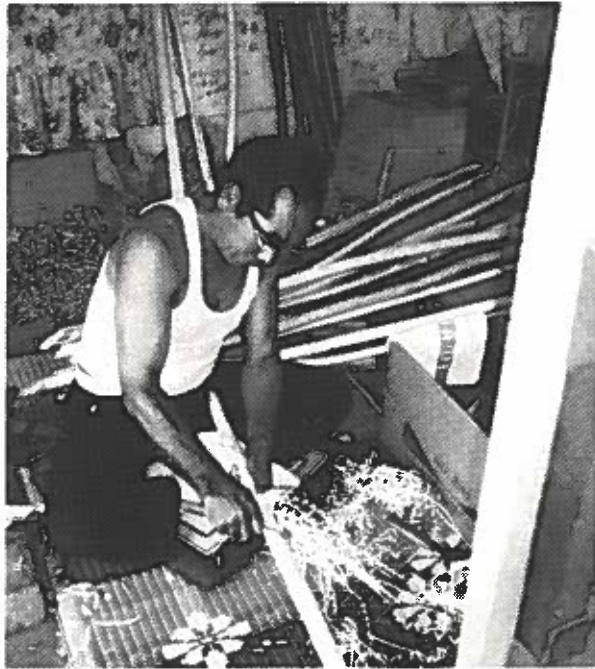
Utari Kyokai, the Ainu organization in Sapporo, is considered an important asset as far as support and information on a national and regional level is concerned. Among other things, the Kyokai, with Mr. Kayano as leader, is at present engaged in improving on the issues presented in "A counter plan to a proposal for legislation concerning the Ainu people."

This proposal includes the abandonment of the permission of the Hokkaido governor to sell granted land - land returned to the Ainu in an attempt to introduce agriculture among the Ainu people - and alteration in the management of common property, the land which was taken back when not cultivated (p. 2 in the proposal). If the request is granted, opportunities will be given to use considerable parts of Nibutani land for Ainu purposes, which include the preservation of Nibutani natural environment.

The vision is as follows: To have a Historical Museum, "The Saru Kawa Ainu Historical Museum" constructed on Nibutani ground, more specifically in close vicinity to the Shiriyoka, constructed by Mr. Kayano himself. The museum is to be surrounded by "Chise", traditionally built Ainu dwelling houses, in which Ainu products will be manufactured in the traditional way; To make a national park of the forests and mountains to preserve the fauna and flora of the once most powerful Ainu territory in Hokkaido; To use part of Nibutani land to grow Ainu crops and vegetables to preserve Ainu cooking tradition and to be able to serve visitors Ainu dishes; and finally, To establish a centre for the studies of Ainu history, culture, language, religion etc. wherein the lectures are supervised by the Ainu themselves.

If this vision ever comes true, the better part of Nibutani land will no longer exclusively be used for cattle breeding, rice cultivation or other imported and supervised activities and farming products from Honshu. More over, if the vision becomes reality, it might also work in favour of a decrease in unemployed Ainu since the Centre in the first place will employ Ainu people.

For about 20 years, a period during which the work with the centre has been going on, Nibutani has managed to gain quite a reputation. Today, research about Ainu and Ainu matters are not taken seriously if one does not take part in at least some of the various courses given here. During my own stay in Nibutani, the village was the focus of Wajin and foreign research on various topics, everything from camping excursions to lectures in traditional weaving techniques.



Making "inaru" or offering sticks. Wood carving is a traditional activity that many Ainu are engaged in. Photo: Katarina Sjöberg.

Mr. Kayano and his methods, do not however, go unchallenged. Among other things, he has been accused of bringing forth his own culture (Mr. Kayano culture) and not Ainu culture, his own language and not Ainu *Itak*, his own history and tradition, and not the history and traditions of the Ainu.

Since traditional Ainu life, language and belief differ from area to area – just to what extent is at present under investigation – and since the 14 regions of Hokkaido comprise a national heritage rather than just the traditional Ainu units, and finally, since a thorough knowledge of traditional Ainu boundaries is missing (there are only vague hints about variations in life, language and beliefs), then Mr. Kayano is just adding "another version" to the existing Japanese one. His version is both a learned one and one to be partaken in, and may in many respects be viewed as a means to gain controlling influence over the contemporary inter action situation.

By employing this technique, Mr. Kayano is trying both to keep Nibutani, Hidaka center for Ainu activities and to keep Ainu activities in this region strictly an Ainu concern. He is thus aiming at preventing the

Wajin state to take over and control Ainu activities here, as has been the case in the rest of Hokkaido's Ainu tourist centres, where the Ainu still constitute a seasonal working team with Wajin doing the prestigious work, and at full time posts. In these centres, the Ainu are found as "workers" in the tourist shops, or workshops annexed to the shops, whereas the Wajin have "positions" in the various "Ainu Historical Museums."

Epilogue

If we use the term "assimilation" as a concept to depict a specific technique employed by Japanese authorities to control the Ainu people and resources, and the term "integration" as a concept to depict the interaction situation between the Wajin and the Ainu in general, the method employed by Mr. Kayano envisages a "practical application" aiming at fulfilling Ainu aims, in response to a highly theoretical model constructed by the Wajin to fulfill Wajin aims.

Speaking in general terms, the interaction situation does in fact, not only encourage such methods as employed by Mr. Kayano, rather they are the only ones possible, since transgression strategies to "become Japanese", to gain equal rights and equal possibilities in a society like the Japanese one, meet with obstacles in its initial phase for no other reason than lack of "Wajin origin". Note for instance:

To them (the Wajin) all foreigners lack by instinct the true knowledge of what it means to be "Japanese", no matter how well they speak the language or try to adapt themselves ... (Newell, 1967: 212)

Katarina Sjöberg is a Swedish anthropologist who has done her doctoral dissertation on the Ainu.

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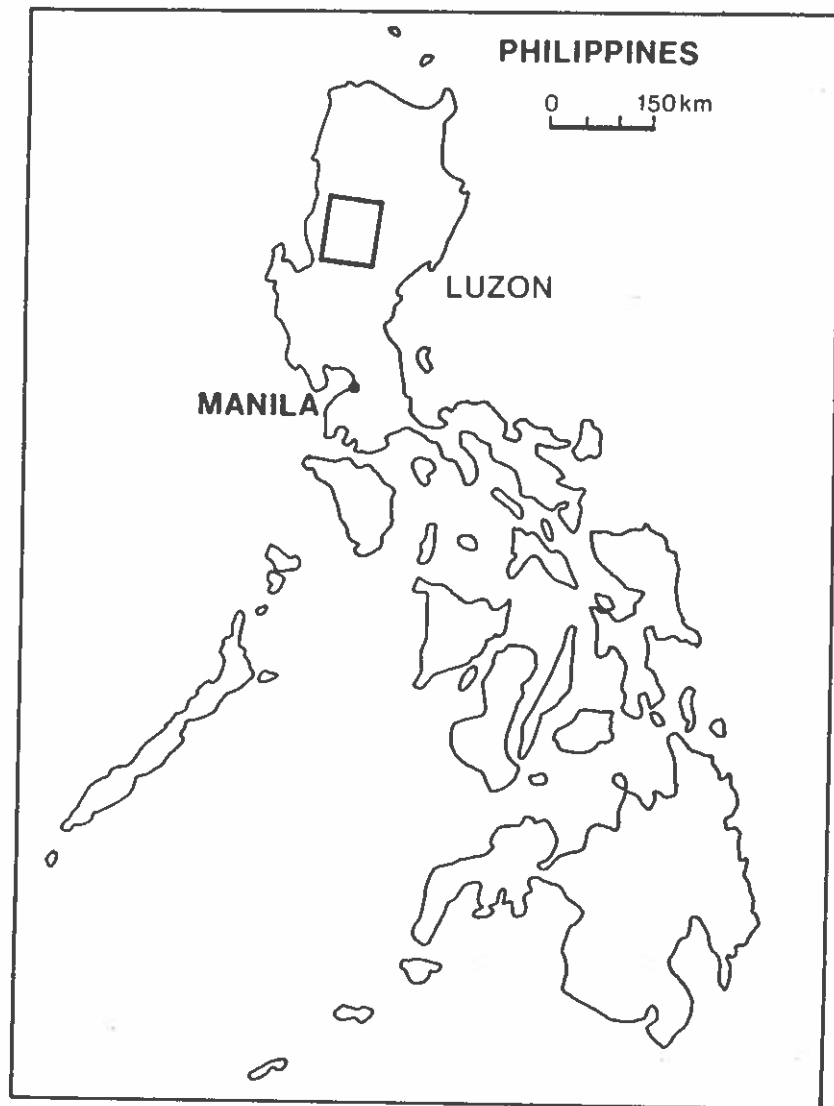
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Map of the Philippines with the Cordillera region indicated in the northern island of Luzon. Map: Jørgen Ulrich.

Philippines:

Primer on Benguet Corporation's Open Pit Mining and the Grand Atamok Project (GAP)

Background: Benguet Province and Itogon Municipality

Benguet is one of the five provinces of the Cordillera Region and is located at the southern portion of the Cordillera mountain range. It is inhabited by *Ibalois*, *Kankaneys* and immigrants from the other Cordillera provinces as well as from the lowland areas.

It is claimed that Benguet is sitting on a pot of gold because of the abundance of precious metallic and non-metallic minerals in the province. There are at present five operating mining companies in Benguet. These are Benguet Corporation Benguet Gold Operation (BC-BGO) and Itogon Suyoc Mining Inc. (ISMI) in the municipality of Itogon; Philippine Exploration Mining Company (Philex) and Benguet Exploration (Be Ex) in the municipality of Tuba; and Lepanto Consolidated Mining Co. (LCMCo.) in the municipality of Mankayan.

Three of these mines are among the biggest gold, copper and silver producers in the country. BC-BGO is the country's number one gold producer and also ranks number one in gold production in Asia and number eight in the whole world. Philex is the biggest copper producer and the second biggest copper producer in the country, while LCMCo ranks third in copper production.

Itogon is considered one of the richest municipalities of the province because of the operation of two mining companies here - BC-BGO and Itogon Suyoc mines. Both are primary gold producing mines with silver and zinc as by-products. These two companies employ around 5 000 workers. Together with their families, roughly about 30 000 people are directly dependent economically on the operations of the two mines.

There is also a significant number of small scale private miners in the municipality, estimated at 20 000 people. They do either pocket mining in their own tunnels or engage in gold panning along the river system of Itogon. Pocket mining is their dominant activity during the dry season while gold panning is their dominant activity during the wet season.

A third source of income in the municipality is agriculture. Crops grown include rice, corn, temperate vegetables, sweet potato and coffee. Production is mainly for local consumption and does not suffice to meet the needs of the municipal population.

Itogon has a total population of 58 400, 47% of which are indigenous people or national minorities.

Open Pit Mining and the Grand Atamok Project

What is Open Pit Mining (OPM)?

Open Pit Mining (OPM) is a method of mineral extraction which involves mining from the land surface by stripping the mountains and digging pits to extract the mineral ore within. This is distinguished from the old method of underground mining done by digging out tunnels at different levels underground.

OPM is a faster, more productive and more economical method of mineral production which allows the company to recover low grade ore and outcrop mineral vein deposits. It relies on the use of heavy equipment for its operation. For this reason, OPM is now the trend worldwide as a method of mineral production. However, OPM causes much greater and more permanent environmental damage than underground mining.

