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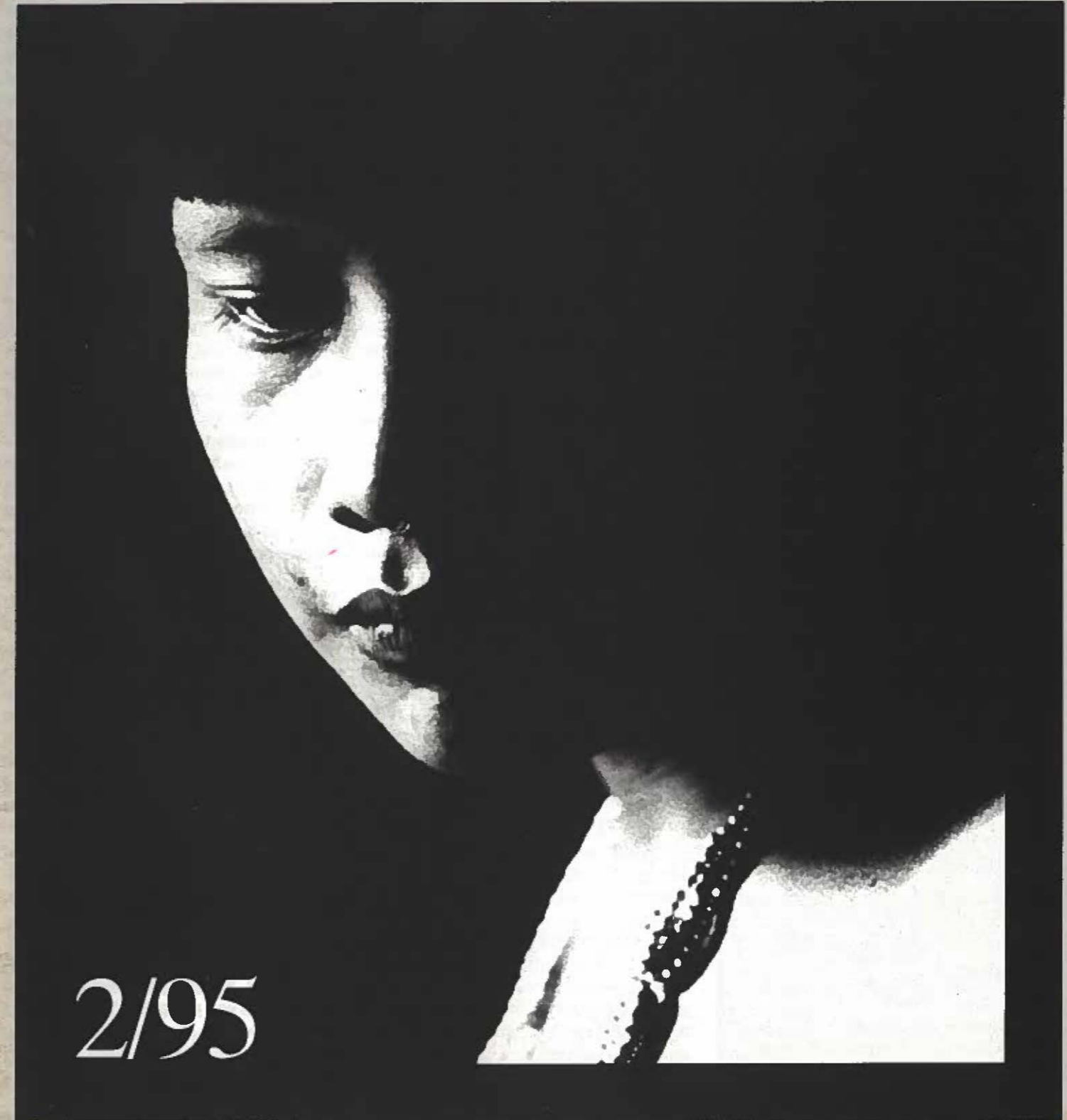
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Indigenous Affairs

No.2 - April / May / June - 1995

International Work Group for Indigenous Affairs



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Editorial

When IWGIA decided to dedicate an issue of *Indigenous Affairs* to the problems and concerns of indigenous women, we soon realized that accessible material on this issue was scarce. We could have tried to dig up information on women's lives in traditional indigenous societies as studied by anthropologists and explorers, although even here the female perspective is more the exception than the rule. Or we could have inquired into the women's networks and women's groups among our contacts, but still information on indigenous women's specific situation and concerns is limited, when seen within the framework of current policies and in the perspective of the present global political, economic and social situation of indigenous peoples.

In this, the year of the Fourth World Conference on Women to be held in Beijing in September, it must be hoped that much more attention will be given to indigenous women's situation. Until then we can only encourage our indigenous contacts to come forward with articles, suggestions, news and general information on women's lives in indigenous communities, whether as mothers, market vendors, domestic workers or sexually exploited women, or as guardians of culture, political activists or protagonists of change.

This issue of *Indigenous Affairs* contains three articles on the situation of women. This is not much considering the scope and urgency of the subject, and we do hope to be able to return to the issue of indigenous women in future publications.

When considering the situation of indigenous women in the world of today, two perspectives are needed, namely the gender perspective and the indigenous perspective. As indigenous people, women face problems and challenges common to both men and women and, as

women, they struggle together with their male companions in their fight for human rights, for the bettering of living conditions and for the acknowledgement of self-determination as a basis for gaining control over their own lives. They use the United Nations' Draft Declaration on the rights of indigenous peoples as a weapon in their struggle, and women as well as men take part in the process set in motion by the establishment of the United Nation's Working Group, and in general, the entry of indigenous peoples on the world political scene. The majority of representatives on this scene are, however, as is the case with non-indigenous people, men. Male dominance on the world political scene holds for indigenous people as well as non-indigenous, although there are exceptions to the rule.

IWGIA is a key member of the Human Rights Fund, which works to raise funds for indigenous people's participation in the UN Working Group. The Fund receives applications each year but the general rule is that about 95 per cent come from men. Although we know that in many indigenous societies women have traditionally played strong political roles, in international politics the non-indigenous world's male dominance is still remarkable, and we would like to take this opportunity to encourage our indigenous women readers to take a stronger position on the international political scene.

From a gender perspective one obvious question to ask, again with the Beijing conference in mind, is: what can indigenous women gain from Western women's solidarity? Hopefully, the majority of the Beijing conference will be devoted to the concerns of women in developing countries, but keeping in mind the Nairobi conference in 1990, Western feminist movements will undoubtedly still have a strong presence. An indigenous woman friend recently said that after having attended the Nairobi conference she would

not dream of going to Beijing, as she felt the major part of the issues dealt with in the conference were too remote from her own pressing concerns own and those of other indigenous women. In India, the hard-working women of the Coordination Unit for the Beijing meeting expressed the concern that Western women might again steal the picture by focusing on issues such as free abortion, while for the majority of women in developing countries issues such as primary health care are much more urgent. The question is whether Western women's concerns are so remote from indigenous women's problems that it is almost an offence to speak of their situation within the same framework. Let us hope not, and let us, rather, regard the world conference as an opportunity for the privileged women of the world to use their strength and privileges in solidarity with the less privileged.

Another question is the extent to which gender issues are of importance to indigenous women when seen in relation to the pressing problems they share with men, such as fighting for their very survival, avoiding being driven off their land and protecting themselves against violence. However, the special vulnerability of women, the all too many documented cases of rape and sexual exploitation, and the fact that women as mothers carry a special responsibility, all make this question rather superfluous.

Although marginalized in many senses, indigenous women are still sensitive to the effects of globalization, to movements within the world market and the strong forces within the global economic and political system. At the local level, the imperatives of market forces and globalization have been undermining communities and families all over the world, and this applies to indigenous communities as well. In some cases, women are pushed into the background in the process of increas-

ing interaction with the national and global society. In other cases, women find themselves at the interface between the indigenous society with its traditional values and the culture of the majority and national society. In some situations women profit from closer contact with the non-indigenous world, in others their value and traditional roles and rights are endangered.

Among the *Tuaregs*, a person's position is determined by the maternal line. As Ingrid Poulsen shows in her article, there was formerly a social and economic balance between the sexes, but with the socio-economic changes since French colonial rule, women have increasingly become dependent on men as wage workers. City women lose the link with their female line of kinship and become doubly marginalised when they move to the city, where they must veil themselves, although this is not part of Tuareg custom.

In South America pressing problems concern land rights, violence, exclusion from economic development and lack of education and health care. Here the writers argue that indigenous women are victims of triple marginalisation, as women, as indigenous people and as workers, and they advocate recognition and implementation of the rights of indigenous women by governments' and international bodies.

In her article on the situation of dalit women in India, Ruth Manorama argues that the 200 million dalits - dalit meaning literally oppressed or downtrodden - are the indigenous inhabitants of the Indian subcontinent - India comprises about 70 million *adivasis*, original inhabitants or indigenous people, although the Indian government does not recognize them as indigenous. They are classified within the governmental constitutional scheme as scheduled tribes, while dalits are the so-called 'untouchables', at the bottom of

the caste hierarchy. Whether dalits can be regarded as indigenous or not, dalit and adivasi women share the threats of burned homes and fields, of torture, violations, rape and murder and of becoming victims of bonded labour and forced prostitution. Just as the South American women argue that indigenous women are triply suppressed, Ruth Manorama argues that dalit women are subject to three-fold alienation, namely on the basis of class, caste and gender.

In the Indian state of Bihar, I recently met a young woman, whose story was told to me by her friends from a human rights organisation that works for indigenous people in the area. Living in Bihar, she had been tricked into going to Delhi with a false letter. In Delhi she was forcefully kept for a month, during which period negotiations were carried out concerning her sale. 6000 rupees were demanded (about 200 dollars). Luckily for the woman, the buyer apparently found the price too high. This gave her time to smuggle out a letter and she escaped the brutal fate intended for her. Quite often cases like this, which are not unusual in adivasi areas, never get to court, and even if they do and the culprits are found, sentences are not carried out. "We live in fear", the people here told me, and this may be the ultimate concern of indigenous women: to be free from fear - fear for their children's health, fear for their own lives and the life of their husbands, fathers and brothers and fear for the fate of a future over which they have no control.

To gain better control of their own lives, both as individuals and as part of a community, must be a minimum goal for indigenous women, of whose lives, dreams, aspirations and wisdom much more needs to be known. □

The role of indigenous women is quite crucial. They are the centre of indigenous identities in the larger movement and struggles of indigenous peoples in India, Asia and the entire world. In essence, the indigenous vision and alternative consciousness is primarily feminist, nonpatriarchal, nonhierarchical and positively ecological.

Dalits are the indigenous people of India comprising about 200 million. *Dalit* means 'oppressed' or 'downtrodden', in many Indian languages. They are unjustly made poor and oppressed by the powerful.

Understood as embodying a sense of being oppressed, and therefore the need to revolt against oppression, Dalit im-

perial system of the Hindu civilization of India known as casteism.

"Our homestead was plundered and confiscated by these invaders and we were relegated to the outskirts of our town and villages, where for thousand of years we have lived huddled up as outcasts and in abject poverty, bonded for life to our alien masters", said Mr. Yokesh Varhadi in his testimony to recognize 200 million Dalits, Untouchables and tribal people as indigenous peoples.

Dalits are a heterogeneous people in terms of ethnic roots, cultural identity, and other material conditions even if in the same region. They still preserve a distinct ethnic and religious cultural heritage in various degrees despite their ab-

There are rites of passage and festivals which symbolize their communion with nature.

Today's Dalit literature and movements have inherited traditional values which show their deep yearning and aspirations for human equality, human dignity and justice. They boast details of Dalit identity, culture and past heritage.

Today, their predicament can be described in terms of a lost humanity, a dispossessed community and segregated condition. They lost their human standing. Continuous economic exploitation and socio-cultural oppression have rendered them politically voiceless. The Christian Dalit condition is an integral part of this predicament, although a hand-

of bonded labour, child labour, prostitution and devadasi come largely from Dalit communities.

Officers say the implementation of the Protection of Civil Rights Act of 1955 and the SC/ST (Prevention of Atrocities Act of 1989) leaves much to be desired. Courts cannot protect the victims and witnesses from intimidation.

Incidents such as the Tsundur Massacre in Andhra Pradesh, violence in Bihar against women (July 1992), caste riots in Tamil Nadu, suicide among Chuni Kotal - a local lodhas tribe in West Bengal, the case of Idapanur Dalit Christians, the Khamer in Rajasthan and several other hundreds are clearcut human rights violations.

inferior status, dehumanizing living and working conditions, total impoverishment, malnourishment, bad health conditions, the adverse effect of various contraceptives and newly invented family planning devices in violation of their bodies, their status of illiteracy and ignorance, social ostracism and untouchability maintained by Hinduism and other religions (such as Christianity).

The life of Dalit women is one of misery and agony. Dalit women were displaced from productive activity in the guise of development manifested in modernization and its technologies, computerization, option for various nuclear power plants, and dam construction in the name of energy and power urbanization.

under the most exploitative, dehumanizing, and unhealthy conditions usually as domestic workers, vegetable sellers, Bedi makers, and construction labourers. Neither their work nor wages are regularized. In addition, these women live in urban slums as squatters.

Lower caste groups like the Bhangis or scavengers and the Chamars who are traditionally leather workers are still deprived of education. The upper castes, especially the Brahmins, receive the best education and corner the most prestigious jobs.

Even in Christian institutions and churches in India, Dalits do not share in opportunities for employment, education facilities and participation in decision

INDIA

Dalits are Indigenous

The Situation of Dalit Women

by Ruth Manorama
CHRISTIAN DALIT LIBERATION MOVEMENT



Photo: Inger Sjørslev

olies double oppression - in social and economic terms of the low caste. The word Dalit thus became symbol of assertive pride and resistance to the related oppression of caste and class.

Historical evidence points to the fact that Dalits were the original inhabitants of India. They are a distinct people possessing distinct cultures. Aryan invaders imposed on them not only their political rule but also the socio-religious hierar-

sorption into sanskrinistic Hinduism and other religions.

Unlike Hinduism, they have no priestly class. The Dalits rejected absolute authority and followed a 'religion of humanity'. As such, under divine inspiration, any member of the community, man or woman, boy or girl, can dance, pray and prophesy. Prayers are said by elders for the prosperity of the village, country, the world and its creatures and nature.

ful of individuals from among them recently experienced upward mobility.

The Plight of the Dalits

Large scale violations perpetrated against Dalits include burning of homes and fields, murder, torture and beating women, molestation and raping of women, deaths in lock-up and custody and others. These occur in spite of constitutional guarantees abolishing untouchability. Victims

The Situation of Dalit women

Dalit women are referred to as 'Dalit among the Dalits' or downtrodden among the down trodden because they are thrice alienated on the basis of their class (poor), caste (outcaste) and gender.

The oppression of Dalit women echoes issues such as state violence, denial of land rights, social and legal discrimination, infringement on civil liberties,

These development projects appropriated or destroyed the natural resource base. It decried women's productivity by removing land, water and forests from their management and control. While gender subordination and patriarchy are the oldest forms of oppression, they have taken a new and more violent form.

Dalit women form the largest group of landless labourers who are paid low wages. Many are bonded labourers. They work

making processes. Even though the Dalits form the majority in the Christian church (in some regions 90 per cent), the Dalits' problems have not been considered very seriously. Lip service has been offered; church documents talk about us; but we have to wait for the dawn. To quote a few examples:

Two hundred and sixty-two Dalit families in Bangalore are being asked by the church to leave so that the latter will

be able to construct a commercial complex on the land to further their profit. Recently, a town-based hospital run by a Christian institution which served the poor in the villages was unjustly shut down for no reason. The entire work force which was retrenched were Dalits.

The majority of the Christian schools and hospitals have become profit-generators in the name of self-reliance and have neglected the welfare of depressed communities. In addition, the majority of urban schools run by Christian institutions only serve the upper class and caste. The schools and the church buildings used by Dalits in the rural areas are dilapidated. Women's education in rural areas has been totally neglected and support services such as hostels and tuition do not form a priority in the church agenda.

Dalit communities either in rural or urban areas are constantly facing the insecurity of being evicted and demolished. Once they were the original inhabitants of the land, today they are made landless and homeless. The Dalits are segregated from the main villages. Their settlements are called colonies or cherris in local languages. They are banned from using common village wells and temples. They do not even have roads to cemeteries (burial grounds) in many of the villages in India.

"Rape and molestation are... used as weapons of reprisal and to crush the morale of a section of the people", says a former chief justice of India. New forms of sexual exploitation like Betals seva (literally nude worship), menso and devadasi system are some religious rituals that victimize the Dalit women.

The Christian Dalit Liberation Movement (CDLM) incorporated the liberative context of the term in its motto 'Dalit is dignified' in 1985 (like Black is Beautiful) and Dalit Theology (similar articulation of faith and philosophy such as Black Theology) was first used in the CDLM documents in 1985 and early 1986. The World Council of Churches (WCC) became acquainted with the Christian Dalit question since 1986.

At the Seventh assembly of the WCC (1991) a statement on indigenous peoples and land rights was adopted. It concluded: "The WCC should continue to work with indigenous peoples to ensure

that issues identified by them, their communities and organizations will be heard and acted upon. We affirm the growing consciousness on indigenous peoples' struggle for freedom including the Dalits of India". We are glad that the Dalits received direct reference in this document.