What are BC-BGO's present OPM operations?

BC-BGO is presently operating 5 open pit mines, all in the municipality of Itogon. These are:

Name of OPM	Location	Year Opened
Keystone Vein	Barangay Ucab	1981
440/275 Vein	Barangay Loakan	1983
Cal Horr	Barangay Virac	1985
Little Corporal	Barangay Tuding	1986
3 Vein	Barangay Tuding	1989

What are BC-BGO's plans for the expansion of the OPMs?

BC-BGO plans to open two more open pits in Barangay Loakan and integrate these with the present 440/275 and Keystone open pits to serve as the source of ore for its Grand Antamok Project (GAP).

Plans are also underway to expand OPM to the Acupan mining district in Barangay Virac, Itogon. Road construction is ongoing in preparation for this. Another open pit will also be opened in Barangay Tuding.

What is the Grand Antamok Project (GAP)?

The Grand Antamok Project (GAP) is an expansion of the present OPM operation in the Antamok mining district of BC-BGO. The project will consolidate the present 440/275 and Keystone open pit mines and open two new open pits - the 426 Breccia Vein and the Camote Vein. Together, these four OPM's have a potential mineable ore reserves of 14.1 million

metric tons with an average grade of 2.9 grams of gold per metric ton. With this expansion, the mineral ore reserves for OPM at GAP grew nearly ten times.

BC-BGO plans to develop the AP as an independent unit with its own source of mineral ore and an independent milling operation. The milling plant to be constructed will use the latest technology in gold recovery called the Carbon In Pulp (CIP) process. It will have a capacity of 3 000 to 5 000 metric tons per day. With this milling capacity, the GAP is expected to have a life span of 8 to 13 years.

The GAP will also have a separate tailings disposal system. The structures to be constructed in relation to this include a tailings dam, a concrete spillway, a run off tunnel, 2 diversion tunnels, an open water channel and penstock. New facilities such as new housing structure will also be constructed for the open pit workers.

How will GAP operate?

The operation of the GAP starts with stripping the mountains and excavating the mineral ore with the use of drills, compressors, graders, compactors, trucks, cranes and other heavy equipments.

The ore material containing the gold will be loaded into trucks and delivered to the milling plant. The wastes from the stripping and excavation process will be dumped into the river.

The mineral ore will then be processed in the mill to separate the gold. What is left are mine tailings loaded with chemicals which will be deposited permanently in the tailings pond. The process water from the mill will be recycled back for re-use in the mill.

Once completed, the total manpower needed to operate the GAP is 510, broken down as follows: 35 managers, 42 supervisors and 433 laborers.

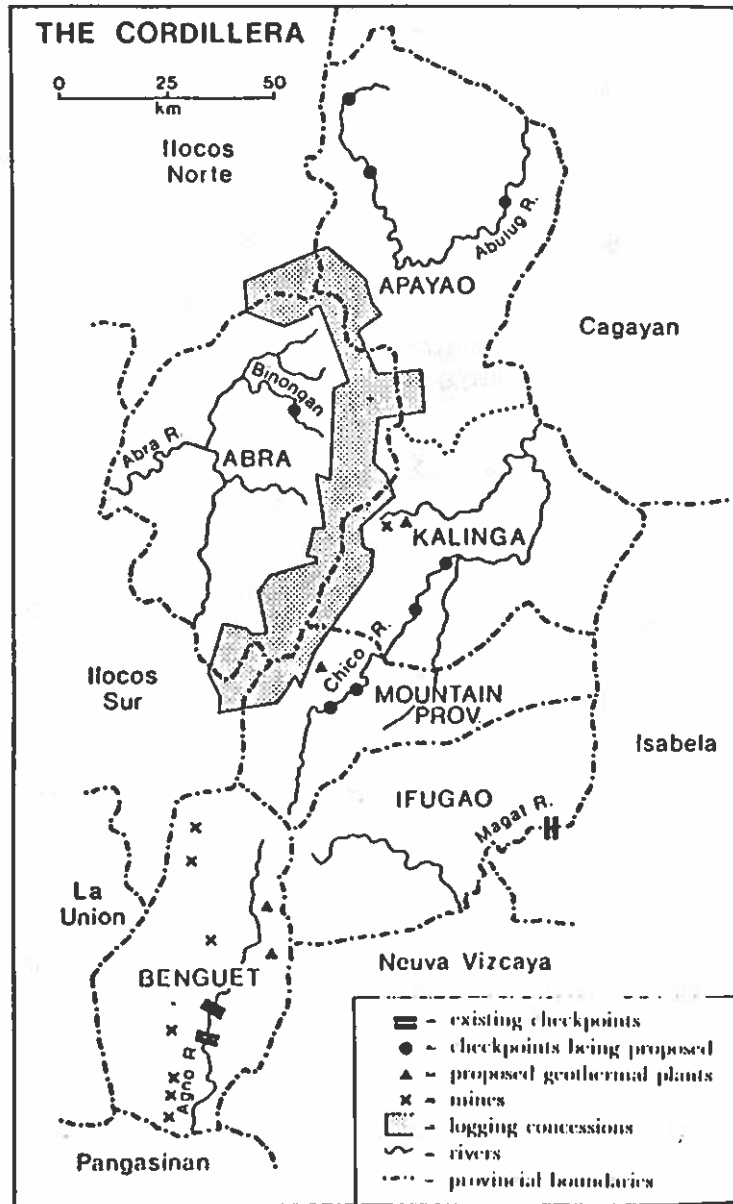
GAP is expected to be fully operational once the diversion tunnels are completed by July 1990 and the mill plant is constructed by 1991.

Though it is still incomplete, GAP is already commercially mined. The ore is transported to Balatoc mining district where the existing mill of BC-BGO is used to process the ore to extract gold. The Balatoc mill uses the cyanidation process and is not efficient for processing low grade ore.

How much does GAP cost and how is it financed?

As stated in the feasibility study, GAP will cost a total of Ph p. 544 300 000. However, the company has recently adjusted this estimated project cost to P630 million.

The GAP is financed by P300 million worth of loans which are convertible to share holdings in the company. Chase Manhattan Asia Ltd. is the exclusive agent of BC-BGO for the issuance of the P300 million worth of convertible debts.



Map of the Cordillera region showing the different provinces and indicating the different types of development projects. Map: IWGIA archives.

BC-BGO has also acquired from the Social Security System's Industrial Modernisation and Expansion Loan Programme a loan of P220 million.

What is the importance of the GAP and the OPM operations to BC-BGO?

The GAP is of vital importance to BC-BGO's operations. From the company's point of view, the GAP will assure the company of its continued operations in the coming years.

In 1988, ore reserves from the open pits were only 1 394 309 metric tons with a grade of 4.01 grams of gold per ton. With the expansion of the open pits, mineral ore reserves grew nearly tenfold to 14.1 million metric tons.

OPM has also lowered the production cost of gold from US\$ 410 per ounce for underground mining to only US\$ 258 per ounce of gold for open pit mining in 1988. This lower production cost enabled the company to increase profits despite the high operating and maintenance costs of the mines and processing plant and fluctuating price of gold in the world market.

In 1988, 25% of the total ore fed to the Balatoc mill came from the open pit mines at Antamok. As of May 1989, the total mill feed from the GAP open pit increased to 32%. This proportion is expected to increase greatly with the full operation of the open pit mines.

Consequences of the OPM Operation of BC-BGO

The drastic effects of the open pit mining operations of BC-BGO are already felt by the mine workers, small scale miners, farmers, land owners and the rest of the population of Itogon.

How will BC-BGO's OPM operations affect the ecology in the area?

a. Environmental degradation: This includes the destruction of all vegetative cover in the area, the complete alteration of the land form and the creation of crater like holes in the open pit mines. A total of 110 hectares of land will be stripped of all its vegetation and top soil in the area covered by GAP alone. This will lead to the total desertification of barangays Loakan and Ucab in Itogon.

The company also plans to alter the course of the Luneta and Antamok rivers by constructing two diversion tunnels which will cause the flow of the river to bypass the tailings reservoir. This will adversely affect the land and residents along the river banks who will be displaced and whose properties will be ruined.



The Cordilleras has had to give way to golf courses like the above, constructed just outside Baguio city, under the Marcos regime. Today, the environmental onslaught is from for example, open pit mining which strips the mountains by use of heavy machinery and causes environmental degradation. Photo: Gonseth Marc-Olivier.

b. Pollution: Serious water, air and noise pollution will result from the operations of the OPMs, aggravating the prevailing problem of pollution caused by underground mining. The company has failed to implement pollution control measures. Much of the waste is carried or dumped directly into the Luneta and Antamok rivers. Run-off water which passes the waste dump areas or underground tunnels also carries along the waste material into the river.

Air pollution results from the dust raised by the various earth moving activities of the OPMs. Heavy trucks traverse the dusty roads at least 3 times every hour for 24 hours to transport the ore to the Balatoc mill. This causes an ever present cloud of dust to hung over the area.

Noise pollution caused by blasting and the running engines of heavy equipment disturb the sleep of people in the area since these activities are done 24 hours a day.

c. Loss of soil productivity: This is caused by the stripping away of the top soil and by the chemicals from the mine tailings which render the soil along the river and downstream unproductive.

d. Drying up of water sources: OPM has caused fresh water sources to dry up. The people now have great difficulties looking for other water sources, fetching water from very far places, lining up to wait for their turn in filling up water containers, hiring vehicles to fetch drums of water, and even buying water from water delivery services in Baguio City. This situation has forced the people to limit the number of baths they take or the number of glasses of water they drink. In place of water, they are forced to drink soft drinks which will ultimately affect their health.

What other effects will OPM have on the community?

a. Dislocation: Whole communities will be dislocated by the open pits, the water dams, the tailings dam, the waste dump areas, the diversion tunnels, the mill plant and other structures of the GAP.

The communities directly affected by the OPM and the GAP are:

Community	Population
Barangay Loakan	11 738
Barangay Tuding	4 088
Barangay Ucab	4 438
Barangay Virac	16 118

Aside from these, barangays partially affected are two other barangays in the municipality of Itogon, barangay Gumatdang and barangay Ampucao.

b. Destruction of property: OPM will destroy both public and private properties in the community. Stripping, waste dumping, blasting operations and erosion caused by the trucks have caused damages to property like houses, gardens, agricultural lands, burial grounds, roads, etc.

c. Land acquisition under duress: BC-BGO has an on-going land acquisition programme to buy the affected lands from the inhabitants. They have also promised compensation for damages to property caused by their operations. However, BC-BGO offers only PPh 1.50 per square meter for lands within patented claims and PPh 6.00 for land within unpatented claims to surface claimants. This amount is extremely small and cannot compensate for the loss of land and livelihood of the people who have lived in the area for generations.

d. Deteriorating state of health and sanitation: The drying up of the water sources has caused a deterioration in the state of health and sanitation in the affected communities. The Antamok river also serves as the sewage

disposal system in the Antamok mining district. With the diversion of the river, human waste will be dumped into the dry river bed. No alternative sewage disposal system is being developed by the company.

The abject lack of potable water will definitely affect the people's health.

How are small scale miners affected by the OPMs?

BC-BGO has legal claim over all mineral lands covered by the OPM. This has been used as their justification for displacing small scale miners mining within the area. With the present operations of the OPM, an estimated 1 000 pocket miners and their families are immediately dislocated from their source of livelihood.

Gold panners along the Luneta and Antamok rivers are also dislocated from their source of livelihood with the diversion of the river flow and the dumping of waste into the river.

Relocation of the pocket miners will be a mere stop gap measure. In the long run, small scale miners will have nowhere to mine, as practically 70% of the total land area of Itogon is covered by mining claims.

As BC-BGO widens its scope of operations, the small scale miners will eventually be marginalised.



The world-famous Rice Terraces also known sometimes as the Eight Wonder of the World, is integral to the Cordillera. Photo: Teresa Aparicio.

How are the mine workers affected by the OPM operations?

OPM requires a small but skilled workforce to man the heavy equipment used. Thus, instead of underground miners, the company will employ drivers and operators of trucks, bulldozers and other heavy equipment. This poses a threat to the security of tenure of the mine workers who face immediate retrenchment as open pit mining develops.

In the long term, OPM means eventual unemployment for the underground as well as open pit miners of BC-BGO. As expansion of the OPM progresses, there will be further retrenchment of the underground miners in the other mining districts of BC-BGO. And since OPM shortens considerably the lifetime of the mines through the hastened extraction of mineral resources, this will ultimately lead to the loss of livelihood for both underground and open pit mine workers.

How will ancestral land claimants be affected?

Records show that there still are ancestral land claimants who were original residents of the area even before BC-BGO entered Itogon. In fact, there are several cases still pending in court filed by ancestral land claimants.

A significant number of these claimants were either pressured or deceived by the company – or by richer and educated Ibalois to sell out their lands. Many of them still reside in the surrounding areas of the OPMs up to the present. They also face the threat of displacement from their ancestral lands.

How are the women affected by the OPM?

The women, especially the wives of the miners who lived in the bunkhouses, were among the first ones who were affected by the OPM. Since the OPM operations started to become a priority with the company, demands of the women, especially those related to housing and social services, have been increasingly ignored. The water problem has worsened, and the repairs needed to improve the dilapidated bunkhouses are not being attended to.

The tremendous increase of dust and muddy surroundings has meant additional work for them in maintaining their small units clean. The few precious hours of sleep which they badly need are even reduced because of the noise created by the machines which are operating on a 24 hour basis. They are also very much affected by the constant fear that their husbands will just lose their jobs. In fact, a significant number among them were dislocated because their husbands were retrenched.

How have the people of Itogon responded to the threat on their lands, livelihood and survival?

The people of Itogon have not been silent on the issue. Petitions by the community people and small scale miners were submitted to the authorities starting in 1989 in protest of the OPMs. Municipal officials responded with resolutions in support of the people's demands for compensation, relocation, pollution control and a complete stop to OPM.

Pickets and human barricades were also set up by the people to force the company to stop their operations. As early as 1988, the people of Itogon municipality set up human barricades in protest of BC-BGO's usage of the municipal road which deteriorated very fast and which generated so much dust. The people of Tuding were able to temporarily stop the operation of the Tuding project in 1989.

A dialogue held at the Department of Environment and Natural Resources on 24 February 1990 was attended by more than 3 000 community people where they presented their reasons for opposing the OPM. By 28 February 1990, the people of Itogon started to barricade four strategic areas in barangays Ucab and Loakan which totally paralysed the operations of the GAP. These barricades are still going on.

How is BC-BGO dealing with the people's responses?

The GAP is a very crucial project of the company in terms of the magnitude of the profit that it will be able to realise.

The company stands to gain around US\$ 318 million in 8 to 13 years at the prevailing market price of gold of US\$ 438 per ounce, and with a production cost of US\$ 258 per ounce. The projection is that they will be able to produce 600 000 ozs. of gold from the GAP operations alone.

Clearly enough, the company has high stakes in the GAP. Thus it is doing everything in its power to ensure that the GAP operations will continue in spite of the people's protests. Presently, the Philippine laws in operation are largely favorable for the mining industry. In fact, the company has already filed criminal charges against the barricade leaders.

There are systematic moves also to buy out some of the leaders of the barricades. Various community projects are being dangled in the face of local government officials, many of whom are sub contractors for the company's projects. The classic tactic of divide and rule is being employed by the company.

Since the Philippine government controls around 30% of the total stocks of Benguet Corporation, it is very interesting to observe how it is going to deal with this whole issue. Around PPh 220 million of the company's total loan for GAP comes from the SSS Industrialisation loan.

On this basis, it is not far fetched to project that the company and even the government itself, might resort to intimidation, harassment and militarisation against the people of Itogon for as long as they are persisting in their protests.

In fact, the military already came in the last week of March 1990 to implement a court order to lift the barricades. The people were forced to stop the barricades for 3 days but resumed after the court order had lapsed.

The people's protest has not been quelled. Rather it continues to grow stronger and to gain the support of the various groups and individuals with and outside the municipality. Advocates who are supportive of the people's issues are increasing in numbers.



The Cordillera people have always been able to respond to whatever threat to their way of life as the above picture shows during the Chico Dam protests. Already, pickets and human barricades have paralysed some of the pit mining operations of the GAP or the Grand Antamok Project. Photo: IWGIA archives.

Conclusion

The issue of the GAP and OPM is an issue which is questioning development models which are presently operational in the Cordillera and in the whole country, as well. If development means that huge profits will be realised at the expense of permanent destruction to the environment and dislocation of hundreds of thousands of people, this kind of development is being questioned.

Any damage to the ecological balance in any part of the Cordillera will have direct and indirect effects not only to the rest of the Cordillera people but also to the people in the lowlands who have been victims of pollution brought about by mine tailings. In the same manner that the *Kalingas* and the *Bontocs* resisted the building of the Chico Dams, which were going to inundate their ancestral lands, and the *Tingguians* opposed the Cellophil Resources Corporation which started to denude their forests, the people of Itoyon will likewise protest against "development" programmes which will dislocate them from their homes and their sources of livelihood.

The concept of sustainable development for the Cordillera people is development which ensures people's participation; that which brings about social justice and eventually build self reliant and self determining communities; and development which respects the environment and recognises it as a source of life and wealth not only for the few but for the majority, not only for the present but for the future generations as well.

Obviously, the GAP and other OPM operations are not consistent with the people's concept of sustainable development. Unless such operations stop, the people's opposition will continue. In the meantime, they will continue to search for, and develop alternative models of development which are sustainable.

Prepared by Mining Communities Development Center Inc. (MCDC Inc.) and Cordillera Environmental Concerns Committee (CECC).

Surinam:

Refugee influx over Brazilian border

During the last weeks of June a group of 860 Indians from the south of Surinam took refuge in the north of Brazil in order to escape the fighting going on between military and guerrilla forces in their country.

The leader of the *Pikuminet Neyria* Indians asked the Brazilian National Foundation for Indians, FUNAI, to assist the approximately 80 refugees who were suffering from malaria or influenza, as well as the pregnant women.

The majority of the Indians who crossed the border settled in the Tumucumaque Park, which is occupied by Brazilian *Apalay* and *Tirios* Indians. According to FUNAI authorities, contacts between indigenous peoples of Brazil and Suriname are frequent and have ultimately increased due to the conflicts between the guerrillas and the government in Surinam.

FUNAI, however, is afraid that the actual contact may result in the contamination of the approximately 1 000 Brazilian Indians living in the Tumucumaque park.

Sources: IPS reports.



Map of Surinam in relation to Brazil, Guianas and Venezuela. Map by Jørgen Ulrich.



The African continent with Tanzania (blacked out).

Tanzania:

Displaced pastoralists and transferred wheat technology in Tanzania

by Charles Lane and Jules N. Pretty

The Gatekeeper Series of the Sustainable Agriculture Program is produced by the International Institute for Environment and Development to highlight key topics in the field of sustainable agriculture. Each paper reviews a selected issue of contemporary importance and draws preliminary conclusions of relevance to development activities. References are provided to important sources and background material.

The Swedish International Development Authority (SIDA) funds the series, which is aimed especially at the field staff, researchers and decision makers of such agencies.

Trade Offs in Development

There are immense pressures on developing countries to adopt approaches to agricultural development that hold a promise of increasing food production. One of the simplest and cheapest to administer involves the direct transfer of technology from a site where it is a proven success to one where it is hoped and perhaps expected to work.

This approach was typified by the Green Revolution in agricultural development. Here the single goal of increased cereal production was successfully pursued through the transfer of packages of modern technology comprising improved crop varieties, augmented by the appropriate supply of water, fertilisers and pesticides.

The result has certainly been significant: food production has risen about 25 % per person in Asia and 10 % in Latin America since the mid 1960s. By orthodox measures these increases justify the means by which they were achieved.

Yet these increases in aggregate food production hide a number of costs. Sometimes production itself suffers, as when pesticides kill natural enemies as well as pests, or contaminate groundwater used for irrigation. More often, though, the impact is upon other sectors of the economy and environment. Take surface waters: nutrients derived from fertilisers encourage algal blooms, which clog up rivers and lakes as well as kill fish; and soil losses increase sediment loads, which shorten the life of downstream reservoirs, decrease the efficiency of irrigation channels, fill harbours and kill coral reefs.

Apart from affecting natural resources, intensification of agriculture also has profound effects on social structures, changing both access to resources and the sharing of benefits. In Indonesia, for example, teams of women used to harvest the rice with traditional *ani-ani* knives, and in return they received a proportion of the harvest. But with modern introduced varieties all maturing at the same time, standing crops were then sold to middle men who hired specialist, male, sickle-using labourers. The result was greater efficiency, but also isolation of women from the production process.

Such problems in Asia and Latin America have become familiar to many. But in Africa the impact of such transfers of technology is not so well understood. Traditional African farming systems are highly complex and diverse, and it is difficult to fit an intervention to local conditions without local help. (Chambers et al, 1989). Nonetheless there have been some notable attempts: one example from the past is the Tanzanian Groundnut Scheme of the 1940s-1950s which received much criticism (Frankel, 1953; Wood, 1950). A more recent example in Tanzania is the development of large-scale wheat cultivation, which we now discuss in detail.

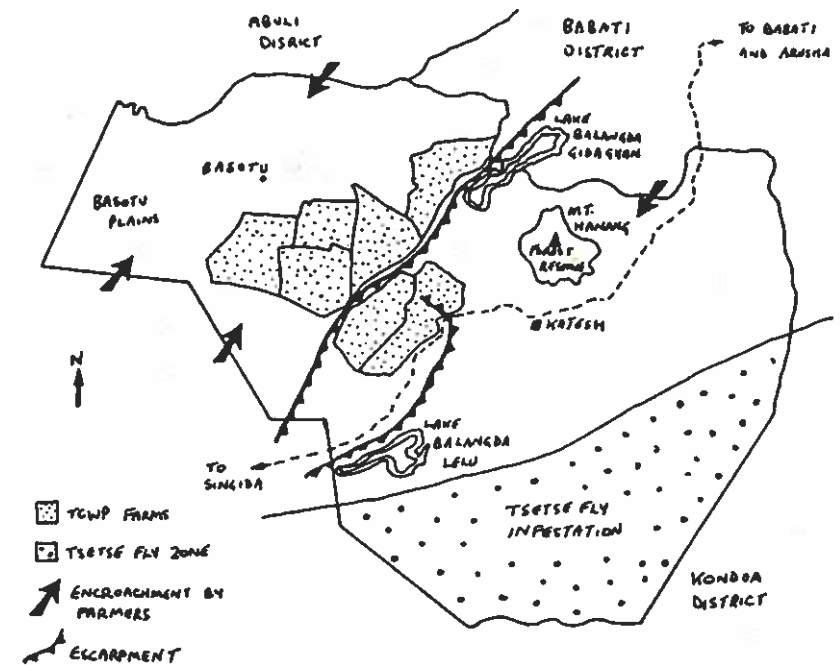
Promoting Wheat Cultivation in Tanzania

Tanzania is typical of many African countries in that it suffers from the interlocking economic and ecological stresses of falling food production per person, high external debt, and the need for grain imports to meet food security gaps, thus putting pressure on foreign exchange reserves.