I would like to make a special reference to a consultation of 'Women under Racism and Casteism' held in 1986 where women from all regions of the world were convened by the WCC/PCR. I made a presentation about caste oppression of Dalits in India particularly on Dalit women. The consultation prepared a statement and made a clear call that "WCC, PCR and the churches in our countries provide us with all necessary financial and political support on the struggle against the oppression of Dalit women", and increased efforts to support the CDLM and the churches in India.

The first consultation on 'Struggle and Aspirations of Dalit Women' was held in 1987 and that effort was supported by PCR. The consultation helped women from Dalit communities and activists who work with Dalits to understand and analyze the root causes of caste discrimination in India; and to prioritize issues and courses of action. Dr. Jean Sindab, Executive Secretary, Women's Desk, PCR-WCC attended the consultation, which gave a moral boost to Dalit Women, to step in and continue the struggle against Casteism.

With the much pursued efforts by the Dalits and various Dalit groups and the Dalit movement, a 'Dalit Support Programme' was introduced at the 14th programmatic category of PCR in 1989. This programme initially aimed to convene a major consultation for representatives of Dalits from various organizations, movements and religious communities with a view of establishing priorities and common strategies, and to internationalize the issues of the Dalit.

We see the link between the women of Dalit communities and of racially oppressed and indigenous women on whose back the mansion of progress has been built. We have similar stories to tell, we have similar struggles to launch. In a way, it is appropriate to call this Asia Gathering an 'Asian Dalit Gathering'. As the word *dalit* indicates all those who

are oppressed and broken, it gives a positive affirmation to our identity. There are possibilities of new alliances and a need to forge a common link. There is an urgent need for the world to understand the situation of 'apartheid in India'.

We categorically reject paternalistic and special pleading based on the notion of 'Harijan Welfare' (the Dalits objected to such names as Harijan, meaning children of God either by the governments or the churches). We make the political parties responsible for their failure to understand the agony of the Dalits which goes beyond poverty and atrocities into a much deeper socio-economic malady.

The Dalits and tribals have been integral to a true social system not just in the past but also in independent India which has adopted a model of development that displaces and disorients them and is hostile to their dignified existence. The system should recognize the Dalits' right to live. They should get priority over all other issues. In place of treating them as crumbs, routinizing and trivializing any special plans for Dalits, the demand of the Dalits is liberation. This is not a vague slogan. Its content needs to be spelt out in terms of the entire life of Dalits. Dr. Babasaheb Ambedkar, the leader of the Dalits in India, said that there are two enemies, caste ideology and capitalism. We look for powerful assertion, alternatives and a socialist perspective based on justice and equality. Dr. Ambedkar's slogan, 'Educate, agitate, organize!' gains a new perspective in the emancipation of Dalits. He said, "have faith in yourself. With justice on our side, battle is in the fullest sense of spiritual... It is a battle for freedom, it is the battle for the reclamation of human personality" (at the all-India Depressed Classes Conference on July 19th at Nagpur).

What needs to be done?

The official position of the government of India is that people belonging to the scheduled castes and scheduled tribes are not indigenous peoples, (ref. Government of India, Permanent Mission of India to UN Office, Geneva, Statement made by Mr. Prabhu Dayal). The following statement runs contrary to the aforementioned position:

The Aryan "after defeating the original inhabitants... destroyed many cities



Photo: Inger Sjørsløv

of the enemies and though most of the conquered natives were ultimately reduced to slavery, they were assigned a place in society as a separate class". This unmentioned class as the untouchables, the 'dalits' (*India, Early History, 1990*).

What needs to be done:

1. The draft declaration by UNWGIP for the approval of the UN General Assembly is a very important instrument for the future of all indigenous peoples of the world.
2. We need enabling assistance from national, Asian global forums to foster Dalit liberation and identity. It should begin with the reconstruction of their history, recording of their

struggles and movements, biographies of their heroes, heroines and leaders and the study of their traditional and religious symbols. The same process must be ensured among other indigenous communities.

3. A systematic study of the 'impact of structural adjustment policy and neocolonization programs' such as those imposed by the International Monetary Fund and World Bank on Asian Indigenous Peoples and demands for safeguards.
4. Promote a campaign of solidarity, network of information among the indigenous peoples of Asia. An Asia-

wide 'newspaper' of indigenous people/women will be instrumental.

5. Promote an 'Asian Indigenous people/women's cultural centre' in Asia for art, literature, poetry, painting, etc.
6. Promote leadership, education, cross cultural studies among indigenous women of Asia.

I would like to end this presentation by quoting from a Dalit poem:

"My rights are arising like the sun. Will you deny this sunrise?" □



Conference of Women's NGOs of Latin America and the Caribbean
ALAI
(Agencia Latinoamericana de Información)

The social situation

It is estimated that, at present, there are some 40 million indigenous people living in the countries stretching from Mexico to the tip of South America. Of these, some 59 per cent - 23.6 million - are indigenous women. Today indigenous peoples are living in very critical and extreme situations but as indigenous women we are marginalised and discriminated against threefold: as women, as indigenous people and as workers. Our capacities, abilities and skills are devalued and any development initiatives completely ignore us. In many countries our situation is extremely serious.

Nevertheless, it has to be noted that indigenous women have been protagonists in the same struggles as women in the popular sector, using the same survival strategies, confronting relentless cultural, physical and psychological threats. We suffer, therefore, from a triple subordination: socio-economic, political and cultural.

Raising the awareness of indigenous and working women should be considered a fundamental step towards the recognition of their rights.

The legal situation

After examining the legislation which exists throughout the continent, we have found very few political constitutions which include the rights of indigenous peoples, far less the rights of indigenous women. What does exist are only paternalistic references to cultural recupera-

tion in which we are seen as objects not subjects. Moreover, the promotion of cultural values is expressed only in terms of a country's patrimony and indigenous peoples' situations are submerged in general declarations of duties and rights of all citizens.

Given this situation, we are unable to enjoy fundamental human rights to the same extent as the rest of the population in the countries in which we live. Worse still, our ancestral laws, rights and values have been attacked by assimilationist and integrationist positions taken by governments.

Rights to land and territory

We indigenous women identify with the land; the land is life and women are life, both are mothers and so must be cared for, loved and respected. But our territories still continue to be invaded which leads to problems and conflict over land. Our indigenous territories ought to be respected, with or without titles, because they belong to us by historical right.

Access to social services

Health

Community health services are not coordinated with other services. In some cases they are based on western forms and imposed on us - where we have access to them at all. Statistics show that the rural sector of the population has less access to health services and, because of discriminatory factors, indigenous women suffer most.

At the community level, health services are not planned or administered in coordination with us and they do not take into account the geographical, economic, social and cultural situation in which we live, or our own preventative and curing practices and natural or traditional medicine.

Our knowledge of natural medicine is the intellectual property of indigenous peoples and we ought to be consulted before outsiders gain access to it.

There are cases where widespread sterilisation has been carried out in the guise of family planning, which amounts to covert methods of extermination. We indigenous peoples have also been used in studies and scientific experiments (biogenetic projects).

Education

Over the last 500 years we have ensured not only the reproduction of our peoples but also of our customs and traditions. We have been the educators; the education of new generations has been in our hands and nurtured through our love for our indigenous identity and through safeguarding our traditions and our languages. We have spun the webs which unite us to the glorious past of our ancient cultures.

Traditionally, indigenous women have been excluded from education programmes. Rates of illiteracy and loss of literacy are very high among us, and through our subjection to extreme poverty and marginalisation we have been barred access to any form of education. There are very few examples of intercultural bilingual education at present but nevertheless here too we indigenous women have still been ignored, a situation which aggravates the lack of respect for and recognition of our identity.

Educational programmes in rural areas have ignored our particular situation and needs as indigenous women right across the board. They have also ignored our cultural values such as our art, textiles, history, etc. There is a close relationship between levels of education and poverty for indigenous women.

Welfare and social security

There are a few cases where social security payments have been given to indigenous people but these have almost never included indigenous women because women are not recognised as economically productive - despite the fact that they are diligent workers carrying out difficult work in extremely poor conditions.

Social welfare is almost negligible; indeed, virtually non-existent.

Violence against indigenous women

Over the last few decades there has been a serious growth in violence against indigenous women. This violence has emerged from armed conflicts, mass migration, forced relocation, migration and from a life of total insecurity.

Rape and sexual abuse have increased as well as misuse and cruel and degrading treatment, particularly against our young girls who migrate to the towns and work as domestic labour and often become mothers of unwanted children.

The problems have not just continued or been aggravated but have incorporated new elements which make it even more difficult to maintain and develop our cultures. For example, there is the increasingly common phenomenon of economic migration by women and young men. On the other hand, in recent years the repression by some Latin American governments against the civil population has prompted further migration. This phenomenon has given rise to the appearance of refugees in certain countries, most of whom are women and orphaned children. Furthermore, in those countries which have been affected by internal conflicts, people have been removed from their homes and places of origin, including the most vulnerable such as the elderly, women and children.

These events give rise to diverse prob-

lems including not only the eradication of customs and the familiar environment into which people have been born and raised, but also the rupture of family ties, traditional languages, forms of traditional community organisation and styles of clothing. All of these seriously endanger indigenous identity. As a result, many indigenous women suffer problems of mental and physical health and have lost their possessions and small pieces of land. The harm suffered by those orphaned by armed conflict, which includes young women, is incalculable.

Violence against us also takes the form of over-exploitation of our work force, and skills, and our over-burdening with family and economic responsibilities. Meanwhile, outside influences which are alien to our customs and the imposition of western values have resulted in increasing levels of violence in our homes.

Indigenous women and armed conflict

In countries where there is, or has been, internal armed conflict and land has been devastated we indigenous women have been most affected. Thousands of women have been murdered by the armies of their respective countries and many have also been affected by forced disappearances, torture, internal relocation and exile.

Members of armed forces or repressive governments use rape to frighten and torture women. As a result many women become pregnant with unwanted children - which is perhaps the most painful torture a woman can suffer.

The persistence of internal armed conflict and unleashed repression has caused thousands of deaths by extra-judicial execution and forced disappearances which are a terrible feature of Latin American life. Impunity and the imposition of states of emergency have become almost permanent phenomena.

Indigenous women in these situations experience a dual role: they suffer the greatest impact of the armed conflict; and they are the guardians of the indigenous way of life with the duty to maintain it as a permanent cultural experience, even in the most extreme conditions.

The economic situation

The economic situation of indigenous women is characterised by the highest levels of poverty, increasing degradation of the environment and a shortage of land which is robbing them of ways of surviving - and on top of this is the impact of economic adjustment, unemployment and the lack of participation in development programmes.

The problem of land ownership is threatening the ties between indigenous peoples which is fundamental both socio-economically and culturally, especially for indigenous women for whom the land is their economy. Loss of the right to land results in migration, relocation and subjection to an alien and marginalised urban life.

Indigenous women's poverty is constant and severe. More than 79 per cent live in extreme poverty in abysmal conditions quite distinct from the rest of the population.

The exact number of cases of marital desertion which we indigenous women suffer is unknown, but thousands of women are forced to take on the heavy burden of maintaining the home alone.

Everyone knows that the artisan work which we produce is of great beauty and in some countries is highly esteemed. Nevertheless, we do not usually benefit from its sale, rather, intermediaries receive the profits. It is important that it be known that at present we are struggling to organise ourselves into co-operatives for production and marketing. However in almost all countries, the banks do not consider us credit-worthy. Often we are forced to abandon our children and seek work in the cities. To avoid this we believe it is extremely important to create sources of work in our own communities.

The cultural situation

In spite of cultural imposition by invaders and the acculturation which underdeveloped countries suffer at the hands of the developed world, and which has impeded our gender and indigenous awareness, we have maintained our cultural values to a high degree and have continued to be a cohesive element, thanks to

our presence and resistance. Through our oral traditions, we have conserved language, art, artisan work and traditional and natural medicine.

Organisation and indigenous women

Over the last two decades, in spite of numerous difficulties, indigenous women have formed many organisations and movements. These have been established in the face of the dominant culture and its influence which has weakened our capacity to work together as indigenous women.

The indigenous struggle has contributed to providing an opening for the subject of indigenous peoples in some international bodies. This struggle has enabled indigenous women to emerge who, with their leadership and the solidarity of their organised sisters, are taking political and economic initiatives both nationally and internationally and, in this way, are slowly becoming established in the political life of each of our peoples.

Proposals for a new relation between state-society and indigenous women

Having analyzed the most salient aspects of the problems facing indigenous women, we find an undeniable homogeneity in all countries from Mexico to the tip of South America. This enables us to propose several common strategies for the Beijing Conference's main objective: 'To promote a global view of the 21st Century', which fully addresses the question of equality between men and women. To this we would add: 'equality for indigenous women in the areas of peace and development'.

Proposals for governments and international bodies:

- to ensure the recognition and implementation of the rights of indigenous women, rights based on gender, identity and the socio-economic, political and cultural reality;

- To stimulate the analysis, study and implementation of constitutional reforms for the full recognition of the rights of indigenous women, incorporating them into the constitutions of the different countries;

- The need to carry out a study of the situation of indigenous women in social, economic, political and cultural areas, which can serve as a basis for co-ordinating indigenous women, for planning the co-ordination and for implementing plans, programmes and projects for indigenous women;

- To integrate indigenous women in every level of development planning in each country;

- To insist that governments recognise the pluricultural, plurinational and multilingual character of our indigenous peoples;

- To insist on the recognition of our lands and territories which belong to us as original peoples and on handing over the titles demarcating these areas;

- The legal recognition of indigenous peoples, organisations and federations respecting their original authorities and their own forms of social organisation;

- To create juridical and social instruments adequate to protect women from domestic and political violence;

- To establish a large campaign which gives indigenous peoples a central role in the protection of the environment and the ecosystem as one of the most effective mechanisms for indigenous women to achieve better standards of life;

- To implement realistic policies which will solve the problem of illiteracy among indigenous and peasant women, providing them access to intercultural and bilingual education which respects indigenous cosmologies, promotes non-sexist formative education which puts men and women in touch with the land;

- To carry out health policies which guarantee accessible quality services for indigenous and peasant women respecting their practices, customs and dignity. There should be official recognition by the World Health Organisation and governments of the value of ancestral practices of natural and traditional medicine and support for them;

- To halt policies of mass sterilisation of indigenous and peasant women, rejecting programmes of family planning which do not take into consideration our customs;

- To implement policies of security and social welfare freely in the indigenous and peasant sector;

- To insist on the recognition of the indigenous fund for the development of indigenous peoples;

- To insist that governments provide the necessary financial resources to facilitate the presence and genuine participation of indigenous and peasant women in the World Conference in Beijing, guaranteeing their presence in the preparatory process at national and regional levels.

Proposals for NGOs and Women's Organisations

- To create a communication network of indigenous women to maintain constant information about their cultural values, beliefs, activities and problems, and to use a participatory methodology in education for a flexible inter-relationship between indigenous women;

- To offer full solidarity to all indigenous women's organisations which, through research, action, training and interaction, are strengthening their position, enabling an indigenous women's leadership to arise and consolidating the goals and objectives which benefit them all.

Proposals specifically for indigenous women:

- To ensure the basis of a greater and better participation of indigenous women in the social and political structures of



Kuna woman (Photo: Andrew Young)

the countries and regions in which we live, securing the presence of indigenous women in emerging organisations;

- We must continue to systematise and deepen the knowledge of our own reality to improve and change it;

- We must work hard to achieve participation in the different levels of formal and informal power structure;

- We must bring to fruition our capacity, ability and knowledge to contribute to the necessary changes in our societies so

that the new millennium can be based on well-being and sustainable development for all humanity.

Proposals for a New Relationship between the Mass Media and Indigenous Women

Considering the importance which communication has in contemporary society, and affirming that access to information and the channels of free expression are fundamental elements in democratic participation, we confirm that in most of the mass media of Latin America and the Caribbean, the indigenous problematic is marginalised and its views are practically absent; this marginalisation is even more acute in the case of indigenous women; we therefore propose:

- To guarantee equitable access of indigenous peoples, and in particular indigenous women, to the means of mass communication, to express their problematic and their points of view;
- To guarantee and facilitate access of indigenous peoples to the new communication technology, in a way which provides facilities for indigenous women's access to and use of the technology;
- To guarantee and facilitate indigenous peoples' and women's own means of production to serve as instruments of consciousness-raising and education for the preservation and development of their own specific cultures, their languages and their contribution to the heritage of humanity; and which serves as channel for exchange and inter-communication with other peoples. □

CHILE

First Congress of Indigenous Urban Women 20-21 May 1995

By the Coordination of Indigenous Women - Consejo Inter-Regional Mapuche

One of the ethical, philosophical and religious principles of the indigenous cosmovision shared by the different indigenous peoples of Chile is that of complementarity between the sexes. This complementarity means that cultural roles respect and stimulate the difference between the sexes and do not impose one upon the other.

Nevertheless, this socio-cultural cornerstone has suffered from the impact of the military conquests which have affected our peoples, first by the Spanish and later the Chilean government. These brought about the loss of our ancestral territory, our rights and finally our self-government. Thus, this socio-cultural cornerstone of male-female relations was affected, not to say shattered, by the subordination which has characterised relations between the indigenous peoples and the Chilean state. In effect, this subordination has been transposed into a new social and economic reality through a series of internal transformations which has redefined the positions and roles of men and women within our cultures.

At the present time, official information available about the indigenous peoples of Chile - the Aymara, Mapuche and Rapa-Nui - is embodied in the statistics of the National Population and Housing Census of 1992. According to this census, the national indigenous population over the age of 14 is approximately 10 per cent of the total population.

The indigenous population is dispersed throughout the different regions of Chile but mainly located in the urban sectors. Some 43.4 percent of the total indigenous population and some 45 per cent of the total indigenous female popu-

lation lives in the Metropolitan region.

These figures illustrate the strong migratory processes which the indigenous societies have experienced. They also show how migration is the main demographic and structural component of these societies today and indicates future trends. This phenomenon is certainly not a response to the indigenous peoples' 'natural' processes of 'modernisation' but brings with it economic, social, psychological and cultural costs which our peoples cannot ignore, especially as we indigenous women are the main protagonists.

This last point is crucial because of the transformation this has implied for our position and prestige as women within our own campesino societies. Consequently, it is important to address the conditions of urban production and reproduction which we indigenous women, in particular, face in this new situation.

The First Congress of Urban Indigenous Women, organised by the Coordination of Indigenous Women of Santiago, aims to carry out a diagnosis of the reality of indigenous women living in the capital and to promote an awareness among the indigenous urban community in the region on this issue, as well as to prepare them for subsequent dialogue. The results of the diagnosis will serve to develop proposals for the integral development of our indigenous women and for their respective peoples.

It is expected that Mapuches, Aymaras, Rapa-Nui and Kaweskar, both women and men, organised or not, will take part in the Congress. Furthermore, the coordination team hopes that the conclusions will incorporate the indigenous positions being detailed for the Fourth UN World Conference on Women to be held in Beijing this year. □

THE INDIGENOUS WORLD 1994-95

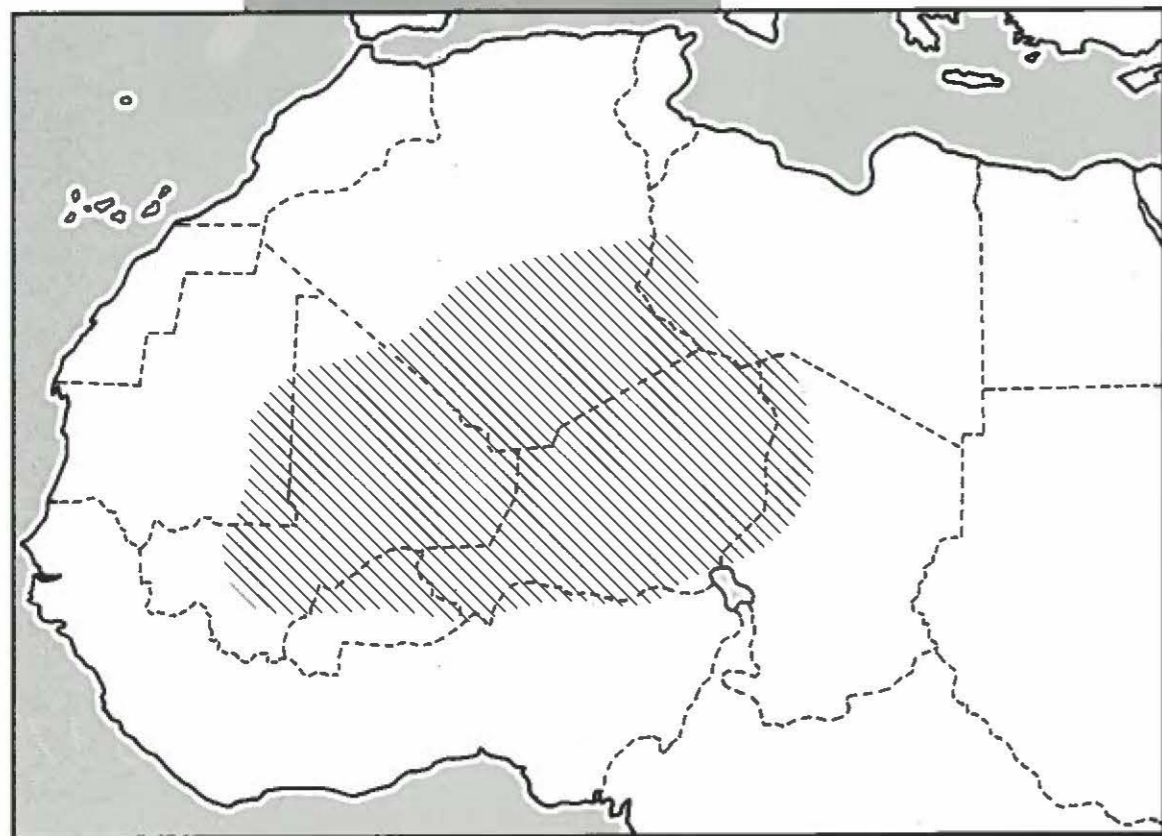


IWGIA

*A review of the main events
in the indigenous world*

US\$ 17

Tuareg Women in Ahaggar



The Tuareg are a pastoral nomadic people who live in the large desert region which stretches from Libya through Algeria, Niger, Mali and Burkina Faso. Out of a desire to assimilate and control the Tuareg, the governments in these countries have long been trying to settle them.

Since Algerian Independence in 1962, there has been a heavy-handed policy of 'Algerian-isation' and 'Arab-isation' of the Tuareg. The nomadic children were often forced to attend school and in school they learned Arabic, not their own Tamacheq language. The droughts of the 1970s and 1980s helped the governments in their settlement and Arab-isation policies and, subsequently, as the droughts made it impossible to find fodder for the herds of animals, the Tuareg were forced to move towards the towns.

by Ingrid Poulsen

The Tuareg in Algeria today consist of two socio-economic groups. One group is the settled, urbanised Tuareg and the other comprises those Tuareg who continue to live as nomads in camps. The boundary between the groups is not clear cut but, in fact, there is a spectrum of transitional practices and interchange of economic strategies.

The state's attack on the Tuaregs political, social and economic organisation has, on the whole, eradicated their hierarchical social structure and diversified nomadic economy. The subsistence economy has been overtaken by a market economy and migration to towns and villages has meant a rising influence of Arabic ideology¹. The cultural imposition which is effectively taking place through schools and mosques, affects women's social position in particular and the relationship between the sexes.

Women's social position

Women's position and role in Tuareg society is a paradox. On the one hand, women and men have the same rights to own property and to produce goods. On the other hand, women are subject to men's administration of property and produced goods. On the one hand, it is women's membership of a *tawsit*² or class, which decides men's political position and access to pastures, land, springs, etc. On the other hand, it is men who generally exercise political power. Women are highly esteemed and valued in ideological terms but in practice they are subject to their fathers' and brothers' decisions. The paradox should be understood in terms of the gender-based division of labour but also as a traditional conflict between indigenous Tuareg values and Islamic values.

The tent

In the Tuareg cosmos, the tent is a representation of the universe, of the wider Tuareg society, kinship and the home. The tent, which is the woman's world, represents the inner, permanent world while the desert is the man's world and represents the outer world of continual

movement. Should a camp move, the woman will not shift her tent before the man has found a new camping place. While the camp is continually changing location and appearance, the tent remains the same.

Formerly, a camp comprised five to seven tents but because of poor grazing, kin groups often spread themselves over a large area. Today, as a rule, a camp comprises 2 or 3 tents and is typically based on a communal work group between a man and one or two of his married sons.

When a woman marries, her mother and maternal relations give her the tent in which she will live with her husband. Furthermore, she also receives all the kitchen utensils and a flock of goats so that she is in a position to maintain herself and her children. The row of tents which are passed down from mother to daughter over the generations are regarded by the Tuareg as the 'picture' of their family. As the Tuareg say, it is the tent which is the 'milk' that determines which *tawsit* or class to which a Tuareg belongs and which land she or he has access to. A Tuareg's position is not determined by the father's position but the mother's and her family going back through the female line.

During the first year of a woman's married life she lives in her parents' camp. Then she moves with her husband to his father's camp. In this way, the camps become grouped around the men but no man has his own tent. He is a guest in his wife's tent. It could be said that the paradox of a woman's position is illustrated by the very structure of the camp.

On divorcing, the wife takes the tent and her animals, which are her property, back to her parents' or her mother's camp. The husband cannot go back to his mother's tent and usually he seeks shelter with his sister or his mother's brother. Once a man past puberty has left his mother's tent he is either without a tent or a guest in another woman's tent. Divorce for a man is not particularly advantageous unless he has found another woman. On the contrary, women will al-

ways have shelter in their own tent. And, in principle, a woman never leaves her mother's tent because her tent is a part of her mother's tent, and her mother's before her.

The Relations between the sexes

The central position of women in daily life can be seen as complementary to men's political dominance. But with the socio-economic changes and increasing Arabic influence in Tuareg society, it has become a paradox and a contradiction.

Men are primarily linked with the political and economic world outside of the camp and as a rule only men have a place in the political council. Women have an influence over the choice of leader but the tent and the camp are the women's world. In general, it is the women who are responsible for the daily maintenance of the household within the camp and for herding the goats. It is the women who know about animal husbandry and who oversee the production of goats and the preparation of goat products. In principle, the surplus from this production belongs to the woman but as it is the man who has the contacts outwith the camp, he still makes the decisions about the woman's products. It is he who sells them at the market and therefore decides on their exchange value. Where structurally a woman has a certain autonomy, it is her lack of contact with the wider world that means, in practice, she is subject to men's decisions.

It could be said with some justification that formerly there was some social and economic balance between the sexes but with the socio-economic changes since French colonial rule and then Algeria's independence, women have increasingly become dependent on men. Animal products play a smaller role today because the Tuareg have become cut off from former grazing areas. The caravan trade has been decimated and waged work has become a necessary supplement to the economy. Where women previously had an economically meaningful role, today they are dependent on men's waged income.

So far, we have mainly discussed nomadic women but townswomen's situation can be seen as an extension of that of nomadic women. In the old oasis towns access to the land and the palm is still through the female line. Here it is the palms which bind the generations together. Women who inherit their mothers' palms are secure in the same way as women who have their own flocks of goats. But women recently arrived, who have neither palms nor goats, lack not only this structural autonomy but also an economic importance. Unlike her sisters in the nomadic camps, the urban woman follows the Arabic custom and moves not only to the man's town but also to his house. Therefore she is doubly an outsider. Because she is not bound through the tent to a long line of tents which represent her family, she loses the link which gives her meaning as a woman.

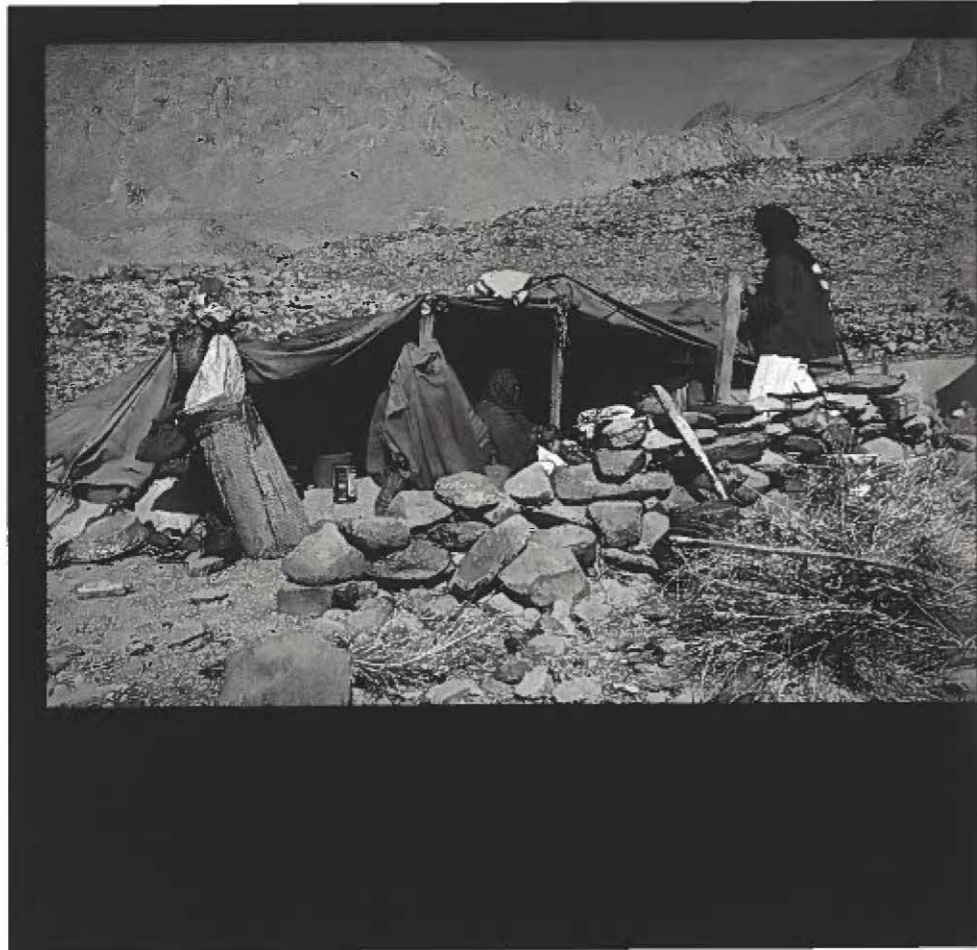
Gender relations

Traditionally, men and women do not keep themselves separate as happens in the Arabic world. A woman is not veiled and women of marriageable age could previously invite young men to an *ahal*³. Young men come a long way to these parties to listen to the women's music and flirt with the young women. An *ahal* gave the young the chance to meet one another and get to know each other as possible partners.

With the move to the towns this pattern has changed. Today, everything to do with the *ahal* has become almost taboo in the towns because the *imam* and religious leaders consider the free movement between men and women to be heathen. Women cannot move freely around the town and can be accompanied only by their brothers or cousins. If a woman leaves the house she covers herself and walks carefully along the main streets. If she wants to visit family or friends she uses the small alleys and creeps between friends' houses and yards. Although women have many evasive strategies they are under their fathers' or brothers' guardianship. It is principally a man's decision whether a girl can go to school or whom a woman can marry, especially the first time she marries.

It is not unusual for Tuaregs to have several marriages behind them, and this is the case for both men and women. For

a young woman it is not difficult to enter into a new marriage, even if she already has several children from previous marriages. However, while the Tuareg traditionally practised monogamy, today there is an increasing tendency towards polygamy, which is allowed according to the Koran but is not part of Tuareg practice. When men are away for long periods, they may form a new family in a new place. Women can refuse to toler-



ate a second wife or demand a divorce, but if the first wife is not young she will usually choose to remain with her husband, otherwise her social and economic situation will be insecure.

The absent men

The breakdown in the subsistence economy and the growing dependence on waged income has meant that the men are absent for long periods. Men's absence is not in itself a new phenomenon for the Tuareg. Every year had its seasonally determined absence that was part

of a recurring yearly cycle in the activities of Tuareg society. But where absence was previously determined by seasonal conditions, such as the salt caravans, it is now determined by settled society's need for labour.

Apart from the relatively few privileged men who are independent traders or who have obtained an education or permanent work in a state institution, the majority have to take work where it ex-

ists. This is especially noticeable in the camps. If the men cannot find work in Tamanrasset or Djanet, they look for work in the triangle region between Algeria, Niger and Mali. It is not uncommon for men's absence to stretch out over many years broken only by short visits home. In this way, the men have established a new type of nomadism. In the area where the Tuareg previously travelled with their caravans they no longer sell their goods but their labour. Where the journey was previously undertaken on camelback, today they go by lorry.

Therefore, women are alone with the children and the old for long periods. Women, with their ties to the inside world of the camp, have been partially cut off from the outside world. But with the men's long absences and the reduced size of the camps, they are becoming more isolated and dependent. If the store of millet runs out before the men come home, then this can mean that they and their children starve. Today, there is so

that they are subject to injustices. Algerian soldiers who are stationed in Tamanrasset seek out the women in their camps or follow the flocks of goats because they know that there is always a woman in the vicinity of goats. If an unknown man comes in a car to a camp it is not unusual for him to find a completely abandoned camp. The women hide as soon as they see a dust cloud or hear the sound of a car. The authorities

band brings home, if he comes home. Therefore the health and welfare of nomadic women and their children are especially threatened.