The 1970's were a time of crisis. Food production per person fell about 1 % each year. To make up the shortfall, Tanzania was forced to request food aid and enter world grain markets at a time of high prices. During the 1970's, food grain imports averaged 200 000-300 000 tonnes annually, the value of cereal imports rose tenfold and foreign exchange reserves were severely depleted (Freeman, 1982). By 1981, for example, reserves amounted to only US \$ 1.4 million, a level equivalent to just two days' cover for committed foreign exchange requirements. As a result the country became more dependent on aid which, in 1980, accounted for 70 % of Gross National Product. Self reliance, a pillar of the nation's development strategy, was in this way undermined. It is for these reasons that Tanzanian development policy has stressed self-sufficiency in food.

Some 20 years ago the Government of Tanzania established, with the support of the Government of Canada, the Tanzania Canada Wheat Programme (TCWP) on the Basotu Plains of Hanang district in Arusha region (see Figure 1). The objective was to boost international production of wheat, thus releasing finance otherwise spent on food imports. The area is semi-arid with an annual rainfall of about 600 mm. Apart from the

mountain forest on Mount Hanang, the plains vegetation is mainly woodland, interspersed with open grasslands. The climate and soils are favourable to wheat cultivation.



Topographical details of the Basotu plains of Hanang district in Arusha region. Map: Gatekeeper Series.

The seven farms of the TCWP produce a lot of wheat. Yields are comparable to those on the Canadian prairies and total output in 1989 is expected to be 50 000 tonnes, representing nearly half of Tanzania's domestic demand. According to production level and financial data used by the Canadian International Development Agency (CIDA) the Programme is a success and support for this form of wheat production in Tanzania is fully justified (Nielson, 1982). But a closer look at the Programme suggests there have also been some costs and losers.

The Barabaig Pastoralists

The plains around Mount Hanang are also the homeland of *Barabaig* pastoralists, who number some 30 000-50 000 people in Hanang district. Most still live in a traditional manner with strong adherence to the culture

and customs consonant with their pastoral way of life, one that is similar to other Nilotic pastoral groups of East Africa, such as the *Maasai*. The Barabaig, like many peoples who sustain a living in variable and risk-prone environments, have a tradition of respect for, and understanding of the land they rely on for their survival. A group of elders recently said in an Open Letter to the Canadian People:

“We value and respect the land. We want to preserve it for all time”. (in Paavo, 1989)

The Barabaig economy is based on livestock production. Their herds of cattle, sheep and goats utilise the forage, water and salt licks found scattered throughout their territory. Because of the variety and scarcity of these resources, together with the vagaries of climate, they need to be in different areas at different times. To make best use of these variable resources the Barabaig have developed a seasonal grazing rotation system in which they move amongst eight different forage regimes. This includes migration up and down the Rift Valley wall and congregation near persistent vegetation and permanent water in the dry season. This can mean that some land is left free of human habitation or livestock grazing for long periods, which allows it to be preserved from over-use and conserved for times of future need.

To enable the variable use of resources it is necessary for all members of the community to have general access to common land. But this access is not uncontrolled: certain areas and resources are protected by rights and obligations for individuals, clans and local groups. This is managed by a common property land tenure system in which access to resources is assured and controlled by customary rules and institutions. In the past this have been very effective in both maximising production and conserving resources.

Land is more than a physical resource to the Barabaig. They have a unique cultural event in which highly esteemed elders are buried with a *bung'ed*. This is both the name of the burial mound and the funeral ceremony associated with it. Only those elders adjudged by their clan peers to be sufficiently worthy can be buried in this way. The deceased man's clan is forever responsible for the grave's up-keep. Clansmen will visit it for generations to appeal to their ancestor as a medium to see their God. In this way the *bung'ed* acts as a lasting focus for their cultural and spiritual life. They still visit, for example, the *bung'ed* of Gitangda in the Ngorongoro crater despite being dislodged from this land by the Maasai over a century ago (Borgerhoff Mulder et al., 1989).

Ecological Impacts of Wheat Monoculture

To grow wheat on the Hanang Plain the Barabaig have been removed



Indigenous women sifting grain in Tanzanian market but monoculture wheat project threatens the pastoralist' rights to land and pasture. Photo: Mellefolkeligt Samvirke.

from their land. The 40 000 hectares of land taken for the TCWP wheat farms was the most fertile prime grazing land. Its withdrawal from production has undermined the rotational grazing system, causing problems for the Barabaig pastoral production.

Although the farms cover only 12 % of the total land area of the district, the loss of this area is crucial for pastoralist production. This is compounded by the fact that other fertile areas have also been gradually taken through encroachment by neighbouring cultivators since colonial times. Thus in combination with other limits to access resulting from the Mount Hanang Forest Reserve, the salt pans of Lake Balangda Lelu and the *tsetse* fly-infested bushland to the south of the district, it is clear that Barabaig range lands have been severely depleted.

The TCWP farms, together with other cultivation have effectively eliminated from grazing rotation one of the eight forage regimes the Barabaig call *muhejega*. The *muhejega* constitute the most important element in the forage regime of the grazing rotation. Exclusion from these areas has denied the Barabaig access to certain important and highly productive livestock forage species collectively called *nyega nyatka*. One grass, *mejojiga* or “milk grass”, which is particularly favoured by the Barabaig, has been completely eradicated from the Basotu Plains by wheat cultivation. By preventing access to these fertile areas, the whole rotational grazing system has been disrupted, effectively reducing the

pastoral productive capacity of the whole district beyond the direct impact of the wheat farms. This loss has resulted in a drastic reduction of livestock numbers and a decline in production which the Barabaig say has caused them "great suffering" (in Paavo, 1989).

The monocropping of wheat, using highly mechanised cultivation techniques, has also led to a number of potentially serious environmental problems. So far, no inorganic nitrogen fertilisers have had to be applied to the soil – the *muhejega* soils are so rich that, as yet, there has been no significant yield response. It follows that with this kind of wheat cultivation the natural fertility of the soil is now being "mined".

Furthermore, the soil is left bare soon after the July harvest until the time of planting in February. On sloping ground this makes the soil susceptible to rain-induced erosion when flash floods carry away the exposed topsoil. Deep gullies have been created and Lake Basotu, sacred to the Barabaig, is being silted up.

Social Impacts of the Programme

The social impacts have not, until recently, been made apparent. It has become clear that the Barabaig were not fully consulted about the Programme; some of them have been forcibly removed from the land and are prevented from following traditional routes across the farms to reach pasture, water or salt resources. Many of the sacred *bung'ed* graves have been ploughed up and are no longer recognisable.

But some impacts are more obscure. The traditional rules and institutions designed to control use of pasture resources have never been tested by such absolute shortages. It is proving difficult for the Barabaig effectively to adapt to new constraints that have been imposed. According to the Barabaig this has resulted in over-grazing the land still available to them. On the less fertile areas, perennial grasses have given way to annual weeds with a dramatic loss in productive capacity of the range.

Some of the benefits of the Programme, in particular the creation of labor opportunities, were intended to trickle down to the local community. The wheat farms employ 250 people, of which less than ten are Barabaig. Water, health and education facilities are provided to the local community by the TCWP. However to date these have not greatly benefited the Barabaig who are excluded by limited access. As a result the welfare of very few, if any, Barabaig families has actually been improved.

Pastoralists' Predicaments

Part of the problem for pastoralists is the way that outsiders misunderstand them and their production system. Rangeland is common land to

the Barabaig and individual herders move about in response to their assessments of range productivity or social needs. People who do not understand this can be misled into thinking land is vacant or under-utilised. This then becomes a pretext for assuming that pastoralists do not make best use of the land, and thus justifies their dispossession. One study of Canadian aid to Tanzania said:

"The project (TCWP) has many of the characteristics of a frontier development effort. Traditional pastoralists, the Barabegs (sic), are being displaced and absorbed into the project as labours. Previously idle land is being brought under cultivation ..." (Young, 1983) (emphasis added).

To pastoralists the land is not idle. All land is productive and used at certain times. The Barabaig understand that land needs to be left to regenerate and provide forage at times of need. Their system of land management has been shown to be economically viable and sustainable. Yet how history repeats itself. Frontier development efforts in Canada offer examples of how native peoples were displaced to enable others to farm wheat on former tribal land. Today a coalition of Canadian conservation groups are trying to preserve what little remains of native grasslands in Saskatchewan following their destruction by extensive wheat farming (Struzik, 1989). It remains to be seen whether this lesson will be heeded before it is too late to salvage what remains of the sustainable Barabaig production system and the environment on which they depend for their livelihoods.

Getting it Right at the Start

Producing food for Tanzania's growing population is a worthy goal. However, one of the major problems with projects like the TCWP has been the singular failure to use appropriate assessment tools at the appraisal stage, for the comparative analysis of technology and policy options according to real economic, social and environmental costs.

The TCWP has had a number of internal evaluations. Most of these have given great attention to the financial aspects of wheat production. Until recently these have provided a positive picture of the Programme's economic performance. A project evaluation conducted in 1980 arrived at a benefit/cost ratio of 1.59 (the present value of benefits exceeds the costs by a ratio of 1.59). The Internal Rate of Return to the capital employed in the programme of nearly 40% also indicated that it was a "very profitable investment for the Tanzanian economy." (Stone, 1982).

But more recent assessments that take account of the environmental and social costs are much more doubtful (Prairie Horizons Ltd., 1986; Michael Mascall and Assoc, 1986). The results of these studies suggest that the costs far exceed the benefits, and that there are better ways to use

aid and scarce foreign exchange. As the latest official economic assessment put it:

The results of this study indicate that wheat production on the Hanang farms is profitable from the viewpoint of the farms given the price and cost structure that have been in place, and the farms are likely to remain profitable unless major changes in costs or prices occur. However, from the standpoint of contributions to, and resources used within, the Tanzanian economy the Project is shown to be uneconomic. In strict economic terms, the costs have exceeded the benefits and this is likely to continue through to the year 2000. (Prairie Horizons Ltd., 1986).

Further independent studies have since indicated that smallholder production of wheat using oxen is much more efficient at using available resources and makes more economic sense (Carter et al., 1989)

In response to the now known risks of transferring temperate technologies to developing countries, CIDA has now accepted the principles set out in the Environmental Assessment and Review Process adopted by the Canadian government. But for such a process to work, it must be fully integrated into the whole project cycle, and not taken just as window dressing for otherwise unsound developments (Rees, 1989; Wenning, 1989). It could well be applied to the TCWP.

It appears from this that if an early economic analysis had been undertaken that examined all costs and benefits from the point of view of society as a whole, then the course of history on the Hanang Plains may have been quite different. Even now accepting the findings of such an analysis might avert further suffering and degradation. Unfortunately the initial economic analysis was restricted to financial examination of costs and returns as faced by individuals or firms from a purely commercial perspective. It is also now clear that the interests and needs of the local people were not given priority when the project was formulated.

This project is Canada's largest and longest running single agricultural aid project in Tanzania, and total disbursements of aid total at least Can \$ 75 million. After 20 years of involvement, Canadian support is still needed and is pledged until 1992. And what of the impact on supply and demand? The farms supply nearly half of total wheat demand, but wheat accounts for less than 5 % of food crop consumption. Moreover, most wheat demand in Tanzania originates with the urban wealthy rather than rural poor. These gains have thus to be set against real and foregone economic losses for the Tanzanian economy, ecological losses in the Hanang Plains, as well as ecological and social costs to the Barabaig.

Conclusions

The simple transfer of wheat production technology to plains of Tanzania

has produced unforeseen environmental and social costs. There are lessons here that can be learned for this and future projects. In particular negative impacts can be lessened if the following conditions are met:

1. Facilitate participation of local people in project formulation.
2. Take into account the local objectives and needs together with national goals.
3. Consider local capacity, skills and knowledge before introducing foreign and potentially dependency-forming technologies.
4. Include environmental and social aspects as well as economic criteria in the project evaluation.
5. Make provisions for regular monitoring of project impacts and set aside the means to make the appropriate adjustment.

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Tanzania:

Executive Order denies land rights; Barabaig suffer beatings, arson and criminal charges

The Tanzanian Prime Minister, Joseph Warioba, has issued a statutory instrument which attempts to extinguish the traditional rights of pastoralists who are trying to recover land alienated for a large-scale government agricultural scheme.

The 20 year dispute between the *Barabaig* people of central Tanzania and the Tanzania Canada Wheat Project has entailed systematic human rights abuses by government officials against the pastoralists, including beatings, arson, illegal impounding and shooting of stock and desecration of graves and other sacred sites. In recent weeks Barabaig have been arrested, imprisoned and charged with criminal trespass on the land they claim as their own, even though ownership is still the subject of a civil dispute in the High Court.

The Barabaig are a pastoral people more than 30 000 strong who have occupied the plains around Mount Hanang in central Tanzania for more than 150 years. Their economy is based on cattle-rearing. In the semi-arid range lands of Hanang District they have developed a complex system of rotating grazing lands throughout the year. This allows them to make maximum use of the vegetation available in the different areas of the district at different times.

The Tanzania Canada Wheat Project dates from 1969. Financed by the Canadian International Development Agency (CIDA), it is run by the parastatal National Agricultural and Food Corporation (NAFCO), with extensive Canadian technical assistance. From its inception it entailed alienating traditional Barabaig land. Land alienation has accelerated in recent years until now when over 100 000 acres of grazing land are under intensive cultivation.

The land which is in dispute is the richest in the district, known by the Barabaig as *muhejega*. The *mejojiga* or "milk grass" which was previously found in these areas has now been completely eradicated. The removal of the rich *mehejega* from the Barabaig grazing cycle has had disastrous effects on their economy and way of life. Surveys have shown a higher level of malnutrition among Barabaig in areas near the wheat farms. The Barabaig argue that wheat farming has caused soil erosion, which also has deleterious effects on surrounding areas. In an open letter

to the Canadian people last year, four Barabaig elders spoke on their people's behalf:

"The growing of wheat on what was once pasture is destroying the environment. By stripping away the vegetation cover with mechanised cultivation the soil is laid bare to be carried away by flash floods, creating deep gullies and silting up water sources and our sacred Lake Basotu. The area of land we are left with is generally less fertile and too small for our needs. It is becoming denuded by over-grazing. The vegetation has changed making pastures less productive than they were before."

Under its mandate Africa Watch takes no position on land disputes; it is not within our competence to decide whether the *muhejega* is better employed for grazing cattle or growing wheat. However, Africa Watch has a twofold concern in this case:

- government officials have engaged in systematic abuse of the basic civil rights of the Barabaig;
- the government has intervened to try to deny the Barabaig recourse to the courts to settle the dispute. It also appears that at least part of the land in dispute was illegally alienated.

Human Rights Abuses Against the Barabaig

There have been persistent reports of beatings of Barabaig, burning of houses, shooting or illegal confiscation of cattle and desecration of sacred sites. Those responsible are reported to be NAFCO employees – that is, officials of the government – yet there has been no investigation of these incidents and no criminal prosecution of those involved. Only rarely has compensation been paid to victims.

In one well documented incident in October 1987, NAFCO employees burned down six Barabaig homesteads in Gehandu and Meng'yenyi villages. They drove up to the homes in tractors, set fire to them and left without offering assistance. All the owners' possessions were lost, including grain stores, cash, personal and household effects and irreplaceable sacred objects. It was only by good fortune that no one was killed or seriously injured. This incident is documented because, unusually, the Canadian High Commission (embassy) was asked to intervene, and succeeded in securing compensation for families who had lost their possessions. However, Barabaig lack of confidence in official procedures means that most such incidents go unreported.

In November 1987, a senior Canadian diplomat attended a meeting at Gehandu village at which a number of cases of abuse were described. Once again the fact of their being reported is unusual:

- In May 1986 six NAFCO employees set upon Ngora Giro at Gidagaemod farm and beat him unconscious with his own stick. He lost his upper front teeth and suffered a serious cut to his head. He lay unconscious for three hours. When he regained consciousness he discovered that he had been robbed of 650 Tanzanian shillings (about US\$4).
- On 5 November 1987 a NAFCO vehicle was driven at the herd of Gidang'ai Badada on the track to Gidagaemod dam. They then beat him with a spear, causing a serious injury to his thigh.
- Gidabakta Gidagui had his stock impounded in October 1987 on the way to Gidagaemod dam. His herd of 20 head was taken to the NAFCO farm by employees. Gidabakta Gidagui was beaten with a stick and made to hop around like a frog and roll on the ground for three hours. The following day he was obliged to pay a fine of 1 500 shillings (about US\$10) for the return of his stock.
- In 1987, the home of Gidandai Malish was surrounded without notice on all sides by the fields of Gidagaemog farm. The NAFCO employees threatened that he would be fined if any of his cattle encroached on the cultivated area.
- On October 1987 a NAFCO tractor pulled up at Badada Gilinyi's home and without warning a NAFCO employee set fire to the thorn fence enclosure.

All these incidents took place shortly before the meeting in the vicinity of one (out of seven) NAFCO farms. A number more were described at the meeting. Clearly such examples could be multiplied several times over.

The repeated abuses along the track to Gidagaemod dam require some further explanation. The traditional right of way to the dam has been cut by both Gidagaemod and Waret farms. In law this should not be a problem. In the Offers of Right of Occupancy under which NAFCO obtained the farms, "all existing public roads, rights of way and highways crossing the land" are guaranteed. It was agreed that the right of way to Gidagaemod dam would be 150 meters (to allow the Barabaig to pass with herds of cattle). In places NAFCO have unilaterally reduced this to about 40 meters and in any case, as the above cases show, often attack Barabaig herders on the unfounded allegation that they are "trespassing".

One of the saddest cases of "trespass" is that of Gidaregeda Mwanonga. In 1979 his home at Ghama near Gawal farm was surrounded by cultivated farmland. His cattle had to cross the farmland in order to go in and out of their enclosure. His sons, who herded the cattle, were repeatedly arrested and fined. In November 1986, a local magistrate fined Gidaregeda Mwanonga 12 000 shillings (about US\$80). The same day his cattle were impounded and one of his sons arrested. He decided to move from Ghama to Mugucha to escape this harassment. Soon afterwards his

son Gaewai committed suicide by drowning himself in Lake Basotu, which is a sacred lake for the Barabaig. A few months later another son, Makeba, did the same.

The abuse which probably causes more offence than any other is NAFCO's desecration of Barabaig sacred sites. A unique feature of Barabaig culture is the burial of esteemed elders with a *bung'ed*. This refers to both the nine-month funeral ceremony and the four-metre high burial mound which is built over the grave. These graves are permanently maintained – a 200 year old *bung'ed* in the Ngorongoro crater is still visited – and the dead ancestor is regarded as a medium with God. In the Offers of Right of Occupancy, it was explicitly stated that "the occupiers shall respect any grave existing within the boundaries of the right". In practice they have done no such thing. On Gidagaemod and Waret farms, 45 Barabaig graves have been destroyed by ploughing; even stones or trees marking their location have been removed. At least 12 more have been destroyed on Gawal farm. The Barabaig are often denied access to those *bung'ed* which have not been destroyed.

Legal remedies denied to the Barabaig

Land in Tanzania cannot be privately owned. Under the Land Ordinance of 1923 which regulates land tenure there are two types of titles to land. One is Deemed Right of Occupancy – the right to possess land under local customary law. The other is Granted Right of Occupancy, whereby the President can grant title for a period of up to 99 years. Any dispute between customary tenure and right of occupancy granted by statute has to be resolved by the courts. It requires the President's authority for occupied land to be alienated. Laws dating from 1967 and 1973 allow the President to acquire land in the public interest – including acquisition for state sponsored farming schemes – but also contain provision for compensation and resettlement of occupants.

The Barabaig customary claim to the land is based on their 150 years of occupancy and the fact that during the British colonial period it fell under the authority of the Barabaig Native Authority.

There have been numerous anomalies in the procedures NAFCO has employed to acquire the Barabaig land. In many instances the Barabaig were not given proper notice of the proposed alienation as required under the 1967 Land Acquisition Act – one of the starkest instances, in which occupants were simply burned out of their homes, has already been described.

The procedure for acquiring land is that first an Offer of Right of Occupancy is made. When the terms and conditions set out in the offer are accepted, then a Certificate of Title is issued. In fact, for many years



Expropriation of Barabaig land constitutes violation of their traditional rights as well as human rights aside from the wanton disregard for the environment. Photo: NORAD/Rune Eraker.

NAFCO was farming this land with no more than an Offer of Right of Occupancy. When full titles were finally issued, they omitted important provisions such as protection of rights of way and graves. The titles also amount to some 30 000 acres more than Barabaig were initially told would be alienated – and also 30 000 more than the original NAFCO request to the Hanang District authorities in 1979. NAFCO is now farming some 100 000 acres, compared with an original area of 70 000 acres. This discrepancy is a particular cause of complaint among the Barabaig, who see no hope of the wheat farms being removed altogether but are now focusing their efforts on restricting them to the area which was originally proposed.

The Barabaig have been constantly frustrated in their attempts to resolve the issue through the courts. In 1985 the council of one village, Mulbadaw, challenged the NAFCO alienation on the grounds that the land had been allocated – to them by the District Council. After the initial High Court decision in favour of the Barabaig, the appeal court ruled against the villagers on a technicality. However, the more fundamental issue of whether the Barabaig have customary title to the land has not been properly tested.