Literature:

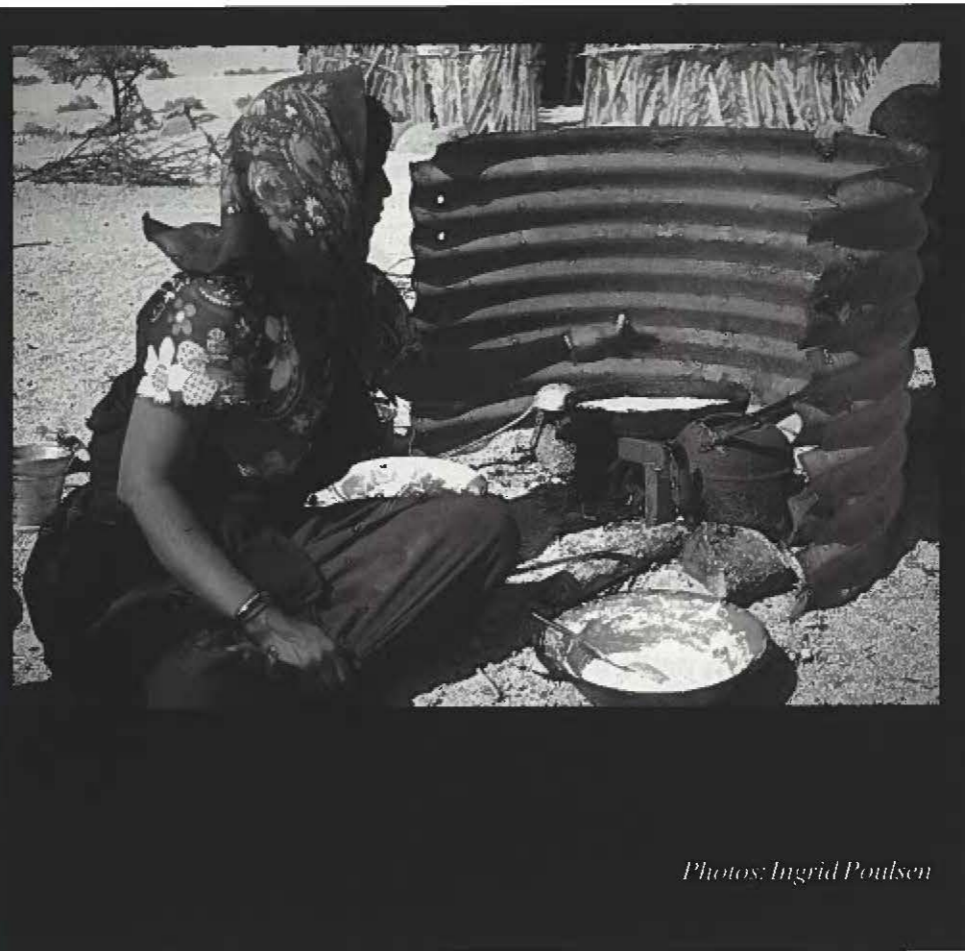
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Notes:

1. It would be meaningless to call this a Muslim ideology. The difference between the Arabic and Tuareg lifestyles lies not so much in religion but has more to do with two different cultures with different sets of values. When the Tuareg express their opposition to Arabs it is because it is an urban Arabic culture which the states monopolizes. Apart from one place, I have chosen here to refer to Arabic ideology and not Islamic because Muslim women in North Africa argue that their oppression is not to do with religion but politics. The paradox arises when men use Islam to argue for women's inferior status.
2. 'Tribe' cannot be used in the proper sense of the word, more appropriate here would be the word clan which indicates the Tuareg kin group expressed through the maternal line. I have chosen to use the indigenous term 'tawsit'.
3. The term 'ahal' has changed its meaning (see the Encyclopedie Berbere III, 1986:305). Ahal is a social event where the young look out for a possible partner and where common cultural values are strengthened. The women demonstrate their musical abilities, education and beauty to the young men who, likewise demonstrate their camel riding skills, chivalry and good looks. □



Photos: Ingrid Poulsen

little food for the animals that an emaciated flock of a hundred goats with thirty suckling females do not give more than one large jug of milk a day. The Tuareg believe that the shortage of goats' milk is the reason why the children have sores that will not heal and why they suffer from many diseases that were previously unknown. However, they only slaughter the animals in an emergency because they are both a necessary capital and important for the Tuareg's perception of themselves as nomads.

Women's physical isolation has meant

in Tamanrasset turn a deaf ear to the Tuaregs complaints. If the nomads want help, they must move to town.

Conclusion

The socio-economic and cultural changes have undermined Tuareg women's position. In particular, they have affected their social and economic position and their freedom of movement in relation to men. By moving to the towns, women lose both their structural and economic position. Economically a woman becomes heavily dependent on the money her hus-

Although West Africa is for the most part occupied by peoples - including the *Ogoni* - who are indigenous to their societies, only a few groups have been identified as 'indigenous peoples'. This paradox can be explained by the fact that the term 'indigenous peoples' has in recent years assumed meanings which transcend merely being native to communities. It largely denotes the *sustained* political - and in some cases cultural - domination of a pre-existing population by immigrant groups from other cultures, ethnicities or civilizations. This domination is established mainly through colonization.

One of the most frequently cited definitions of indigenous peoples is that of ILO Convention 169 which identifies an indigenous people as 'descendants of those who lived in an area before colonization or have maintained their own social, economic, cultural and political institutions since colonization and the establishment of new states'. The United Nations Working Group on Indigenous Populations defines indigenous peoples in terms of:

- (i) descent from groups which were in the territory of the country at the time of the arrival there of groups of different cultures and ethnic origin;
- (ii) isolation from other segments of the country's population and the almost complete preservation of the customs and traditions of their ancestors which are similar to those characterised as indigenous; and
- (iii) existence, even if only formally, under a state structure which incorporates national, social and cultural characteristics alien to theirs.

Two factors are central to these definitions: political domination and marginalization through colonization of the pre-existing groups by dominant immigrant groups; second, the co-existence of parallel societies or cultures within the same state entity - one indigenous and the other belonging to immigrant groups.

West Africa, like the rest of Sub-Saharan Africa, experienced European colonial rule with the exceptions of Liberia and Ethiopia. But colonization in the sense of an immigrant European population settling in the region and establishing enduring po-

litical and cultural domination, producing parallel societies, did not occur. This historical trend seems to have led to the conclusion by some scholars that decolonization in Africa was a victory for all African peoples which preempted the indigenous question that continues to confront other continents where colonialism occurred.

The assumption that much of Africa, and especially West Africa, has been spared the indigenous question is incorrect for certain reasons. Firstly, given the above definitions of indigenous peoples, it is obvious that there are many more groups in West Africa which can be identified as

Nigeria

The Ogoni: an endangered Indigenous People

by Ben Naanen

indigenous peoples than have been to date. For various reasons several West African groups - such as the Ogoni - which qualify as indigenous peoples have not been identified or they have not identified themselves as such.

Secondly, such an assumption ignores the existence in West Africa of the common problems of indigenous peoples elsewhere: systematic discrimination, political marginalization, poverty and social distress, cultural destruction, exploitation and gross human rights abuses - all of which have developed along ethnic, linguistic or religious lines since decolonization. Largely as a result of the lack of a democratic government, these problems are manifested more forcefully in some West African cases than in other parts of the world where the existence of indigenous peoples seems to have been generally accepted.

This pattern of domination and oppression can be subsumed under the conceptual framework of internal colonialism, a new form of colonialism which is not imposed by alien and racially different groups, but by

local dominant groups which enjoy a monopoly of power. The case of the 500,000 Ogoni people of southeastern Nigeria typifies this situation.

Internal colonialism in Ogoniland is broadly characterized by certain fundamental developments: first, ethnic-based political domination which is used to expropriating Ogoni resources, especially oil and gas, for the development of the power-controlling groups while the Ogoni remain underdeveloped and impoverished; second, the alliance between these dominant groups, the multinational oil companies and state enterprises (which are controlled by the

dominant groups) operating in Ogoniland - which restricts the Ogonis' access to the modern and more rewarding sectors of the Nigerian oil economy, establishing a pattern of economic discrimination against the Ogoni people; third, oil-based environmental degradation which gravely undermines the traditional peasant and fishing economy of the Ogoni, leaving the people without a dependable alternative means of livelihood; and fourth, gross and widespread human rights violations in Ogoniland.

Before the advent of British rule in the closing years of the 19th century, in the area

that later became known as Nigeria, the Ogoni people, reputed for their fiercely independent spirit, were able to defend their sovereignty against conquest and absorption by larger groups. Even during the heady days of the slave trade which ravaged West Africa for more than three centuries, only a few Ogoni were captured as slaves. Having successfully defended its independence, Ogoniland remained in isolation for a long time, escaping notice by outsiders and mentioned for the first time in a European source in 1854. This isolation was strengthened by the Ogoni prohibition on intermarriage with most of their neighbours.

last resistance to British conquest in 1914. Having lost their sovereignty, the Ogoni tried to make the best of the colonial situation. They were beginning to enjoy some measure of progress - paying a levy to build schools and health facilities - when the gradual relinquishing of power by the British during the 1950s intensified their marginalization and exploitation. Politics in Nigeria had by then become dominated by the major ethnic groups - the Igbo, Yoruba and Hausa-Fulani. Small groups such as the Ogoni were given little consideration. The Ogoni in particular were denied a fair share of whatever development that be-

came available. The victimization of the Ogoni took a turn for the worse in the late 1960s when they found themselves dragged into a civil war whose immediate cause was the succession of Igbo-led Eastern Nigeria in the name of the Republic of Biafra. Being in that region of the country, the Ogoni became an unwilling part of the 20-month long republic and were accused of collaboration and sabotage by both the Nigerian and Biafran authorities and were severely punished.

Ethnic domination of the Ogoni can be traced to the last decades of the 19th century when sections of the Igbo - the Nkwerre - began colonizing Ogoniland. According to a 1932 government intelligence report on Ogoniland: "In its state of [relative] isolation, the only channel of intercourse with the outside world were the Nkwerre settlers who introduced all the European articles used, did all the tribe's backsmithing, carried on such [internal] slave dealing as there was in the western side of the area and exploited the Ogoni... [The Nkwerre] settlers remain a problem in Ogoni affairs to this day". The same report noted that money changing was in the hands of Nkwerre settlers who appeared to derive a huge profit from it when tax collection put the Ogoni at their mercy.

Economic exploitation was accompanied by political domination. With the growth of ethnic nationalism in colonial Nigeria, political dominance in Eastern Nigeria passed to the major groups in the region. Being one of the smallest groups in the region exacerbated the Ogoni's situation. The Ogoni people were humiliated, taunted for their backwardness and treated as second class citizens by their local overlords.

By 1969, with an estimated population of 450,000, the Ogoni had a secondary school enrolment of less than 400, approximately 10 university graduates and an overall literacy rate of about 15 per cent. By the late 1960s the Ogoni had lost most political rights and, as part of Biafra, the local overlords even installed themselves as chiefs in Ogoni villages.

The Oil Factor

Although the civil war which ended early 1970 and the division of Nigeria into states offered hope of liberation for the Ogoni people, the increasing dominance of oil in the Nigerian economy brought about their further marginalization. One of the first oil fields in Nigeria was struck in Ogoniland in 1958. By 1972, Ogoni oilfields were producing about 200,000 barrels of oil per day. As oil rose to a strategic position in the Nigerian economy, constituting about 90 per cent of Nigeria's total foreign exchange earnings, and the military took over control of the state, political power became increasingly centralized. Almost all the oil was produced in areas inhabited by ethnic minorities, whereas those who controlled power through the military as well as the civil bureaucracy came mainly from the major ethnic groups. This political power



The isolation was gradually broken with Ogoni involvement from the second half of the 19th century with the palm produce trade with Europeans. The Ogoni's coastal neighbours acted as middlemen between the Ogoni and the Europeans.

British trade in Nigeria eventually led to the imposition of British rule. While most groups in Southern Nigeria ceded their sovereignty to the British through the signing of protection treaties, the Ogoni refused to sign any treaty and were only effectively incorporated through conquest by the British. The Ogoni put up their

last resistance to British conquest in 1914. Having lost their sovereignty, the Ogoni tried to make the best of the colonial situation. They were beginning to enjoy some measure of progress - paying a levy to build schools and health facilities - when the gradual relinquishing of power by the British during the 1950s intensified their marginalization and exploitation. Politics in Nigeria had by then become dominated by the major ethnic groups - the Igbo, Yoruba and Hausa-Fulani. Small groups such as the Ogoni were given little consideration. The Ogoni in particular were denied a fair share of whatever development that be-

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has been used to channel resources from the wealth-producing minority areas such as Ogoniland, for the development of the dominant ethnic groups. This is one crucial dimension of internal colonialism.

Ogoniland, which has produced more than 30 billion dollars worth of oil for Nigeria, has virtually nothing to show for this prodigious wealth. Ogoniland continues to exist in its original conditions: no potable water, no dependable health facilities, few usable roads, no electricity, no telecommunications and, for the past three years, the schools have not been functioning because teachers have not been paid. Poverty and social deprivation are conspicuous. The mortality rate is high.

It may be argued that all this has happened because the Ogoni people, like other indigenous peoples, lack self-determination and any measure of control over their land and resources. The Nigerian state vests in itself not only mineral rights but ownership of any land deemed to be of economic interest to the state. This control is achieved through a Petroleum Decree and a Land Use Decree. On the basis of this legislation the central government collects mining rents, royalties and petroleum taxes, conceding nothing to the land owners and putting back virtually nothing into the oil-producing areas.

This deprivation has been aggravated by the ecological consequences of oil exploitation. Evidence of environmental disaster is conspicuous throughout Ogoniland. It has also had a devastating effect on the Ogoni's traditional peasant and fishing economy, leaving most people without a dependable source of livelihood.

Ogoniland represents a socio-economic paradox. It is the poorest and the most industrialized enclave in Nigeria with most of the country's strategic oil and chemical industries located in the area and situated within a few kilometres of each other. Yet the level of unemployment in Ogoniland is about 70 per cent. The Ogoni people do not benefit from the lucrative business opportunities that these enterprises offer. The main reason for this grim irony is that all the big enterprises there are state-owned and their employment and general business patterns reflect the pattern of power control in the country. The Ogoni people are discriminated against in all aspects of economic and political life.

Commenting on the Ogoni situation, *The*

Daily Times, a state-owned newspaper, described Ogoniland as the goose that lays the golden egg for Nigeria: "We must look our conscience in the eyes, point the accusing finger at ourselves as the predatory, rapacious, even sadistic society which takes without giving."

This is a degree of exploitation, deprivation and marginalization which is not common even in societies where the existence of indigenous peoples has been generally accepted.

In response to the socio-economic, environmental and political situation and under the leadership of the movement for the *Survival of the Ogoni People (MOSOP)*, the Ogoni rose up in a non-violent protest in 1992. MOSOP had earlier submitted to the Nigerian Government an *Ogoni Bill of Rights* calling for environmental protection, local autonomy (not a separate sovereign state) and representation (as a right) in the government and other institutions of the Nigerian state. The government, with the support of the oil companies operating in Ogoniland, has responded with extraordinary violence with the primary aim of destroying the Ogoni movement and the people's demand for equity and social justice. Twenty villages have been destroyed, about 1,800 killed and more than 50,000 people displaced. Ogoniland is currently under military occupation.

With the exception of the General Secretary who was not in the country when the crackdown was launched, the top leadership of MOSOP - including the writer, Ken Saro-Wiwa - have been held and tortured in military detention since May 1994. They are currently being tried by a special military tribunal instead of a regular court for alleged murder offenses. The tribunal may pass death sentences against which there is no appeal in any court of law. The trial has been largely seen as political and unfair and widely condemned by the international community as have other atrocities committed against the Ogoni people since 1993. Such is the extent of human rights violations against the Ogoni.

Meanwhile, in recognition of MOSOP's non-violent struggle, the movement and its President were named co-winners for 1994 of the Swedish Right Livelihood Award. Ken Saro-Wiwa was also awarded the Goldman Prize by the Goldman Environmental Foundation of San Francisco, California in February 1995.

Conclusion

It is suggested above that there are probably much greater numbers of indigenous peoples in West Africa than has been admitted. While the Ogoni of Southeastern Nigeria have not hitherto thrust themselves forward as an indigenous people, the existing definitions of indigenous people can be applied in good measure to the Ogoni. Indigenous peoples suffer certain disabilities such as systematic discrimination, political marginalization, poverty and social distress, cultural death, environmental crisis and gross human rights violations. These problems which exist in Ogoniland are extensive and subsumed under the conceptual framework of internal colonialism.

One conclusion which can be drawn from the discussion is that the general situation in Ogoniland appears to be even worse than the case of groups that have been generally acknowledged as indigenous.

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VULNERABLE MINORITIES IN SOMALIA AND SOMALILAND

by Bernhard Helander

The myth of homogeneity

The Somali people have in the past been regarded as relatively homogenous. With the surge in nationalist feelings that began shortly before independence in 1960, the existing differences between different areas and subgroups of the population were often down-played and it became inopportune (and later illegal) to proclaim traits that divided people. Yet, it may be argued that the homogeneity was constructed in a fashion that suited the most powerful despite the conflicts that they may have had among themselves. Culturally, a 'Somali' is a person who can claim to be patrilineally descended from the founder of a Somali clan. There are six large clusters (or families) of Somali clans, each comprising numerous clans and sub-clans. These six clan-families are Daarood, Dir, Hawiye, Isaaq, Rahanweyn (or Merifle) and Digil.

Politically and socially it is the membership in a clan that provides a person with an acceptable identity and security. Clans and sub-clans fulfil a number of crucial functions among which may be mentioned the collective paying of blood-wealth. A number of groups living in Somalia have traditionally stood outside such arrangements either because they are unable to trace descent back to a Somali ancestor or because for other reasons they have occupied peripheral or disadvantaged positions in their communities.

To some extent it can be argued that the basis for the status of a group in Somali society is the position that this group occupies in the macro-genealogical grid that binds together all Somalis that belong to the six big clan-families. How-

ever, that leaves out a comparatively large number of groups, groups for which are despised sometimes apparently on no other grounds than that they are allegedly non-Somali. Virginia Luling has collectively labelled these groups 'the other Somali' which emphasizes that anyone living in Somalia is a Somali (Luling 1984).

However, even among the six clan-families there are groups that have had a politically disadvantaged position in the past. Most notably this applies to the Rahanweyn and Digil groups who speak a distinct dialect of Somali and who in their social and economic organization deviate slightly from the norms of the other groups (Mukhtar 1993). It was among these two groups of clans that the most severe famine spread in 1992 (Helander 1992).

The other Somali

Throughout Somalia there are a large number of small groups which are regarded as inferior and are only partially protected by the political and social solidarity of the larger clans for whom they often perform valuable but despised services. Examples of such groups are the Midgan, Tumaal and Yibir who are often found as artisans or serfs among other Somalis. Following the overthrow of the military regime in 1991, the Tumaal (literally 'blacksmiths') experienced some persecution due to the fact that a member of their group (Ali Samatar) had held a number of high government offices during the former regime. While blood group testing has revealed no significant difference between these groups and their host clans (Goldsmith and Lewis 1958), and while they remain physically identical, they sometimes seek to promote their

inferior status by claiming to be former rulers of the land that had been conquered by Somalis. The Yibir, who are primarily found in the part of northern Somali that seceded and unilaterally founded the independent Somaliland Republic in May 1991, occasionally claim to be of original Hebrew descent. While such claims cannot be entirely ruled out, the origin of these groups is more likely to be the result of processes of poverty and destitution which over time can alienate groups that fail to fulfil their part of the blood-wealth solidarity of a clan. Both Tumaal and Midgan are found throughout the Somali-speaking territories.

In southern Somalia there is a plethora of groups which, like the Midgan, Tumaal and Yibir, are found in positions of dependency vis-à-vis more powerful clans, but have a slightly more complex social basis. Many of the larger of these groups, such as the Shabelle, Shiidle, Boon Marehaan, Tunni Torre and Eeyle, are probably constituted by several different population elements including descendants of manumitted and fugitive slaves of East African origin, members of neighbouring peoples (Oromo and Booran) as well as destitute members of 'ordinary' Somali clans. Some of these groups also claim to be the original settlers of southern Somalia. This is the case with, for example, the group of hunters who call themselves Ribe. In the absence of any tangible evidence for this claim, the most substantive indication that they preceded other groups in the area is through the group with the same name which forms part of the Mijikenda peoples of Northeastern Kenya. The latter claim to have

migrated from Somalia to their present area some time before 1600. Unlike the Kenyan group who speak a Northeastern Bantu language, the Somalia Ribe speak the local Somali dialect Af-Maay.

While the notion of a pre-Somali Bantu-speaking population figures in some legends and oral historical recollections, there are no archaeological findings to support the claim. The occurrence of groups of Bantu language speakers in southern Somalia seems generally to have taken place well after the arrival of Somali speakers. The southern Somalia coast functioned for a long time as the last fresh-water reserve for the southern Arabian slave traders on their routes between present-day Mozambique and Tanzania towards the Arabian Peninsula. From the middle of the 18th century large numbers of such slaves began to be utilized as farm labour in the, at the time, rapidly expanding agricultural economy of southern Somalia. From at least the beginning of the 19th century, groups of slaves began to run away and often formed their own independent settlements in inaccessible areas primarily along the Jubba and Shabelle river valleys (Cassanelli 1982). One of the most generally known names for these ex-slave communities which inhabit the Jubba valley, Wagosha, actually derives from the Somali word for 'dense bush'.

At the beginning of the 20th century there are records of large-scale rebellions among the slaves. The most well-known of such uprisings was led by a certain Nasiib Bundo (literally 'The Lucky Bridge'), who was described in Italian colonial literature as the 'Spartacus of Somalia' (Cassanelli 1987). With the manumission of the slaves up to the beginning of the second World War, the communities of ex-slaves were joined by a new influx of settlers. It appears that many communities attempted to 'recruit' members of the same ethnic origin, for example, Nyamwezi slaves continued to live together. There has also been some form of lingual continuity right up to the present day, although the vast majority of ex-slave descendants are primarily Somali speakers (Menkhaus 1989; Besteman 1991).

Politically, such communities have always had to look towards the more powerful Somali clans for protection. There are a number of different types of agreements which ensured the riverine agricul-

tural groups at least some form of protection from neighbouring pastoral clans. Some of the hinterland communities were almost completely absorbed by other clans. Another option which some communities utilised was to align themselves completely with a large-scale plantation. Often this left them in situations with differed little from those in which they had lived as slaves.

In the 1980s many of the independent river valley communities became targets for urban dwellers seeking to appropriate farm land. By obtaining an official title to a piece of land which in reality belonged to a settled farmer, the urban dweller would be regarded as the rightful owner and have the farmer forcibly evicted from his property. Such abuses were aided and abetted by the very harsh approach often taken towards the descendants of former slaves. The word *adoon* ('slave') is still used both as a term of address and in referring to these groups. There is also a wide range of other pejorative terms, often referring to the physical differences between 'noble' Somalis and the ex-slaves. One such term is *jareer* ('hard, curly hair').

However, these racial stereotypes have not just been confined to the communities of former slaves. In the so-called inter-riverine area where the Digil and Rahanweyn clan-families live, there are time-honoured arrangements by which members of alien clans can become adopted into the blood-wealth solidarity of another clan and, nominally, become members of that clan. Over time, such adopted groups become, for all practical purposes, members of their new clans. There are a variety of terms for such adopted groups, of which the most polite seems to be the word *dhaqan*, literally meaning 'culture'. However, some of the adopted members continue to be despised for their lowly or unknown origins and in this area are generally referred to as *boon*. The boon would often be exposed to exactly the same pejorative language as that afforded the ex-slave communities along the river valleys. While the boon living in the inter-riverine area are treated as a uniform category of people, in reality they comprise a broad variety of different groups, a fact which the boon themselves consider significant (Helander 1988).

Another group of people regarded by Somalis as structurally equivalent to the slaves and other inferior groups are the Bajuuni fishermen of the Bajuuni islands in the archipelago along the Somalia-Kenyan border.

There is also another type of minority which falls outside the Somali macro-genealogical grid. These are the groups of presumed or alleged Persian, Arab and Portuguese descent which traditionally lived in the urban centres along the southern Somali coast. In Mogadishu this group is generally known as Rer Hamar, 'the people of Hamar' (which is the Somali name for the city). Before the war they formed the majority population in the part of down-town Mogadishu called Hamar Weyne and neighbouring Shingani. The Rer Hamar speak Somali but have a strong sense of a distinct identity of their own. The Rer Hamar trace vague links of kinship with the so-called Barawaani, that is, the Swahili-speaking inhabitants of the city of Baraawa (and Merka) further south along the coast. Both the Barawaani and the Rer Hamar often have a light complexion and wear a distinctive style of clothing. The women of these groups are the only people in Somalia who traditionally wore veils. When living outside of their urban communities they are often called *gibil cadde*, 'light-skinned'. Neither Rer Hamar nor Barawaanis constitute homogenous social groups; internally they are subdivided and acknowledge and claim a large number of different origins (Kassim 1994;1995).

Current developments

All the groups described thus far have, in various ways, been severely affected by events during the civil war. The agricultural communities in the Jubba and Shabelle river valleys have been exposed to systematic looting from both former patron clans as well as newly arrived conquerors. With a traditional political organization that rarely extends above the village level, many have been forced to flee to camps in Mogadishu or in Kenya. The looting of their home areas has been so systematic that it in some cases it is difficult to imagine that agricultural production in any meaningful sense of the term can ever be resumed again (de Waal 1994). Attitudes towards these groups, which have always been very harsh, have now

reached a level of explicitness where they themselves now use terms that in the past were regarded as pejorative (e.g. *jareer*). In 1992 Mohamed R. Arbow, former resident of an ex-slave community along the Shabelle river, formed a political party to safeguard the interests of his people. This party is known as SAMO, the 'Somali African Muki Organisation' (Muki meaning 'tree') but has had little success achieving its aims. Lacking a militia and any arms of its own, SAMO has been entirely at the mercy of the more powerful militias such as the Somali National Alliance, the United Somali Congress and the Somali Patriotic Movement. Their situation was also damaged when the United Nations Operation in Somalia (UNOSOM II) sought to reconstruct local government structures by building district councils. In several districts (but perhaps most notably in Af Madoow) whose major population was made up ex-slave descendants, UNOSOM decided to install only councillors representing the ordinary Somali clans in the area leaving the ex-slave communities entirely unrepresented (Eno 1994).

However, the cause of the ex-slave communities received attention from UNOSOM in another way. Learning that many of their ancestors had spoken Bantu languages the term 'Bantu' was adopted as an ethnic label by the head of UNOSOM's political division, Dr. Leonard Kapungo. In various circumstances UNOSOM treated the 'Bantu' as a social group on a par with the Somali clans. This practice was pursued to the absurd extent that UNOSOM officers in some districts in the Bay and Bakool regions insisted that people were classified as 'Bantu' on the basis of their facial features and consequently have their own representative in the district council, not the representative appointed by the clan to which the suspected 'Bantu' belonged.

In the inter-riverine areas of the Digil and Rahanweyn clans the war has resulted in an upsurge in clanship identity. This has jeopardised the position of the many adopted members of clans and the status of the boon in particular appears at present to be very precarious. It is not unlikely that UNOSOM's manoeuvres regarding the alleged 'Bantu' members of these clans has contributed to speeding up a process by which already weak seg-

ments of these clans are further marginalized.

The light-skinned coastal groups have suffered severely. There have been reports from Mogadishu, Merka and Baraawe of a number of atrocities carried out specifically against these groups. In Baraawe today few of the original Barawaanis remain and most fled *en masse* to the Swahili coastal communities along the Kenyan coast. The famous Mogadishu lawyer, Mohamed Rajis Mohamed, founded the Somali National Union in 1992 which recruited members from these groups but, as with SAMO, this party lacks weapons and has been entirely dependent on Ali Mahdi's USC.

The future

The irony of the minorities issue in the Somali context is that their position is determined not by themselves or by traits (such as being 'indigenous') which they possess, but by the fact that they fall outside the common descent model that the large and politically dominant Somali clans rely upon to define membership of the nation. In other words, their often marginal position is not due to something they are considered to have, but to something they are considered to lack.

The civil war that has raged in Somalia since the autumn of 1990 has sharpened the contradictions between the Somalis that trace descent from the big clan-families and 'the other Somalia'. The nature of relations between them has shifted and is no longer simply a question of derogative terminology. The ex-slave ('Bantu') communities stand out as the big losers and most who have been forced to flee will probably not have a future in Somalia. Indeed, people have been heard arguing that the best long-term solution, at least for those who still speak their original languages, would be their return to the East African countries from which they once came. There are some reports from Tanzania that this is already taking place spontaneously, if still on a small scale.

The problems facing the vulnerable Somali minorities today are related to the sufferings of the entire Somali people. The problems of minority groups' statuses within society have little chance of being addressed constructively while the political situation at large remains unresolved. It may be argued that what made the minority groups' situation in

the past more acceptable than it is today is the fact that they were able to strike deals locally with the more powerful population elements. However, it is possible that with the current line of thought among some international organizations to help promote a decentralized Somali state in the future, minorities may be able to resume their former relationships with their neighbours.

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In spite of the expulsion of the majority of the 35 - 40,000 gold prospectors (garimpeiros) who have invaded their lands since the end of the 1980s and the official recognition of their territorial rights(1), the Yanomami of Brazil are today facing a dramatic situation.

The situation is particularly serious in terms of health. The most recent statistics produced by the Roraima Indigenous Council (CIR) and the National Foundation for Health (FNS) are damning. In eight years (1987- 1994) the gold rush in Roraima has cost the lives of 2,200 Yanomami - more than 20 per cent of their total number - from malaria, respiratory

the indigenous peoples. Divested of most of its initiative in terms of indigenous health, the FNS has had to considerably reduce its activities among the Yanomami, while the National Indian Foundation (FUNAI), which ought to assume this responsibility, has neither the means nor the ability to do so(4).

The media and international public opinion has forgotten the Yanomami since the international scandal caused by the massacre of Hashimu in July 1995(5). But it must be made known that since then the decimation of this people has not stopped but continues insidiously. The mortality rate of the Yanomami,

malaria, infectious diarrhoea and respiratory diseases, as well as 583 cases of malarial infection, of which a large number are suffering from the most dangerous form (*P. Falciparum*).

Furthermore, another very serious threat at present for the Yanomami of Brazil is the possible questioning of the legal status of their territory by the new government of President Cardoso.

The Minister of Justice(6), Nelson Jobim, has just announced that a new law is being drafted which will alter the administrative procedure for demarcating indigenous territories (defined in Decree 22 of 4.2.91) (7). This change opens up

scale exploitation of indigenous lands. This measure could be applied to the 182 indigenous territories within Brazil(8) whose state recognition - at whatever stage of validation they have reached(9) - has still not been ratified by a notary act called the 'Patrimony of the Union'.

This new draft law was announced in the context of an unconstitutional (in terms of Decree 22) application to the Federal Supreme Tribunal (STF) by an agricultural company in the state of Mato Grosso do Sul (Sattin - Agropecuaria Ltd.) and has the aim of revising some of the local indigenous lands (Sete Cerro). Observers all agree that this move is mo-

vertheless, the new government's manifest desire to gain political benefit from the restriction of indigenous peoples' constitutional territorial rights suggests that they could find themselves in the glare of other initiatives arising from the same motives.

Because of the insistent declarations by the Minister of Justice in favour of private interests over indigenous lands since January 1995 (11) it is feared that the Cardoso government is giving in to pressure from the military and Amazonian members of parliament (the Amazon block) allied with the mining lobby which, in one way or another, is trying to

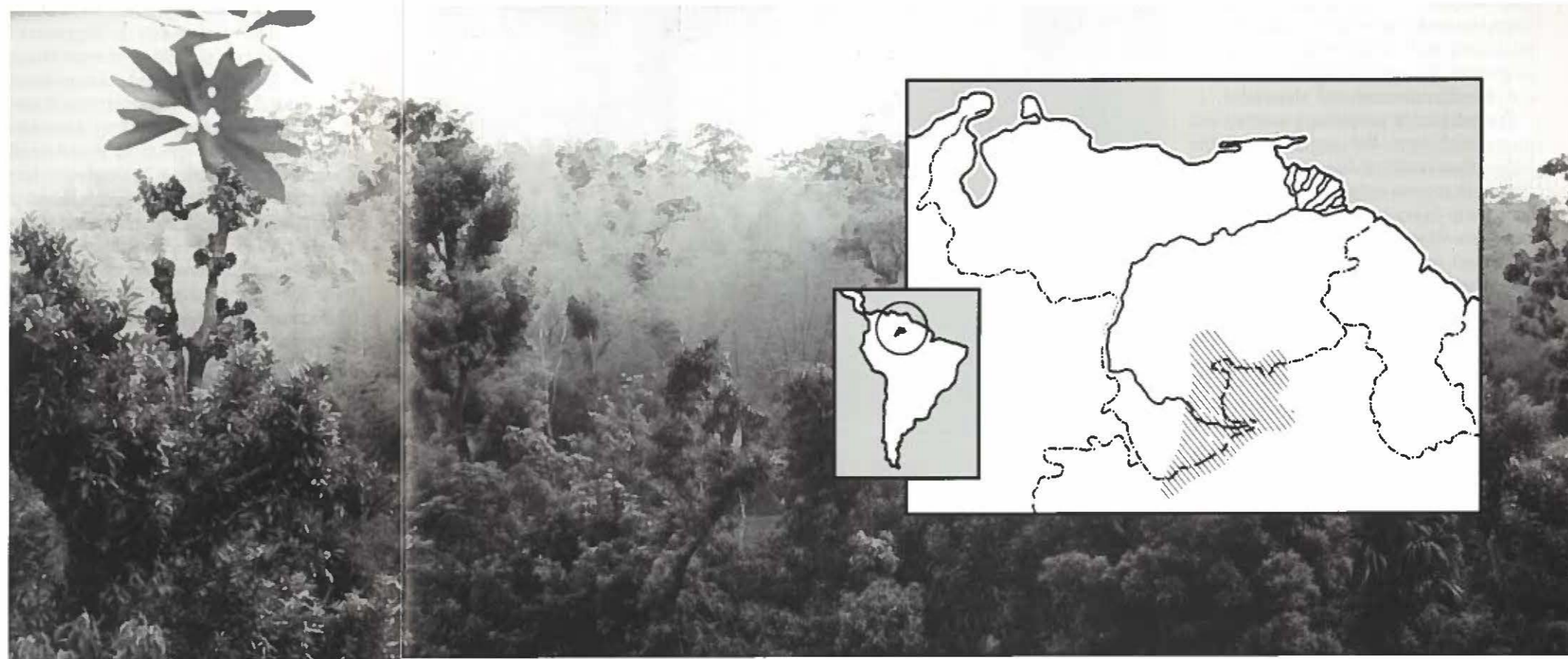
tal plans for the survival of the Yanomami - health and lands - the indigenist policy of the Cardoso government really is heading towards regression. This regression would signify the beginning of a new era of death and destruction for the Yanomami. For the international community, which voiced its indignation over the last decade at the genocide by omission which struck this people, regression would be an affront which carries too high a price for the 'illuminated' presidency of Fernando Henrique Cardoso.

By way of conclusion, and on the issue of the disturbing new Brazilian indige-

The Yanomami in Brazil:

New Government, Old Threats

by Bruce Albert



diseases, tuberculosis, intestinal leishmaniasis, measles and as victims of the garimpeiros' violence(2).

Worse still, the main epidemiological and political factors underlying this slaughter are, to a considerable extent, still prevailing. There are still several clandestine gold working centres (garimpos) in the region(3) and government negligence over health has resulted in the total breakdown of health services for

which was already triple that of the city of Rio de Janeiro in 1993 (14.6), reached 18.5 in 1994, while the birth rate continues to decrease (from 35 to 30 between 1993 and 1994).