In July 1989 Prime Minister Joseph Warioba, acting on extraordinary powers conferred by Act of Parliament in 1973, issued a Government Notice extinguishing customary land rights in the Barabaig lands under NAFCO occupancy. (1) This was apparently an attempt to pre-empt two applications to the courts, filed on the Barabaig's behalf by the Legal Aid Committee at the University of Dar es Salaam. These attempted to secure compensation for the original 70 000 acres expropriated by NAFCO and to dispute NAFCO's title to the additional 30 000 acres.

In February 1987 Warioba had issued a similar Order extinguishing the customary rights of 105 villages in Arusha region. (2) In a 1986 court case, a judge had ruled in favour of 20 villagers against Nangwa village council, finding that their land had been illegally expropriated. (3) The 105 other villages all had similar cases pending.

The new Order plays the same function of extinguishing any claim for customary tenure of the Barabaig land on the NAFCO farms in Hanang District. Effectively it is an attempt to legalize NAFCO's illegal behaviour – not only had NAFCO frequently evicted Barabaig illegally, but also, in clear contempt for the rule of law, it had continued to carry out evictions while the Barabaig suit was before the court.

The Legal Aid Committee argues that the Prime Minister's notice is unconstitutional as it purports to extinguish entrenched and aboriginal rights of Tanzanians without following due process of law. The Order also appears to breach several provisions of the African Charter on Human and People's Rights, of which Tanzania was an early signatory and an enthusiastic proponent. Article 14 guarantees:

- The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.
- On the face of it the expropriation of the Barabaig also violates Article 21-1 of the Charter, which states:
- All peoples shall freely dispose of their wealth and natural resources/In no case shall a people be deprived of it.

Equally, the action of the Tanzanian Government in attempting to obstruct the Barabaig legal suit appears to breach Article 21-2:

- In case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation.

The Government Notice also violates a basic principle of international human rights law and natural justice since it has retroactive effect. The Notice is framed as an amendment to Warioba's 1987 Notice extinguishing customary rights of the 105 villages in Arusha region. Thus it has effect from February 1987, the date of the original Notice. The result is that the Barabaig customary title was already extinguished at the time when they filed their High Court suit. This is also an implicit admission that the Barabaig did have customary title to the land when NAFCO took over. Thus the government then had no right to grant NAFCO its title to the land.

A Bill of Rights was enacted in 1985 as an amendment to the Tanzanian

Constitution. In 1988 it became justiciable – that is to say that the courts were empowered to enforce the rights guaranteed in the Constitution. Section 24-1 of the Constitution guarantees that “every person has the right to possess wealth, and that right is protected under the laws of the land”. Section 24-2 forbids “any person to dispossess another person's property through nationalization or for any other purpose without proper redress under the law by provision of fair compensation”. (4) Prime Minister Warioba's action is of significance not only to the Barabaig case but also to the future constitutional protection of human rights in Tanzania. If the courts can be prevented from considering alleged violations of basic rights by executive fiat, then the justiciable Bill of Rights is a dead letter.

This central government interference in the judicial process is paralleled by the behaviour of NAFCO farm staff and local police in Hanang District. In late 1989 they evolved a new tactic for harassing the Barabaig. Herders taking their cattle to water across NAFCO land were arrested and charged with criminal trespass. It is generally accepted that courts should not hear a criminal case while a relevant civil action has yet to be decided. Clearly, if the High Court were to rule in favour of the Barabaig customary title to their land, then the herders could not be guilty of trespass. However, the district magistrate's court in Babati is going ahead in hearing these cases.

- Yoke Gwaku and 10 others were arrested in September 1989 on Gawal farm. They were charged with criminal trespass, held in custody for two weeks and then released on bail. Of the seven who turned up for the hearings, five were found guilty and fined 20 000 shillings (about US\$130) each. Two of the accused, one of them Yoke Gwaku, were acquitted. It is presumably no coincidence that Yoke Gwaku is the leading plaintiff in the Barabaig High Court suit.
- Shabani Nyirandu and four others were arrested on 23 September 1989 at Gidagaemod farm. They were charged with criminal trespass, held for two weeks in custody and then released on bail. Their case is due to be heard on March 1990.
- Gwaydamuy Gidahuta and four others were arrested in October 1989 at Gawal farm. They were charged with criminal trespass and held until 28 January 1990. Their case is due to be heard on 27 March 1990.
- Domel Qwarsand and seven others, including three children under 15, were arrested on 28 November 1989 at Gidagaemod farm. They were charged with criminal trespass and held in custody for two weeks. Their hearing is due on 28 March 1990.

The sums of money being levied in fines are crippling for people who live largely outside the cash economy. The financial impact could be made

even worse if NAFCO succeeds in its claims for compensation for damage to crops by livestock. In the three cases to be heard this month, it is claiming compensation at a rate of 6 000 shillings (US\$40) an acre. The effect of this – and presumably the intention – will be for the Barabaig to flee into the bush rather than pay the fines and compensation. Thus they would no longer be able to pursue their suit against NAFCO.

Another grievance is that when herders are arrested their cattle are impounded and ill-treated. Calves have been separated from their mothers, and have died as a result. In a society whose economy is based entirely on livestock husbandry, such abuses are regarded even more seriously than arbitrary arrest.

The central issue is that the Barabaig are being charged with criminal trespass on land that they claim to be their own. However, even if NAFCO is awarded title to the land, the original Offers of a Right of Occupancy guaranteed existing rights of way across the NAFCO farms.

Because of their pastoral way of life the Barabaig are often regarded as a ‘‘primitive’’ people, unable to adjust to life in modern Tanzania. In fact, the Barabaig response to NAFCO’s seizure of their land has been one of restraint, non-violence and the pursuit of their cause through the courts. By contrast NAFCO and the government, the forces of ‘‘modernization’’, have resorted to harassment, bullying, beating and interference in the judicial process. The latest arrests and criminal charges appear calculated to try the patience of the Barabaig and deflect them from their attempt to resolve the dispute by legal means. The purpose of international pressure in this case is to persuade the Tanzanian Government to take a lesson in respect for the rule of law from its own citizens, the Barabaig.

Open Letter from the Barabaig

In their open letter on behalf of the entire Barabaig people, four elders wrote:

– Widespread human rights abuses are associated with the conduct of the project. When moving us, NAFCO have sometimes burnt us out of our homes without warning. In this way some people have lost all their possessions, including their food reserves. At other times they have ploughed around the homestead, making it impossible for us to come and go freely. When attempting to reach pasture, water or salt by following traditional routes across the farms we are deemed ‘‘trespassers’’ and subjected to beatings and fines. We find it hard to resist this harassment as NAFCO call on the police and militia to enforce their will on us. Many of the graves of our elders have been ploughed up and are no longer recognizable. These sacred sites are very important to us as

places of worship. It is there that we make offerings and call on God’s blessings through the medium of our ancestors. This desecration is tantamount to the deliberate destruction of a church and graveyard in a Christian community in Canada ...

- Because of the continuing abuses of our rights, and the fact that the broader question of whether we have customary title to the land we occupied is still unresolved, we have decided to go back to the courts. We contend that NAFCO failed to adhere to the due process of law in acquiring this land and are thus trespassing on the extra 30 000 acres. We are demanding fair compensation for the loss of land, the destruction of our homes and desecration of our graves. We want restoration of traditional rights of way that will allow us to reach grazing, water and salt as before. We want to establish once and for all that indigenous pastoral communities have customary rights to the land they occupy so that their future livelihoods may be protected by the law of the land.
- We would also like you to consider how the wrongs inflicted on us might be redressed. We want our land back. We want our customary rights observed. We want no future destruction of our land. We would like a full and impartial investigation conducted into human rights abuses and those found guilty of crimes punished ...
- You live far from us and know little of our problems in Tanzania. We hope that this letter will make you more aware of what is happening to us. Please join us in our struggle. Without an effective and positive response from you our case can be lost. That is why we are appealing to you now. Our cry for help is our last resort.

Source: News From Africa Watch, 12 March 1990.

Notes:

1. Extinction of Customary Land Rights (Amendment) Order, 1989 (GN No. 260 of 1989).
2. Extinction of Customary Land Rights Order. 1987 (GN No. 88 of 1987) made under the Land Development (Specified Areas) Regulations, 1986 (GN No. 659 of 1986). However, under Section 4 of these regulations it is only the President, not the Prime Minister, who has the power to designate a specified area. Thus it seems that these orders are technically illegal.
3. Lagwen Irafay and 19 Others v. Nangwa Village Council, Civil Case No. 4 of 1982, High Court at Arusha.
4. Unofficial translation from Swahili.

U.S.A:

Statement to the Working Group on Indigenous Populations, Geneva 1989

by Ingrid Washinawatok

Thank You Madame Chair:

My name is Ingrid Washinawatok. I am a *Menominee* from the state of Wisconsin in the United States. I would like to congratulate you on your re-election as Chairwoman of the Working Group. I also extend greetings to all members of the Working Group and congratulations to Professor Miguel Alfonso Martinez for being elected to undertake the Treaty Study.

The Indigenous Womens's Network (IWN) works toward the empowerment of Indigenous women in the Americas and the Pacific Basin.

FEDERAL BUILDING
UNITED STATES COURT HOUSE



Native American women in militant mood. On reservations, more and more women under age 30 are being sterilised and 30% of teenage girls under the age of 18 are mothers who are prone to have underweight babies. Otherwise there is an alarming rate of FAS (Fetal Alcohol Syndrome). IWGIA archive photo.

Involvement in this work strengthens ourselves, our families and in turn, our Nations.

With the exception of the Working Group on Indigenous Peoples, and of course the Cobo Study, other United Nations bodies and international fora have yet to remove the "cloak of invisibility" that covers Indigenous Peoples and, even more so, Indigenous women. While there are numerous studies undertaken and thousands of reports written, the full recognition of Indigenous Peoples has yet to take place.

Statistics show we are at the bottom of the socio-economic scale and at the top for high risk health and social categories.

In the Area of Health

- The infant mortality rate is higher on reservations in the U.S. than in most Third World countries.
- On one reservation in the U.S., out of 100 pregnancies 40% had cesarean section births.
- Also on this reservation, more and more women under the age of 30 are being sterilised.
- On reservations in the United States, 3 out of 10 people have diabetes.
- We have the highest rate of diabetes in the world with an increase of 9% between 1981-1984.
- 30% of the teen age girls under the age of 18 are mothers. Babies born to this age group have a tendency to be born premature and have low birth weight which impacts on their development.

Also affecting our future generations at an alarming rate is *Fetal Alcohol Syndrome (FAS)*.

- Recent statistics show that 5% and in some areas 25% of Native children have FAS.
- 20% of 500 or 1/5 of all Native children born in a British Columbian community have FAS.
- At least 5% of all the Native Children in 28 British Columbian and Yukon Communities are affected by FAS.

This phenomenon is creating a "bio-underclass" in our communities parallel to "crack babies".

If our people are unhealthy, it is impossible to defend our children, our rights, our treaties and the land.

In the Social Context:

- Incidences of alcoholism, drug abuse, domestic violence and sexual abuse are increasing at a dramatic rate.
- Statistics show that 75% of the convicted crimes by Native Americans are alcohol-related.

Directly affected by these problems are the children, many of whom are placed in foster care. The youth then turn to alcohol and drugs themselves, or other destructive forms of behaviour and even suicide in order to escape.