In the first half of 1995 the FNS health posts were almost completely paralysed and all the epidemiological indicators suggest a new health catastrophe in Yanomami territory. In the first quarter of 1995, there were already 39 deaths from

the possibility of legal recourse for every person or company which considers themselves to have had their economic activities affected by the delimitation of an indigenous territorial reserve (principio do contraditorio). Its application - taking effect retrospectively - could lead to the suspension of state protection for all territory under litigation during the legal process, a process usually lasting several years, which therefore allows for large

tivated by the Cardoso government's desire to use the reduction of indigenous territories as a bargaining tool in order to get the support of Amazonian members of parliament on the vote to revise constitutional dispositions which stand in the way of their neoliberal reform(10).

The Yanomami lands, duly registered, ought in principle to escape the revision of Decree 22 (as well as 190 other already ratified indigenous territories). Ne-

get a revision of the delimitation of Yanomami lands(12).

The 20,000 garimpeiros in the state of Roraima are among those waiting impatiently, and confidently, for the government to intervene in favour of private interests in the process of recognition of indigenous lands and to annul the Yanomami territorial reserve (13).

Nevertheless, today there is still room to doubt whether in the two fundamen-

nist policy being drawn up, I present the words of Davi Kopenawa Yanomami which evoke his frustrated meeting with the new President of the Republic in April 1995 (14). Fernando Henrique Cardoso was on a visit to Manaus to attend a meeting with the governors and members of parliament for the Amazonian states in which he presented his government's proposals for the development of the region(15). A delegation of indige-

enous leaders from the Coordination of Indigenous Organisations of the Brazilian Amazon (COIAB) - of which Davi was part - tried in vain to meet him: We went to his meeting but they would not let us do more than see him from a distance. He did not speak to us. He didn't want to talk to us. He said that he could only talk with us in Brasilia. So, we went to Brasilia to talk to him in the Parliament. But there he didn't want to know us and didn't want to receive us. This is why I left my village of Demini - to talk to him. But he did not want to talk to us, the indigenous peoples of Brazil. This has left me annoyed with him. I wanted to get to know him and talk a little with him to hear what he is going to do to support the indigenous peoples of Brazil, to help us in terms of health and also to protect the lands. Above all, this has left me discontented and also sad. (...)

We indigenous peoples are worried and angry with him. We are left with the belief that none of the authorities are willing to receive indigenous peoples and that there is no government for the indigenous peoples of Brazil, only a government for the whites in the towns. When an indigenous person wants to talk with the authorities, it is not permitted. When they ask for an audience it is not granted.

In the end we talked with his 'grand-children', the deputies, and we told them not to touch our lands. (...) I talked to FUNAI and the deputies and I told them that I do not accept that they change our Yanomami land. I do not want them to touch it and destroy it. (...) I also demanded that they continue withdrawing the garimpeiros who continually invade and that they cure the Yanomami so that they do not continue to die.

Notes

1. In May 1992, President Collor signed the authorisation decree for a Yanomami Territorial Reserve of 96,000 km² (Terra Indigena Yanomami). This signature was the result of a huge international campaign coordinated over 15 years by the Brazilian NGO, Comissao Pro-Yanomami (CCPY).
2. Communication from the CIR-RR, April 1995. The last FNS-RR census of the Brazilian Yanomami stated

that there were 8,268 persons distributed in 188 communities.

3. The Brazilian indigenist administration (FUNAI) estimates that there are seven gold working regions still active (Apiau, Upper Catrimani, Serra da Estrutura, Paapiu, Parafuri, Parima and Arakasa), comprising a population of some 100 gold prospectors. Other sources state the more probable figure of a thousand.
4. According to a recent decree (1.141 of 19.5.94), FUNAI ought to establish

5. See Albert 1994: 'Gold miners and the directives and coordinate health assistance for to the indigenous peoples. However, only health posts run by NGOs really continue to function, such as the Comissao Pro-Yanomami (CCPY) and Medecin du Monde (MDM) or the Catholic church's hospitals, which are generally in a precarious condition (Consolata, Diocese of Roraima, Salesians) and the evangelists (Unevangelised Tribes Mission, New Tribes Mission).
6. FUNAI comes under the Ministry of Justice.
7. See Folha de Sao Paulo 15.5.95: 'Governo estuda reducao de areas indigenas'.

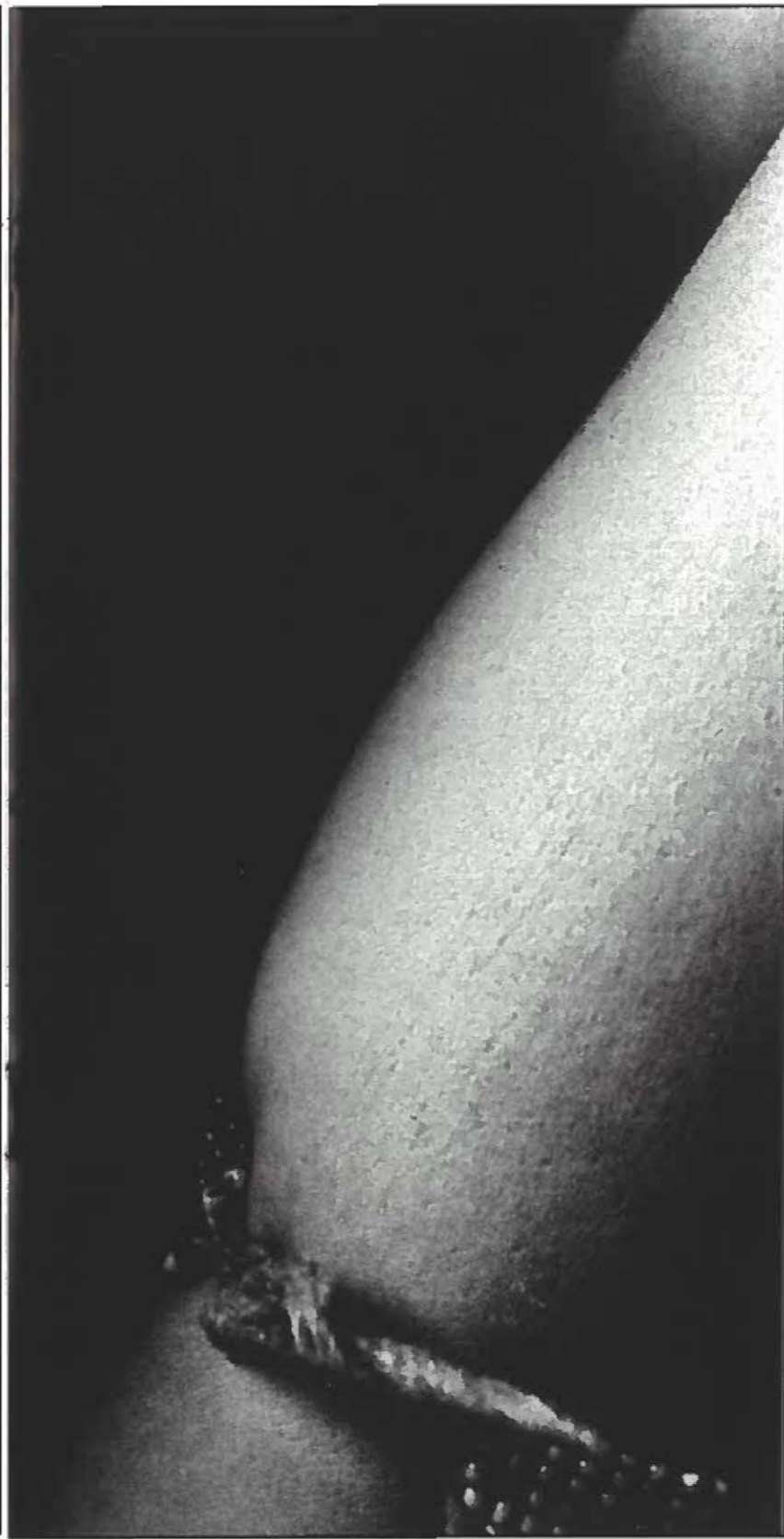
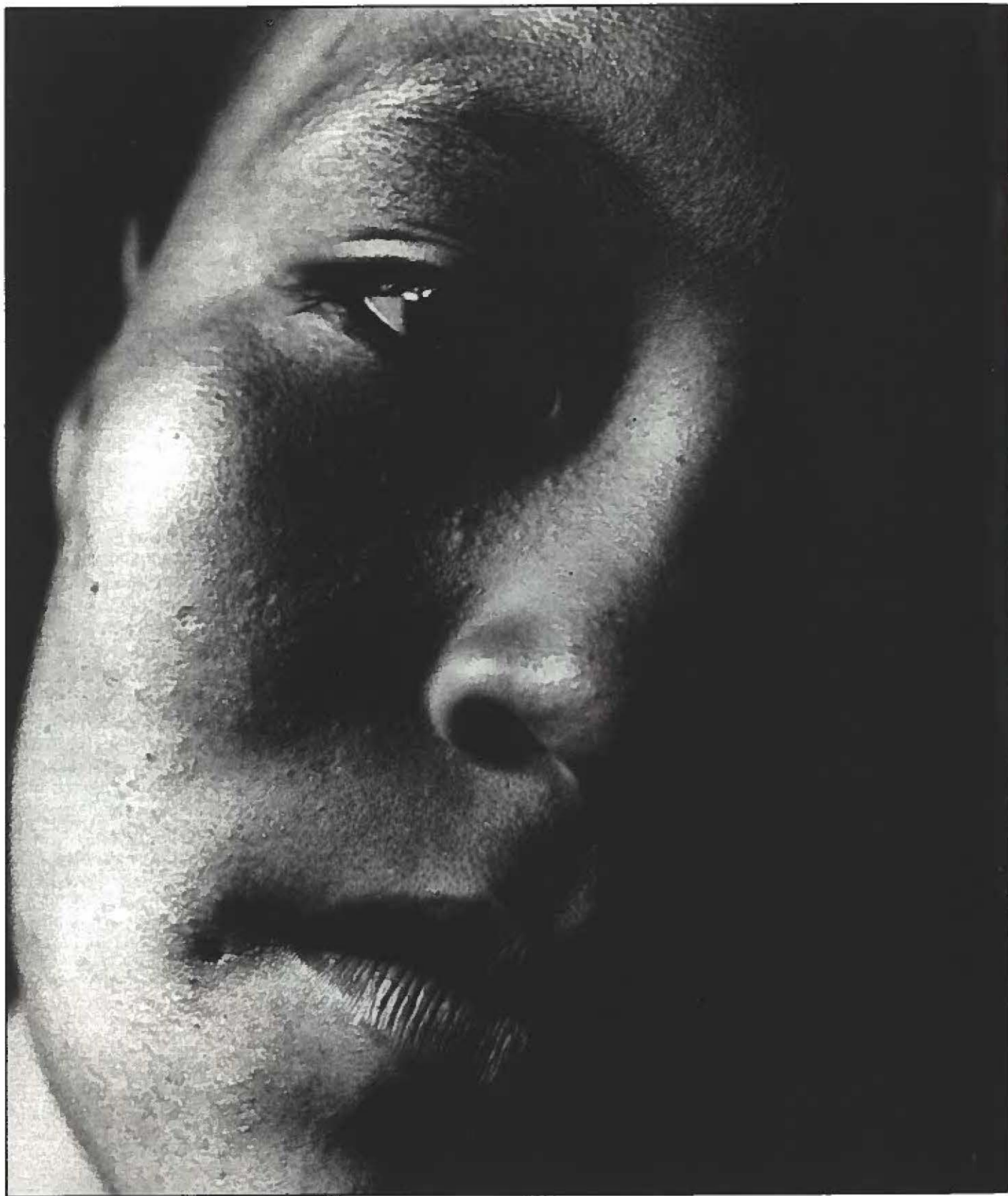
Yanomami Indians in the Brazilian Amazon: the Hashimu massacre' in Who pays the price? The Sociocultural content of environmental crisis B. Johnston ed. Washington: Island Press, pp.47-55. Seven of the survivors of the massacre have died of malaria since summer 1993.

8. Conselho Indigenista Missionario (CIMI) 'Nota a imprensa' 26.5.95.
9. There are five administrative stages before notary registration: identification, interdiction, delimitation, demarcation and authorisation.
10. On the strength of the vote of the Amazonian members of parliament in the revision of the constitution, see the New York Times, 11.6.95: 'Amazon Indians' Battle for Land Grows Violent' and Folha de Sao Paulo 18.6.95: Igreja ataca mudancas em demarcacoes'.
11. See CCPY Update 80, March 1995.
12. See Folha de Sao Paulo 15.5.95: 'Governo estuda reducao de areas indigenas' and the Correio Braziliense 25.5.95: Lobby tenta anular reserva Ianomami' and 'Deputado quer CPI da FUNAI'. Note also on this issue, the recent creation by the Amazon members of parliament of a parliamentary investigation into the revitalisation of the development project and military occupation of the Calha Norte and the control of demarcations of indigenous lands in the northern Amazon.
13. Interview with Crisnel Francisco Ramalho, President of the Garimpeiros Union of the State of Roraima for the RTBF (Boa Vista April 1995).
14. Interview given by the RTBF (Boa Vista April 1995).
15. See press release by the French Press Agency of the 2.4.95.



Photo: Charles Vicent (CCPY - ISA)

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PHOTOS:
CLAUDIA ANDUJAR

THE
YANOMAMI
PEOPLE





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The new law for indigenous peoples (Ley Indígena) 19.253, published in the *Diario Oficial* on 5 October 1993, is the result of a long and sustained struggle by many groups of different indigenous communities who have lived for thousands of years in this corner of the continent, Aby-Ayala, Chile. When the Ley Indígena is spoken of, we Mapuches see in these words a hope - the achievement of justice, respect for the traditional indigenous law, and recognition as a people, different from those in power. During this century many laws and decrees have been passed, but none have had very favourable results for us. However, a partial exception is Law 17.729 of 15 September 1972. There is a similarity in its origin and content but it also marks the beginning of a greater participation of Mapuche organisations in the discussion and implementation of the law.

Participation by indigenous peoples in the discussion and implementation of the New Law for Indigenous Peoples

In order to be faithful to the history of the last thirty years, it is necessary to make a comparison between the two laws which I have cited: Law 17.729 passed by Salvador Allende in 1972 and Law 19.253 passed by Patricio Aylwin Azocar in 1993.

were affected by the atmosphere brought about artificially by the economic and ideological interests of the western powers. The majority of Mapuche organisations were attached to the political parties of those days: this was the reality of that historical moment. We of that generation played a part in beginning a process which is still running its course. At the time of Law 19.523, big steps had been taken to reclaim our ancestral values and bring about a change of attitude in the wider community and its institutions with regard to pre-Colombian people.

Dialogue between Mapuche organisations and the President of the Republic

At the end of the 1960s, one of the most representative and authentic Mapuche organisations was, without doubt, the *Regional Mapuche Associations* with its headquarters in Temuco, led by Don Antonio Millapi and Don Bernabe Namuncura. This organisation spread to all corners of Mapuche territory and was made up of rural groups, in contrast to many other organisations of those days formed and led by urban and student Mapuche groups. It has to be remembered as well that we had just experienced the collapse of the Araucanian Corporation, a breakdown which led to

while remembering. I participated in some of those meetings which took place in one section of the Instituto de Desarrollo Agropecuario - INDAP - in the city of Temuco. Many of the contributions were made in 'Mapu-dungun', a different mode of speaking in which the most important thing is respect. People are addressed as brother ('peni'), while in other organisations the terms of address are 'compañero' or 'camaradas'. I personally took part in these latter type of meetings. The regional associations had a good influence which should be remembered in the future.

In 1969 the First National Congress of the Regional Mapuche Associations took place in Ercilla in the province of Malleco. At this time I was working for the Corporation for Agrarian Reform in Cañete, in the province of Arauco, and a Mapuche brother from this area took part in the Congress. The President of the Chilean Republic, Don Eduardo Frei Montalva, took part in the closing ceremony and in this way the dialogue began between the political power of the nation and the Mapuche people represented in the Congress. One of the most important conclusions of this extremely significant meeting was that the Ley Indígena 14.511 was obsolete and inadequate for our time and a resolution was made to study and discuss a new law for the indigenous peo-

tions took place in Temuco. The organisers invited the then president elect of Chile, Don Salvador Allende, to attend the closing ceremony. Many Mapuche organisations and *campesino* confederations took part in the event.

The central theme of discussion was the law for indigenous peoples and other matters concerning ownership of the land. People took part who didn't want anything to do with laws - and bitter discussions broke out between the opposing sides. Representatives of the Revolutionary Campesino Movement (the Netuain Mapu), the Federation of Indigenous Students, and some communal campesino councils held an extreme position. On the other side the campesino confederations such as the Ranquil, the President Frei, the Triunfo Campesino and the Asociación de Remolalcheros de Cautin held a moderate position. There was a lot of discussion, but the congress came to some positive conclusions. In the closing ceremony Don Antonio Millapi Caniqueo handed over to the Chilean President-elect, Don Salvador Allende, a draft sketch of the New Law for Indigenous Peoples. At that time the future political situation was very uncertain. People began to seize land. Violent scenes took place especially in Mapuche territory and specifically in the Provinces of Cautin, Malleco and Valdivia.

These people did not understand the reality of our situation. Eventually, on 15 September 1972, one of our most longed for hopes in both Congresses became a reality: President Allende proclaimed the New Law for Indigenous Peoples, 17.7629.

More than 1,000 Mapuches came to the ceremony - half remained outside the red Salon de la Moneda, because there wasn't enough room. It was holiday time - the Fiestas Patrias - when the people of Santiago go off for a long weekend. Santiago Central Station was invaded by men wearing 'ponchos' and 'sombrosos', women with brightly coloured clothes and shawls. Racist remarks could be heard everywhere - "where on earth have so many Indians come from?" - shouted the non-Mapuche travellers, indignantly. But the hundreds of Mapuche brothers and sisters were unable to go home and had to stay in Central Station. This situation was reported to the Minister of Agriculture, Jacques Charchol, who immediately sent along buses to take the Mapuche to their various destinations, distances of between



600 and 900 kilometres south of Santiago.

The leaders of the Institute for Indigenous Development (IDI) and some Mapuche leaders stayed a few days long in Santiago, in order to talk to other

government officials. The meeting was a very bad one. They didn't publicise what happened. In the ante-room of the ODEPLAN office in the Avenida Alemania de Temuco was heard the loud and indignant voice of the subdirector of IDI who, turning towards us, said "Compañeros, the Treasury doesn't have the money to finance the New Law." It was like a bucket of cold water thrown in our faces. Clearly, for the government authorities responsible for laws and finance, there were other priorities, like constitutional reforms, nationalisation and expropriation. It was the same old story: the Indians can wait.

This isn't an isolated case which happens only in Chile; it is an evil which happens throughout Latin America. General Juan Velasco Alvarado (1968-75) decreed that Quechua should be the official language of Peru. But unfortunately this law wasn't financed and, according to Quechua leaders in that country, it did no good at all.

The National Congress of Indigenous People convened by CEPI, January 1991

In a political and social climate totally different from that of the previous congress, which had taken place twenty years before during the time of the Unidad Popular, the Special Commission of In-

digenous People (CEPI), which had been formed by a presidential decree on 17 May 1990, convened the National Congress of Indigenous People under the leadership of Don Jose Bengoa and our brother Victor Hugo Painemal. The central theme of the meeting was the draft of the projected New Law for Indigenous Peoples. This was a document which had been drawn up by the Sub-commission for Indigenous Legislation, a work group set

CHILE

The New Law for the Indigenous Communities

by Vicente Mariqueo Q

Both laws were drafted in a completely different political climate and the organisation of indigenous people has greatly improved - we are living in a different age.

At the end of the 1960s, as now, we Mapuches were divided into different organisations. Behind this division there were political, social and institutional factors which had a strong influence on national events, especially in the rural areas to the south of the country. We Mapuches

confusion and lack of confidence. The natural desire of all oppressed people is to search for consensus, fraternal discussion and unity. It was very difficult to manage that in those years - the Mapuches were going in different directions, there were many organisations in dispute over who represented our people.

The Regional Mapuche Associations are part of a process which it is worth-

while remembering. The following year the presidential electoral campaign began and the Mapuche organisations joined different opposing factions whilst the Regional Mapuche Associations continued with their task of drawing up a new law for the indigenous peoples. Meetings took place month after month in the Calle Manuel Rodríguez.

In December 1970 the Second National Congress of Regional Mapuche Associa-

After a considerable time, the project of drawing up the law followed its normal course with some problems about who took part, both in terms of legal experts and of the constitutional procedure itself. The part played by indigenous leaders was limited to those organisations which were legally recognised and so none of the Mapuche organisations qualified. In their place campesino organisations led by 'huincas', (non-Mapuche people) were in-

up by the CEPI whose members included experts and the leaders of various indigenous associations from the different indigenous peoples of Chile.

Nearly twenty years of military dictatorship had led to the almost total breakdown of indigenous Chilean legislation and interrupted the process of mutual understanding by means of frank and open dialogue between the political leaders of the state and the indigenous peoples. Moreover, on 22 March 1979, the dictator Augusto Pinochet had signed the Law 2.568 in Villarrica without any consultation whatsoever with indigenous people. But with regard to participation and representation, the 1990 Congress was quite a different meeting.

The CEPI invited all the Chilean indigenous organisations, which explains why I was there representing the Comite Exterior Mapuche of the United Kingdom. It was twenty years since I had met my people. There were few faces that I recognised, save old friends from the old associations. I found a new group of indigenous leaders, the generation of today. There was impressive number of special guests, people who came from different parts of the country and observers from other continents. On each morning of the three days our "lonkos" and "machis" made lines, one behind the other, from the north to the south and facing the east prayed to "Ngünechen" asking that the congress be positive and a step towards justice and the well-being of the peoples represented. At night, once the debates on the law had come to an end, the delegates moved from the Sacred Heart College, where the meeting was taking place, to the Boys' High School of Temuco. There, after the meal, artistic and cultural activities took place which reflected the customs and traditions of those present.

Undoubtedly the participation of a wide diversity of indigenous Chilean peoples at the Congress was something new and unprecedented in the Chilean Indian movement. It was no surprise that Aymaras and Quechuas from the north of Chile took part as well as our brothers the Kawashkar or Alacalufe from the southern region. As far as Chileans in general were concerned, these other peoples existed only in history. The sad fact was that we ourselves had been drawn

into accepting this erroneous view. There were other peoples represented at the CEPI Congress too: Atacamenas, Collas, Yamana or Yagan, and some really special people for us, the Rapa Nui or Pascuense from Easter Island. The President of the Republic, Patricio Aylwin, was invited to the closing ceremony along with the General Secretary, Enrique Correa Rios, and other important local and national figures. Before about 4,000 people, in the Bernard O'Higgins Hall in Temuco, leaders of the Congress handed the draft of the new Law for Indigenous Peoples to the President.

Participation of indigenous communities in these discussions about the New Law

It must be stressed that pre-Columbian peoples were widely represented in the discussions; in addition to the organisations, "lonkos", "machis" and Chilean indigenous intellectual leaders all took part. On 1 December 1989, 250 leaders from all the indigenous organisations in the country met in Nueva Imperial with the recently elected Aylwin, before he had assumed his responsibilities as Head of State. Out of this important meeting an Act of Commitment was signed signalling the priority of the new Law with reference to the problem arising from logging companies felling the "pehuen" (monkey puzzle tree) for the Pehuenches from Quinquen. Our dialogue with the government was rapidly becoming a reality again. The creation of the Special Commission for Indigenous Peoples and the decree which recognised the pehuen tree as a national symbol were significant responses to our demands, a process which is still continuing.

Almost all the associations, cultural centres and the Mapuche Biblical Society, which played an important role in the defense of human and civil rights under the military dictatorship, participated in the discussion of the project, both as experts and also with the Law and Justice Commission from the House of Representatives. Thirteen Mapuche organisations formed the "Coordinadora de Organizaciones Mapuche de Chile", which had a responsible and permanent involvement in the second part of the process: the discussion of Law 19.253. There was almost no opposition to it

although the "Consejo de Todas la Tierras" refused to take part. This Congress was conducted with complete calm, in contrast to the previous one of 1970 when people had demanded expropriation without payment and "no to the laws" and groups and movements of that time. However, clearly in 1991, the New Law also had its critics both of things omitted and of the arrangement of some of the paragraphs of the projected law.

Interpretation and analysis of some of the measures and content of Law 19.253

The hope of minority peoples now rests in the good understanding between us, the world at large and the involvement and goodwill of governments. Indigenous peoples have said a thousand times that their demands have not been met and this is a vivid historical reality. Hope had come to a standstill: no significant step had been made regarding the restitution of our land, whilst our historic and cultural values have seriously diminished. The present law represents a hope for us. It is a legal statement which gives us many remedies relating to diverse aspects of our national life, which is something new in our legislation. One step forward has been taken - the law is on paper adorned with beautiful words and harmonious phrases which endow it with personality and elegance - but the funding has still to be found to implement it.

In fact this law covers much which had not been thought of in previous laws. So it is worth considering the viability and application of its content. Laws in general are complicated and difficult to implement, and in many cases just remain on paper. For example we are always being asked how many indigenous people live in Chile and always arrive at different answers. Article 6 of this law says "The national census must determine the indigenous population of the country". This concern was raised in various fora and meetings during 1991/2 by the National Council of Indigenous Peoples.

Article 7 reads "The State must promote indigenous cultures which form part of our Chilean national heritage". In the 1920s, the time of our legendary leaders, Don Francisco Melivilu and Don Aburto Panguilef, there was already con-

cern about this. Don Francisco promoted theatre, dance and music groups to give performances in urban and rural communities. Don Ricardo Cona, baker and leader of Mapuches in Santiago, said "In 1933 a great *nguillatun* took place in Huincul on an enormous hillside which was completely filled with people. They came there from Puerto Saavedra and Temuco and even from Tolten. The festival lasted a whole week, and was a real *nguillatun*. It was sponsored by Don Manuel Aburto Panguilef." Afterwards there were other similar occasions, all of them silenced by a complete lack of support from the state.

1973-80 was the period when the state and our indigenous culture were furthest apart because of the application of Decree 2.568 in which the Military Dictatorship threatened to eradicate indigenous people in Chile. Faced with this challenge, many Mapuche groups became stronger to keep our cultural heritage alive.

Article 8 reads "There must be no obvious and intentional discrimination of indigenous people on the basis of their origin and culture. Anyone guilty of this will be fined the equivalent of one to five monthly salaries."

Racism is an evil of our times and in developing countries it is widespread, violent and visible, whilst in the north it is not so obvious. In the UK the Race Relations Law of 1976 created the Commission for Racial Equality. At times cases actually come to court. In 1982 I was a delegate of the South American Indian Council and took part in the Congress of First Nations in Saskatchewan, Canada. It was impressive to see our North American Indian brothers in typical clothes at airports and in the streets without harassment. If the Law is implemented in Chile, justice and peace will at last reign in Mapuche homes.

Articles 20-21 concerning the Fund for Indigenous Lands and Water

The creation of the Fund for Indigenous Land and Water contemplated in these articles of the new law constitutes an important step in the long process of discussion, participation and evolution of legislation for Chilean indigenous people. It must not be forgotten that since 1927 numerous laws and decrees have been passed. As soon as a new govern-

ment comes into power the Mapuche organisations come to ask for justice. The answer has always been the same: "a new law for indigenous people" - almost a century of playing games with us. Article 21 reads "The annual budget will provide an annual sum intended exclusively for the Fund for the Land and Water of the Indigenous People."

In July 1994 Don Cirilo Antinao, the coordinator of Mapuche organisations, came to Bristol. He said that "the budget for 94/95 allocates 1,800 million pesos to the Land Fund and 800 million pesos to the Development Fund." Lack of money for the programmes dedicated to restoring the land, extending the communities and for support and development has been a constant problem. Repeated frustrations, vain hopes and the continuing struggle has begun to destroy our aspirations.

The right to the land continues to be the main problem, the most important of all the demands made by the Mapuche people. It cannot be otherwise, when only a few generations ago, little more than 100 years ago, we lost 95 per cent of our land. This keeps alive in our memory the subsequent colonization of our territory, the dividing up of the estates by means of the Agrarian Reform Law 16.640. We Mapuches have been the mere spectators of a process which was supported with money from the Chilean state.

The IDI, created by the 1972 Law 17.729, made some attempt to restore and increase our land holdings, work undertaken in conjunction with INDAP and CORA. This took place in the final period of Salvador Allende's government. Land was being seized everywhere, but it was too late. Mapuches also took land, which according to the law was not available for expropriation, but was taken by agreement between the people concerned. You could buy land, but we had no money. However there was an arrangement in the Agrarian Reform Law which envisaged setting up Centres for Agrarian Reform (CERAS). In addition there was talk of a Fund for Public Disasters, also known as "two per cent Constitutional", which was to be held by leading councillors and which could have been used for expropriation by purchase.

It has often been mentioned that 70,000 hectares of land have been restored to

the Mapuche people. We were talking about this once in Loncoche, among us technical lawyers, surveyors and drivers. We went to reclaim the 80 hectares of land which the landlord, Quezada, had seized. He was the former owner of the Michimalonko Settlement. The settlers resisted fiercely and the arguments increased. "Why should the Indians want land, after all, they are weak" it was argued. It was very hard to convince them that the land really belonged to CORA. On our way back the paths were slippery because the autumn rains had begun, and we stopped at a restaurant in Loncoche village together with Alfredo Conehjeros of INDAP, Juan Verdejos, a technician, Raul Arias, a lawyer, the surveyor Hernan Larragibel, and a driver of IDI. CORA was represented by myself, Alejandro Araya and Venancio Melillan.

In those days there was a lot of talk of the 70,000 hectares restored to the Mapuches. We used to work for the relevant agencies, and we knew that the real figure was very much lower than that. It seemed that IDI had a plan to restore 70,000 hectares but how such a project came to be discussed as though it were a fact no one knows and IDI has never made an official statement confirming the rumour. We need to put an end to misinformation of this kind, and groups of young indigenous people have emerged lately who are experienced enough to handle the media.

The make-up of Indigenous Communities and Associations

Articles 10 and 36 of the New Law are concerned with the creation of legally recognised indigenous communities and associations. Here we have a conflict between the traditional ways of organising ourselves and the modern western way. In the 1970s the Alliance for Progress pressed for the creation of agricultural institutions known as INDAP, SAG and CORA (through the Agrarian Reform Law 15.020). INDAP had responsibility for giving credits and technical assistance to indigenous communities. Without legal recognition, we organised ourselves into Small Farmers' Committees. Until then all institutions found it difficult to work with indigenous communities because our *lonkos* had their authority over us and we were generally suspicious

of *huincas*. So through these Small Farmers' Committees our traditional way of organising ourselves began to be eroded. Our communities became more vulnerable to other ideologies, both political and religious. Thus the agricultural institutions came to exert their influence in our midst.

Indigenous associations have been formed and legally recognised for over two decades, since the time of General Augusto Pinochet. Most of the leadership comes from urban areas where Mapuche people live and, especially at first, were very active in the defense of human and civil rights. On gaining legal status, both communities and associations became more active. Mapuche leaders of communities need to be careful to follow Article 9b of Law 19.253 in that they should be voluntary and not subject to pressure from outside.

The National Corporation for Indigenous Development (CONADI)

The directors of this institution are chosen by the government and its ministers. It forms part of the National Council, CONADI. "Eight representatives chosen by Indigenous Associations and Communities will be approved by the President according to the rules set down." I was a witness to the creation of IDI, the Institute of Indigenous Development, when President Allende named Don Daniel Colompil and Javier Huenchullan as director and deputy director respectively. Four indigenous councillors were also chosen as political party representatives. In the CONADI of today, more indigenous people have responsibility. There are not only four Mapuche representatives, but one Aymara, one Atacameño, one Rapanui and one representative from an urban area. The greater the participation of our original peoples of Chile at various levels of responsibility within the institutions created by Law 19.253, the greater will be our security.

In July 1994, the 12th Session of the UN Working Group in Geneva concerning indigenous populations heard the following contribution from Florinda Cheuquepan, a lawyer, and head of the legal department of the Inter-regional Mapuche Council:

Madam President, there is no doubt that Chile has achieved a significant

step forward in relation to the advancement and conservation of human rights and fundamental liberties for its indigenous peoples by having passed Law 19.253 which determines norms for the protection, encouragement and development of the indigenous peoples.

She went on to share the four central points which the First Congress of the Inter-regional Mapuche Council had made during its meeting in Temuco from 14-16 January in 1994:

It is our earnest wish that this theoretical step forward get off paper and become flesh in our people and in our time. For this, Madam President, we urgently need the following:

1. *"Bilingual schools where our Mapuche children can have a holistic education derived from our cultural, political and social identity. This would be the cornerstone on which to build our rights and liberties.*
2. *An adequate budget to cover the development of activities which really would protect and make manifest the sacred rights and liberties enshrined in this Law.*
3. *True participation, consultation and approval by the Mapuche people in everything related to our rights and liberties; and that our grassroots communities should be thus consulted, not just those who are said to be our leaders.*
4. *!Recognition and right to assume public office at all levels."*

Finally Dona Florinda brought a message from her people in Quinquen to the whole Working Group in Geneva, which was to invite them to the annual Ngüillatun which was celebrated in January 1995 in the community of Quinquen, in the Ninth Region of Chile.

Mapuche Terms

Huinca = Non-Mapuche.

Lonko = Community Leader.

Machi = Person who practices traditional medicine.

Mapu dungun = The Mapuche language.

Ngüillatun = Mapuche religious ceremony

Ngünechen = Mapuche God, who guides the human will.

Pehuen = Araucaria pine.

Peni = Brother.

Abbreviations

CEPI = Comisión Especial de Pueblos Indígenas. Special Commission for Indigenous Peoples.

CERAS = Centros de Reforma Agraria. Agrarian Reform Centres.

CONADI = Corporación Nacional de Desarrollo Indígena. National Corporation for Indigenous Development.

CORA = Corporación de Reforma Agraria. Land Reform Corporation.

IDI = Instituto de Desarrollo Indígena. Institute of Indigenous Development.