- U.S. National statistics show that children in abusive environments will also become victims or abusers.
- Unemployment on U.S. reservations fluctuates between 65%-90%.
- The percentage of Native mothers who are single and heads of households is at least, over 50%.
- Ninety percent of them are on welfare.
- To continue receiving welfare benefits, women are compelled to be sterilised and seek employment.
- When the children of mothers on welfare reach pre-school age, women are obliged under the Work fare policy, to "go out and get a job". Without adequate skills, training programs, resources, and available jobs, this policy is discriminatory and furthers the feelings of having no control over your destiny, despondency and continues to eat away at any feelings of self-worth.
- From the ages of 3-18 years, with 1-5 being the most formative years, our children are subject to foreign values taught under the educational system, even within our own communities. While trying to impress upon them the importance of "getting an education," we have to counter the education they receive with our history, our values, our culture and traditions.
- In the United States, 50% of our people live in urban areas. This contributes to the further disenfranchisement of family, community and Nations.
- The constant chipping away at the social, intellectual, cultural and spiritual foundation of our people jeopardizes our future by causing the disintegration of our families, our communities and in turn, our Nations.

Our foundation needs to be strong in order to defend our children, our rights, our treaties and the land.

In the Area of Development:

- In northern Canada, north of the 50th Parallel, 80% of the population is Native.
- Development activity here has a direct impact on those communities.
- The province of Saskatchewan has leased to the Weyerhaeuser Corporation, 1/5 of the land rich in timber.
- Uranium by products mined in that province are shipped directly to the State of Oklahoma in the U.S. for processing by Ker McGee.
- The North River has numerous hydro electric projects operating, with more proposed. Energy produced will be sold to the United States.
- Canada over produces energy in a manner which is 40% less effective than methods used in the U.S. to produce *One U.S. Dollar* of economic growth.
- Roads in this area only go North and South with the resources taken from the north going directly to benefit the south.

What this does to our communities is:

Destroy our subsistence economy by having a direct impact on the migratory birds and other wildlife in the area with contamination and the disruption of the eco systems.

- Women have a sizeable role in a subsistence economy anywhere in the world.
- When our subsistence economy is destroyed, our roles in society are changed. It is a whole social and cultural transformation. We are forced to adopt to the dominant form of society's economic system. With no skills, we become dependent on welfare or become economic refugees, displaced in cities and forced to accept slave labor jobs in order to survive.

Madame Chair, as women who bring forth life, we are concerned about the health, social and environmental developments affecting all people. Our people are dying and the systematic killing is taking place through governmental policies, inadequate health care, a contaminated environment, non-sustainable development and the so called "benefits" of health, education and welfare. We are aware of the major issues and concerns directly and indirectly affecting our communities, however, these areas have been covered very eloquently by other Indigenous Nations and groups.

We, as Indigenous Women, will remain committed to the physical, emotional, mental and spiritual well-being of our people in order to defend our children, our rights, our Treaties and the Land.

We call upon the Working Group on Indigenous Peoples to:

1. Assist in the removal of the "cloak of invisibility" covering Indigenous Peoples by using your influence to ensure that U.N. Bodies and Agencies' reports contain statistics and information presented by Indigenous representatives at this meeting.
2. Disregard the revisions made of ILO Convention 107.
3. Support the Brundtland Report of the UNEP "Our Common Future", especially in the area of sustainable development.
4. Work towards the recognition of us as Indigenous Peoples, not as Indigenous populations, and to obtain our rightful place in the Family of Humanity, and lastly:

We call upon all Indigenous Peoples to oppose the 500th Anniversary of the "Discovery" of the Americas and celebrate the 500 years of our resistance and survival.

Thank you Madame Chair and the participants of the Working Group.

IWGIA

Interviews with Women

Below are printed excerpts from a couple of interviews undertaken by IWGIA with indigenous women, mostly while attending international meetings and fora.

Below is the interview with **Faye Ahdemar** during the Eurometing in Zurich in August 1989. Faye Ahdemar represented many organizations but according to her own account, she mostly represents West Central Native women in Prince Albert, a local group of native women in Saskatchewan, Canada.

Q: Can you say something about the exploitation of uranium in Saskatchewan?

F.A.: It is hard for me ... or for anyone to talk about uranium exploitation in Saskatchewan because it is not visible. We have the highest grade of uranium ore, there is no doubt about that, and there will be a mine to be opened up in Cigar Lake. It is just a matter of when they get the technical knowledge to get the robotic miners to go in ... They already have the mine site, they have set up everything, but the reason I said it is difficult and not visible, is because it is not an important issue to native people, although it is important in the sense that we know it is wrong, that nothing good is going to come out of it. At the same time, we have so many other problems, social problems - just being able to survive from day to day - that you cannot worry about the uranium issue.

You cannot organize against it because you are worried about where your next meal is going to come from, how you are gonna feed your children, how you are gonna pay the bills. We have a high percentage of people in the northern areas who live off welfare, and welfare is not sufficient as it does not cover the cost of living for a whole month which it is supposed to. When you have people to worry about this, they are not able to worry about the uranium issue or exploitation but they understand that it is wrong, that one should do something about it, but when your energy is all used up trying just to survive, you cannot do more than that.

Q: Let's leave the uranium issue then. What are you doing in the women's association, what kind of work do you do?

F.A.: Our group has been set up for about ten years, where 8 years of that we have been managing in this "half-way" house, a transition house for abused women and children. In this house, we try to help these women as much as we possibly can. The government, or the Indian Affairs will only pay us a certain amount for the weeks that they stay there – they are allowed to stay up to 6 weeks – and then they will have to find alternative accommodations or whatever.

We work mainly with poor women who are abused physically, whose spouses have problems with alcohol. The women have a hard time because they are already single parents even before they decide to ... leave their husbands. So we are dealing with women who are in crises situations.

We are also trying to deal with the problems of the Indian children caught up in the social services system, such as the ones who are in foster care and those who are adopted ... There are a lot of abuses within foster homes. We don't have a great number of Indian foster homes because Indian people are not recognized as good parents in the first place. So the majority of foster homes in Saskatchewan that these Indian kids are put into are white foster homes, and lately a lot of abuses have become known. These are the issues we are trying to deal with ...

We are also trying to deal with the number of native people who are caught up in the justice system such as jails. We have a problem right now. Prince Albert is a prison town. We have the federal prison here, we have the provincial correction of both the men and women ... In the provincial correction of women, on average, 70 to 95% of incarcerated women are native women; at any given time this fluctuates between 70 to 90%. These women are going in for silly things such as parking tickets, speed and other traffic violations which only require paying fines, but because the women don't have money to pay for the fines, they get put into jail and if they have children, these will be taken away, and put in the welfare system – in the social service system – in foster homes. Once they are in the system, it is very hard to get the children back. The mother then loses them.

It is a whole cycle that we are dealing with, but we have had to pick some of the main priorities and since we are a native women's organization, women and children should come first, so when you ask what we do, we do a lot of things, we work on different issues but our first priority is women and children.

Q: How many of you are dealing with these issues?

F.A.: None of us are getting paid to do this; it is all voluntary work. We are all either students or have other jobs, and right now our membership is, I guess, about 100 to 130 in total. The main group is very small ... and

we don't have a lot of time or money ... Funding for housing (for the abused women, red.) comes from the government but we ourselves do not get any money unless we go and fundraise somehow. So we don't have an office ... we just meet at peoples' houses or in a cafe or wherever we can, we don't have any money ourselves.

Q: What were you going to do if you had the possibilities?

F.A.: We see two things that we want to accomplish ... one of them is a second stage housing project which is the next natural step from the (transition) house. The women right now coming out from the house, after having stayed there for 6 weeks, have no other alternative but to go to whatever rental accommodations they can get in town, in the city.

What we'd want to do is build a safe house for them for after leaving ... A lot of husbands or partners are very violent, that is why they (women) left in the first place; and if they move into rental accommodations, very often the only rental they can get is from slum landlords. There are a lot of houses that you wouldn't even consider liveable but these are the conditions they are forced into because on welfare, they have no other choice, they are only given a certain amount and these are the accommodations that are available ... What we want to do is buy a huge house or a complex, town houses where these women will be able to go and spend say, 6 months to a year getting themselves ready to take the step into the community themselves, and this house would be a security house ... where they will have more support, more counselling and children would be helped. Because with the cycle of abuses, it is not just the woman who is the victim; it is also the children, and very often a lot of these women go back to their husbands, and if the husbands need help, there is only one group in Prince Albert that will help them – a court recommended group – so there is really no voluntary organization for the men either.

Everyone is a victim even though the men have not afflicted the pain, they are victims themselves and we understand this so what we want to do is to try to break that cycle with this second stage housing; in order to help these women, you have to help the whole family ...

Another one is for the children. We have, for instance, in Prince Albert alone, some 150 kids living on the streets ... rather than at home or with foster parents or whatever their situation ... The majority are Indian children so what we want to do is put together a type of housing where children would be able to stay, feel safe and not be caught up in the social service system ... We are not quite sure how we do it ... but there is an immediate need for that right now. We have children who are dying because it is unsafe where they are living. We have a number of incidences every year of native kids being beaten in foster care or neglected.

The Indian children are an industry; you get a lot of money to look after an Indian child in foster care which you wouldn't get if you adopted that child. So a lot of people who are taking care of these Indian kids are not in it for the kids, they are in it for the money. So it is no wonder that so many of them are living on the streets. A lot of them have alcoholic parents, who have some sort of problem and they feel much safer being on the street than being at home, but you have to understand that it is not the parents' fault either because they are the victims of the whole system too, the oppression.

Both of these are immediate needs but I really think the children living on the streets are very immediate while the second stage housing program can be something that we can work slowly at; the house for the children, to be able to get them counselling to be able to get through the education process; just being able to help making this person stronger, I think that is more immediate.

Our association does not want to get involved with government funding because once you have government funding then they have a say how and when you spend your money. If we started doing something they didn't like, they could come in and say that you have to be careful or shut up, there goes your money ... we would like to get independent funding then we would be able to do whatever we wanted but that is gonna be a very slow process ... but that is the only way that we are gonna be able to get any real positive changes.

There are so many problems, you just don't know where to start but they are all economic-based, it is the whole oppression cycle ... and it is hitting the women and the children so hard. One of the things I strongly believe is that women are the ones who are going to make the change, and I don't just think from Indian women but from women all over. Historically, if you look back, it has been the women who started to make the social changes, who motivated and once the change started, men owned it, they took it over and owned it. That is why women have not been getting recognition historically ...

Women have more responsibility, they are the care givers who have to maintain the family ... They have to maintain a responsibility so I think it is our responsibility to start because nothing has happened so far when it has been in men's hands.

When I came over here, I wanted to speak on behalf of native women because we have been through a real struggle and we have started strong so I think it is gonna be native women who will make any real change within Saskatchewan anyhow. It is gonna come from us.

This interview with Mrs. Ellie Gaffney of the Torres Strait Islanders Women's Organization took place at the UNWGIP Meeting in Geneva last August 1989.

Q: You are representing the Torres Strait Islanders at the WGIP for the first time. What do you think you can benefit from at this meeting?

E.G.: Well, it is the first time that Torres Strait has been represented. We have always been called aboriginals when there is another indigenous race in Australia, so from the International Indigenous Women's Conference in Adelaide 3 weeks ago, we pushed to have our status recognized as the *other* indigenous race, which brought us to Geneva for this working party Conference. I am very pleased to be here because we have had a workshop, and all our issues were put into a report which I read out yesterday. I got the feeling the Australian government here took notice of what we said. I think we will get some response when we go back to Australia from the issues we raised here. In fact, I was talking to one of the Australian officers from the Australian mission, and he has faxed my statement back to Australia.

Q: What are the main problems that the Torres Strait Islanders are facing at the moment?

E.G.: Like all indigenous countries we have housing problems, education problems, bad health facilities; it is like a third world health facility in a developed country but what has been concerning us of late is the blame the government put on traditional people for traditional food like turtle and *dugong* becoming extinct ... They put a ban on it, and a penalty if you are found with turtle or *dugong*, which is our staple diet.

We would like that ban lifted because we feel it is the commercial fishermen who have been depleting our nurseries of these mammals that migrate around Torres Strait; it is our staple diet, and we should be allowed access to it instead of being penalised for having it on our person. This is one of the main issues we are raising - customary law and traditional rights as well as human rights available to every Australian.

Q: Could you explain what customary law is?

E.G.: Customary law, let's start with children. We have what we call *sibonan fostering*, and that means there is no consultation nor negotiation. We know that certain members of the family can look after another family's children and exchange children, but the children know who their real parents are, and they may end up with 3 or 4 mothers and fathers, but

they know who their real parents are; there is no problem. But in western law you have to officially, by paper, adopt them and then they separate from their real parents and only belong to another set of parents. That is causing quite a problem; we just want to go back to customary law, and we know our law. If someone is ill treating the children, we deal with it according to our custom.

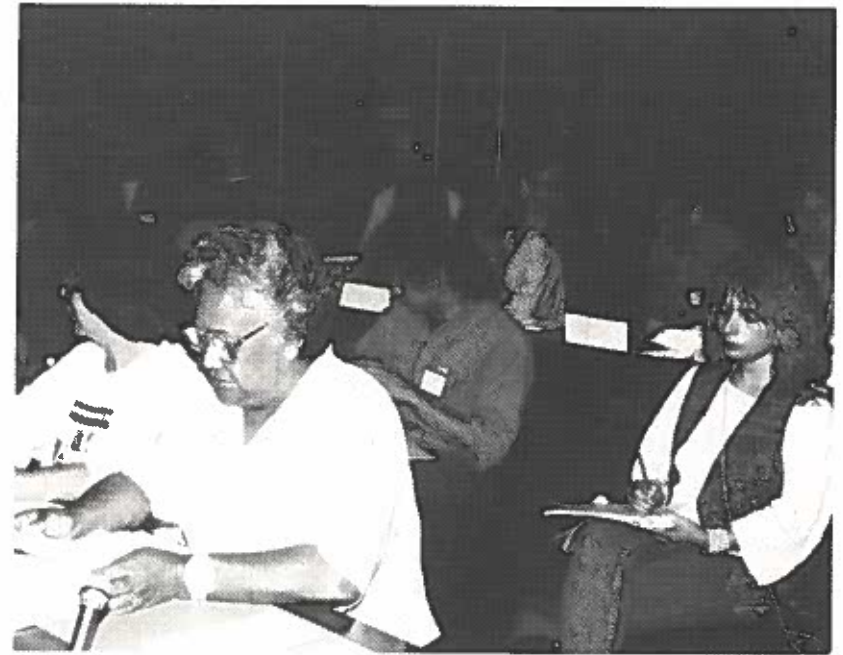
Also, land is handed down to a certain member of the family, all indigenous people know that there is a designated person in the family, whether it is the eldest son or daughter of another person. You hand these things down, and it is a law; we do not have to write it. Then the government comes in and says "you cannot have that land unless I serve you a piece of paper, we will give you the land under the deed and granting trust" which means they still own the land, and if they are not happy with your political arena or whatever, they take the land back from you.

Now we just want to be left alone to decide about land and sea rights according to customary law, how to deal with these things, how to deal with the cycle of replenishing the stock instead of savagely raping the reef and then you have nothing the next season. If our people were to do that, they would have been dealt with severely, but they don't get dealt with severely because they don't do it. We respect each other in customary law, that is in fishing, and with children. Then we have land, when I say land I mean domestic law for families. We don't need a policeman or social-worker; the elder will decide ... you don't contest like you do in western society where you get a lawyer. There is a wise person who makes a decision, and that is, a final decision; if he can't decide wisely, then he is not to be in that position.

Q: How are you organized in Torres Strait Islands?

E.G.: Our islands are between the Papua New Guinea coastline, that is where the border is, which brings us into Queensland government jurisdiction, and Queensland is part of Australia. The administration island is the island where I live called Thursday Island.

Prior to modern technology, we have only had boats – the canoes – as a manner of communication but today, we have telephones. On the islands we have air strips. I have set up an indigenous broadcasting station and we broadcast everyday in four languages of the indigenous people ... and by mail when the plane goes out, and we have faster boats these days so communication is no problem if it is handled properly. In the women's organization which I set up and belong to, we have all that communication network at our fingertips. Women know at what time, let's say, when we are going to put out a radio call or if we are going to ring, so they are at the telephone because there is only one telephone on each island, a



Ellie Gaffney attending the WGIP meeting at Geneva and representing the Torres Strait Islanders, the "other" aboriginal people of Australia, for the first time. Photo: IWGIA archives.

public phone; they are available when they know when we are going to contact them. We have established that network throughout Torres Strait.

We also have our loved ones like our husbands, our fathers, brothers or nephews supporting us now because they found the other way – too much for the government way – was not working out ... the other peoples' voices were not being heard so now they know that women can get to international conferences, can come to the United Nations and they see what performance the women have been doing up there in health, education and other business that they now respect the women's organisation and are supporting it. Behind the report I presented yesterday, half of that effort was from the men working in putting it together for the women.

Q: How is the broadcasting working?

E.G.: I set up the Torres Strait Islanders Media Association which we call SIMA, and we have two media outlets: one is a newsletter, a monthly, and the other one is a daily broadcast to all the islands and Papua New Guinea

everyday in 4 languages. Prior to that, we only had the Australian Broadcasting Cooperation, the ABC radio, and because of their high standard they did not communicate to our people because of the language, so we decided to set up this broadcasting studio on Thursday island. We have programs coming to us from the aboriginal broadcasting programs in Townswill, from TAMA (Townswill Aboriginal Media Association.) We also provide programs, indigenous programs for ABC twice a week and we produce programs for Radio Australia ... and we provide service ... we receive material from other organizations to translate into a language our people can understand. The common language up there is *creole* and it is like broken English ... it is spoken by men and women whom the listeners can understand; it is the common language that we use but it depends on the area we broadcast to ...

Q: What about education and schools, are you able to use your own language in school and do you have your own school material?

E.G.: Language has always been a problem because of the system we are under, so naturally education was a problem too but we have now set up a Committee that advises the providers of education of our needs, and with their expertise working with traditional people, they set up a curriculum to be put in the schools. At the moment we do not have our languages in the schools, and we are asking the Education department to include it, and I hope the request I made to the United Nations working party to seek that for us will be granted eventually ... Once we have that accepted in the schools, our language will live. At the moment the language is dying out because it is not spoken enough, and people who educate our children say one should speak English and our language is retarding the progress of their education, but that is not so ... It is a bit hard to work with two languages ... and easier to work with English, but at the same time we are losing our language through that attitude.

Q: Can you use experiences from other indigenous peoples represented here at the Meeting who face the same problems in education?

E.G.: Yes, I can. When I get back I will work with the women on that Committee but I think the push we could get from this working party would assist them greatly because they have it ready to be implemented but the system won't accept it. They need a push from a higher level to make them take notice ... I think the Australian government took notice yesterday when they heard we want that introduced into the curriculum. Let's hope they did anyway.

Q: How does the future look for Torres Strait Islanders?

E.G.: Personally I'd like to go back to traditional ways but that is not going to happen because of modernisation. But we try to retain our traditional culture as much as possible, that is my aim in life at this point in time: to assist the people who are working towards that. We cannot stop the transition into the modern way of living but at least we should be able to control it and people should have a choice between going into the fast lane and forgetting where they come from, or going into the fast lane and still liaise with their roots; I think this is what every islander is wishing to do. They want to comply with the modern world but are saying, "Hey, give us some support ... we are not gonna lose our culture, we still want our customs."

Q: Has there been a cultural revival, maybe you should tell us a little about your history?

E.G.: Our islands are set up into eastern, western and central groups. The western group is divided into two: top and near western and they all speak different languages. What we are doing on Thursday Island now is to revive our culture ... Through the assistance of a gentleman, Ibrahim Barny, we hold a festival - the last festival was the fourth and each year it gets better and better ... more and more cultural.

They research into their own tradition from their own group, and we all meet at this one place each year to compete, to display and even to show off ... They are looking into the real traditional lifestyle. Even stores selling food or artifacts use ... leaf and bamboo. Thursday Island as administration sector is all modern buildings but on this cultural ground, buildings are made of mats and bamboo. So the revival for survival is getting better each year ...

Indigenous Culture:

Indian Summer Festival

by Mads Fægteborg

Since 1987, Pincher Creek, a small town of some 5 000 pop. in Alberta, Canada has been hosting the "Indian Summer World Festival of Aboriginal Motion Pictures" which has placed the tiny town in people's consciousness way beyond the Canadian frontiers.

On earlier occasions, films such as "The Pathfinder" and "Crocodile Dundee" have had their Canadian premieres at this Festival. This year, there was a world premiere for the American film, "War Party". Aside from this, a couple of major films were also on the program, namely "Pow wow Highway" and "Where the Spirit Lives". The latter was a film, which both technically and content wise superseded the other two. All the short feature films were screened on demand at the Cultural House's many small rooms which were equipped for the purpose.

Aside from presenting the latest films *by* and *on* indigenous peoples, the Festival also holds workshops.

One of the workshops was led by two of Canada's very well-known Indian actors, Margo Kane and Leonard George (known from the Dustin Hoffman film, "Little Big Man"). The workshop dealt with indigenous plays and indigenous actors.

Leonard George especially did much to do away with the most commonly known stereotypes one associates with Indian roles. He made an excellent point when, taking the films "War Party" and "Pow wow Highway" as his departure, he criticised many Indian actors and directors for replacing the old Hollywood stereotypes with a new set of stereotypes, that of a self romanticising picture of Indians as upright people against the white man who is stupid and barbaric. Leonard George blames and does heap a heavy load on the Church, the State and Hollywood for the present situation of the Indian. But there isn't much to gain by producing films where one merely idealises and hero worships the Indians.

An important criticism raised about the Festival was that it was the "big" films that were scheduled for screening at the cinemas whereas the "small" films could not really make a breakthrough because they were not scheduled. Much praise was however accorded the organizers of this Festival, which aside from film screenings and workshops, also included dance performances and fieldtrips to the *Peigan Indians*, who have a large reservation quite close to Pincher Creek.

Usually, the Indians do not like white people making a nuisance of themselves at the reservations. But in connection with the Festival, there were no problems because the Peigan Indians themselves were, among others, arrangers of the said Festival.

Participants from among others, Australia and Siberia, also attended the Festival.

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 No. 2 Peter Elsass, director and anthropologist - *Earth is our mother*: Arhuaco in Colombia and Bari in Venezuela (50 min. Denmark, 1987).
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