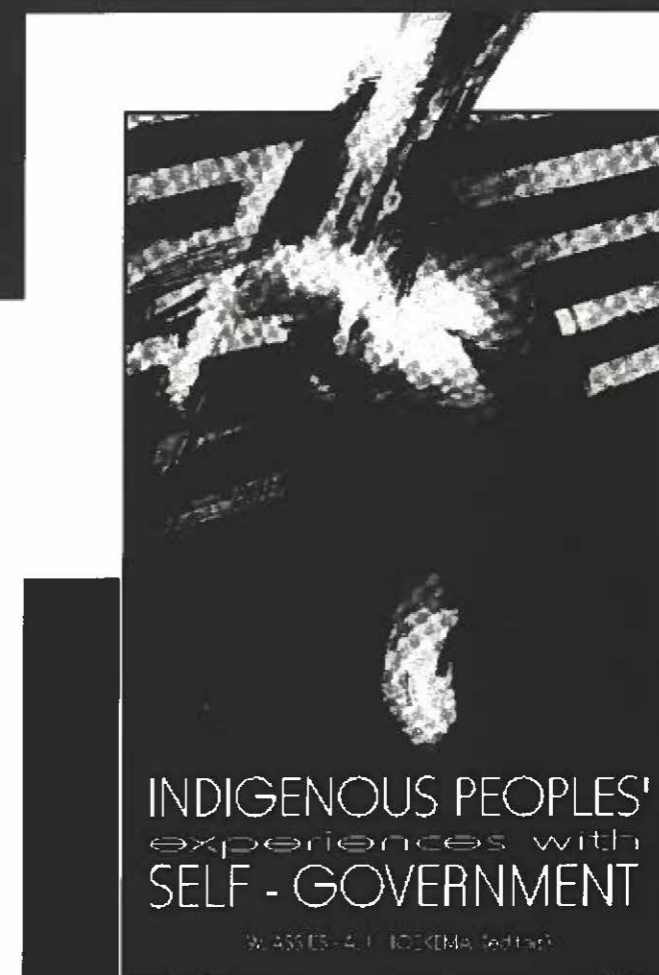
INDAP = Instituto de Desarrollo Agropecuario. Institute of Agricultural Development.

SAG = Servicio Agrícola y Ganadero. Farming and Livestock Service.

ODEPLAN = Oficina de Planificación. Planning office.

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NEW IWGIA DOCUMENT

No.76 US\$ 25.00

The Government's Strategy for Danish Support to Indigenous Peoples

by Poul Nielson - The Danish Minister for Development Cooperation

Indigenous peoples have a special position in terms of Danish aid policy and Denmark is among the few donors who have drawn up an official strategy for their support. Since this strategy was first announced in July 1994 it has created a certain international stir - and considerable praise - not least from a number of indigenous peoples themselves. It was a unanimous Parliament which in November 1993 asked the Government to produce an integral strategy for enhanced and effective Danish support to the world's indigenous peoples.

Readers of *Indigenous Affairs* are, presumably, clear about the need for a strategy oriented to indigenous peoples who are oppressed throughout the world; in the Amazon the indigenous peoples are being wiped out while, in Africa, peoples who have traditionally followed a nomadic existence are experiencing such violent pressure that they are in imminent danger of losing this way of life. Meanwhile, in Asia, indigenous peoples cultures are being swept ruthlessly aside by the driving pace of development.

However, there also seem to be tentative signs of a more positive approach to involving indigenous peoples in development. This is apparent in Latin America but the general picture is one of the continued marginalisation of indigenous peoples in the development process.

The Strategy

The overriding aim of the Danish policy for indigenous peoples is to contribute to the shaping of real possibilities for development on indigenous peoples' own

terms. The aim is not to construct a fence around indigenous peoples and leave them to their own fate in isolated reserves. Indigenous peoples should be able to influence all aspects of their economic, political and cultural development, on an equal footing with others.

The Danish strategy has five main elements. First of all, it aims to strengthen indigenous peoples' political rights. In December 1994 the Parliament decided that Denmark would ratify ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent States. Denmark is only the eighth country to have recognised this convention which is the most important and complete document concerning the international protection of indigenous peoples rights.

Denmark is also working actively to achieve the following two goals by the end of the UN Decade for Indigenous Peoples:

- the establishment of a permanent forum, to which end Denmark and Greenland hosted a workshop to discuss the role and modalities of such a forum in June 1995; and
- agreement on a UN Declaration on the Rights of Indigenous Peoples to be approved by the UN General Assembly.

Secondly, we aim to improve the conditions in which indigenous peoples in the developing countries live and to make a positive impact particularly with reference to *DANIDA's 20 programme partner countries*. In our continuing political

dialogue with the authorities in these countries, we will consistently raise the question of indigenous peoples' rights where relevant.

Thirdly, Denmark will put pressure on international organisations - the UN, the World Bank and the EU - to take indigenous peoples into account in the course of their work. We will work to ensure that when these organisations plan and carry out projects which affect indigenous peoples, the indigenous are active partners in the processes. Indigenous peoples should not find themselves affected adversely by the general development process; on the contrary, they should benefit from it.

Fourthly, there will be increased *Danish aid* directed towards indigenous peoples. This aspect of the strategy is laid down in, for example, the new guidelines for support to NGO projects, which state that priority will be given to projects oriented towards indigenous peoples. Furthermore, we will investigate possibilities for supporting indigenous peoples through bilateral aid. In our new programmes in Bolivia, we expect that one of the three focus areas of Danish aid will make a real contribution for the benefit of the indigenous peoples. On the whole, greatest priority will be given to projects in support of indigenous peoples' own organisations and recognition of rights to land and resources.

Fifthly, new solutions must be found for indigenous peoples' economic and trade problems. We will work to ensure that, among other things, the EU does not impose discriminatory regulations on indigenous peoples' products. Moreover,

we also aim to ensure that goods produced by indigenous peoples encounter preferential trading conditions within the EU.

In summary, the Danish government's strategy for support to indigenous peoples has three foci: political support, assistance and trade with an emphasis on the political contribution. The strategy's key words are indigenous peoples' rights and self-determination.

New developments

It must be emphasised that initiatives on behalf of indigenous peoples did not just begin in July 1994 with the launch of the strategy for Danish support to indigenous peoples. On the contrary, the Foreign Ministry has worked towards alleviating indigenous peoples' problems for many years. In the 1990s alone, some 40 million DKK have been granted to some 50 projects and programmes in support of indigenous peoples.

A large number of these projects have been channelled through the *International Work Group for Indigenous Affairs* which has its main office in Copenhagen. One of the most successful projects, for which IWGIA has stood as guarantor, is support for the *Association for the Development of the Peruvian Rainforest (AIDSESP)*. This organisation has helped over 100 indigenous communities in Peru to acquire titles to their land. Before, they lived as farmers with no legal rights, but now they have official documents to prove that they own the land on which they live.

This strategy for Danish support to indigenous peoples which the government has formulated and made public -

and has had translated into English and Spanish - is sending a clear and unambiguous signal around the world: Denmark is a serious partner in the work in support of the indigenous cause.

Moreover, a step has been taken to involve the Greenlandic Home Rule as a cooperating partner in organising and carrying out development aid for indigenous peoples. I hope that the inclusion of Greenlandic expertise will make these activities more advantageous for indigenous peoples in a whole range of areas, for example, the development and establishment of self-government and democratic institutions under self-government; development and legislation in areas concerning the administration of justice which take into consideration traditional legal conceptions; and bilingual education.

We have entered the UN Decade for Indigenous Peoples and now the major issues for Denmark are the adoption of the UN Declaration of the Rights of Indigenous Peoples as well as the establishment of a permanent forum for indigenous peoples within the UN system. But it will be a tough process. There are strong forces among the UN member countries which oppose these steps to promote the rights of indigenous peoples and to include indigenous peoples into the development processes. Therefore it is important to maintain a broad international debate on this issue, at the very least. □

The Saami in the North

by Jens Brøsted

At the spring meetings in Stockholm 1994 and in Reykjavik in 1995, the Nordic Council missed important opportunities to strengthen and increase Nordic internal cooperation and also to present this cooperation to the world as a constructive example of how to solve situations concerning ethnic and national issues.

In an application from the Nordic Saami Council and later in a decision at the first combined meeting between the Saami Parliaments of Finland, Norway and Sweden, the Saami requested membership of the Nordic Council. The Saami are the indigenous people of northern Finland and Scandinavia and, despite their colonisation and division between four countries, they have maintained and developed their common identity: "We Saami are one people and the borders of kingdoms will not break up our community". When the UN declared 1993 as the Year of Indigenous Peoples under the theme 'A New Partnership' it was quite natural for the situation of the Saami to be raised in relation to the cooperation between the Nordic countries. This was done by, among others, Greenland's Premier, Lars Emil Johansen, at the Oslo session of the Nordic Council in 1993 and also by the Norwegian government directly afterwards at the Nordic Council of Ministers where a report on 'Saami Membership of Nordic Bodies' was presented in June 1993.

In spite of the positive overtures, the results have been very meagre. A majority of the Nordic Council's legal committee would only consider observer status for the Saami, while the governments stressed the position of the parliamentarians but would not give an opinion of their own. The debate was closed and blinkered with no relation to the perspectives which the Nordic countries generally promote internationally, and with-

out reference to human rights obligations which should limit the countries' ability to decide whatever they like on the issue. The result was that the Saami Parliaments were given only very circumscribed observer status in which each Saami Parliament can nominate an observer, of which one (1) can speak in the opening debate but cannot participate in negotiations without special permission.

A minority in the legal committee supported the principle of Saami permanent representation.

In November 1994, the leaders of the three Saami Parliaments asked the Nordic Council's presidency to reappraise the question of Saami membership. However, the presidency rejected this request on the grounds that it was desirable that they first gain experience of the Saami's observer status arrangement in the Council. A minority proposal to the session in Reykjavik, that each Saami Parliament nominate a representative to sit on their respective country's delegation to the Nordic Council, which was also the Saami's proposal, was rejected by a majority of 46 members to 12, with one abstention and 20 members absent (see box for excerpts of the discussion). Today we are extremely aware of the dangers which ethnic unrest can pose for democracy and international security but we easily forget that we must also be aware of unrest before it develops into conflict. The many 'ethnic' conflicts since 1989 are not due simply to the end of the cold war, which threw old conflicts out of the deep freezer of cold war politics, but also an increased awareness of identity and a desire for recognition and equality. In *An Agenda for Peace* the UN Secretary General, Boutros-Ghali, emphasised that important principles, such as state sovereignty and integrity and the self-determination of peoples, must

not be allowed to undermine each other. He stressed that the solution to this problem lay in respect for human rights and minority rights and he stressed the need to strengthen marginalised groups' rights to participation.

With similar motives, the Sub-commission of the UN Commission on Human Rights requested Asbjørn Eide of the Norwegian Institute for Human Rights to conduct a study into ways and means of facilitating a peaceful and positive solution to problems involving minorities. The aim of the study was to find constructive forms of co-existence between majorities and minorities on the basis of modern international law. Eide stressed that conflict and cooperation are built into group relations and the real question is, therefore, how conflict can be handled and whether one understands the need to remove barriers for better cooperation in the future. Human rights set limits on collective rights for both majorities and minorities which cannot marginalise rights to individual freedom and equality. What is often overlooked, however, is that this also precludes the right to establish privileges by and for the majority. The purpose of minority rights is to emphasise that there ought to be equality.

Eide's study stresses the use of institutional mechanisms which are not developed in situations characterised by open conflict. Such solutions can contribute in a preventative way to the production of constructive models. Eide mentions the Saami Parliament - with popular elected representative assemblies - as a real possibility in terms of a model for functional and territorial autonomy. It is my opinion that cooperation between the states and the Saami Parliaments towards Saami Nordic representation could produce a clear Nordic profile and contribute in terms of a positive international experience. This important function was stressed

as early as 1983 when the Greenland Home Rule obtained its seat and the position of the Faroes and Aland in the Nordic Cooperation was adjusted. It was suggested that the representation of the self-governing areas was a key element in a Nordic model for democratic cooperation in the Nordic Council which was both peaceful and respectful of minorities.

Since the Saami authorities first put forward their demands for a position in the Nordic Cooperation in 1966, the question has been considered from three main points of view. In 1969 the Nordic Committee on Organisation took a position essentially based on sovereignty which rejected Saami participation on the grounds that, according to its constitution, the Nordic Council was a council of elected representatives of sovereign states and their governments. However, the inclusion of the self-governing areas has led to a situation where this reason and the Committee's other grounds for rejection have evaporated. The report of a Joint Committee of the committees on Saami legal issues in Finland, Norway and Sweden in 1988, was based, rather, on a theory of sovereignty of the people. In the view of the Joint Committee the Nordic Council has changed character with the inclusion of self-governing areas and has become a cooperative forum between the Nordic peoples. The 1993 report to the Nordic Council of Ministers concerning Saami representation presented a functional and pragmatic point of view based on the Nordic Cooperation's objectives and character. According to this understanding it should be noted that, as part of their sovereign system of government, Finland, Norway and Sweden have chosen to establish democratically elected Saami bodies in order to contribute to the realisation of Saami democratic influence and political rights. The Saami Parliaments have competence in essential areas of the

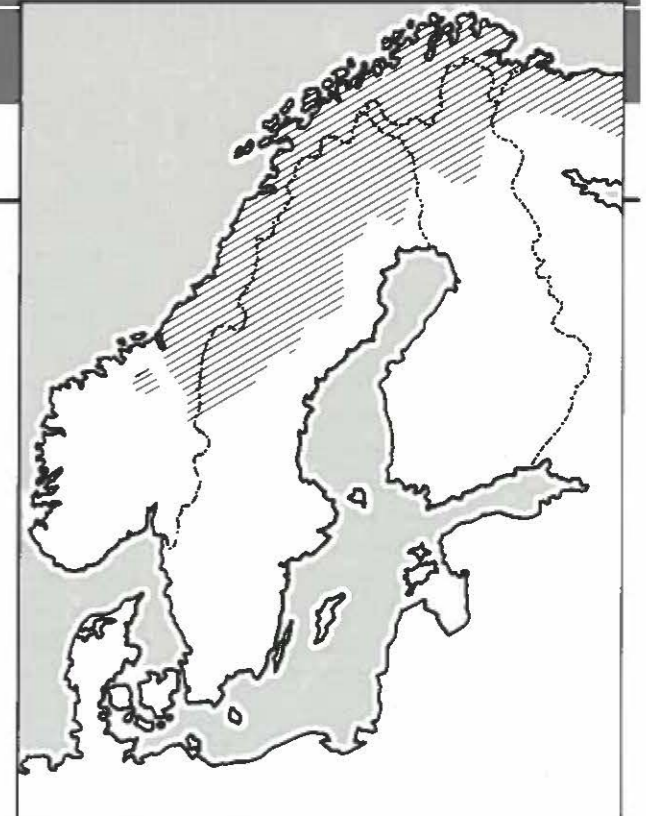
Nordic Cooperation and if the Saami do not take part in this work the question remains as to who is competent to fill this vacuum.

International law poses no special requirements for membership of international organisations, but leaves organisations themselves to regulate the conditions of membership. This situation was established by the International Court of Justice in 1948 when it stated that conditions for acceptance of new members into the UN were exhaustively set out in the Charter of the

UN and there were no external conditions that could be brought to bear on the matter. The criteria for membership are determined, therefore, by an organisation's purpose and by political agreements. This fact is illustrated by the considerable variation in forms of international cooperation.

The Nordic Cooperation Agreement of 1962, including later changes, does not lay down conditions for membership but simply stipulates who can take part in each individual body. Further criteria can be found in the structure of the cooperation which is built around the Nordic Council as a body for the Nordic Parliamentary Assemblies, and in the Agreement's stipulated objectives, which according to the preamble are to further promote the close community - in cultural, juridical and social terms - which exists between the Nordic peoples and, furthermore, to develop cooperation between the Nordic countries.

Therefore, the conditions ought to be well established for Saami participation in the Nordic Cooperation. The Nordic indigenous peoples - Saami and Inuit -



"are an inalienable part of the Nordic community", declared Premier Carl Bildt at the Oslo session of the Nordic Council in 1993. And, as long ago as 1988, the Joint Committee of the Saami rights committees concluded that none of the legal, practical or political arguments used hitherto against Saami representation were very substantial. Earlier in the same year, the outgoing leader of the Council's legal committee had also stated that his understanding was that "the constitution of the Saami Parliament and accompanying self-determination will...be a natural basis for Saami membership of the Nordic Council on a par with Greenland, the Faroes and Aland".

According to this analysis, the question of Saami representation is purely political. Nevertheless, in 1994, the legal committee found that the time was not ripe for full membership of the Nordic Council. According to majority opinion, Saami conditions for membership have still not been fulfilled, and although the earlier formulaic arguments against the Saami no longer bar the way, a new obstacle has been found: the Saami peo-

ples' homelands are not self-governing areas.

However, the legal committee fears a possible negative effect on the Nordic Council's participation in international parliamentary cooperation. The objections to Saami representation are believed to be unfounded, firstly because it is well known that the Nordic Council is not a purely parliamentary body but a cooperative body between elected persons and governments. Secondly, there is both international interest and respect for a constructive Nordic model. In a contribution from the Inter-Parliamentary Union (IPU) to the UN World Conference on Human Rights in Vienna in June 1993, the IPU discussed, among other things, the importance of counteracting the historical injustices against indigenous peoples and stated that the question of representation for minorities can be solved through many different means, including establishing 'a particular parliamentary body' - which the Saami Parliament is. The human rights issue is, moreover, how to ensure minority representation - the suitable form for this must be determined by the parties concerned, the group's specific character and the national situation.

However, it is already clear that there is no formal or international legal obstacle in the way of Saami participation in the Nordic Cooperation. Whether international legal standards are relevant to the Nordic states' handling of the question of Saami participation is another question.

In terms of obligatory human rights laws, Article 25 of the *International Convention on Civil and Political Rights* secures the individual's rights to 'take part in the conduct of public affairs, directly or through freely chosen representatives'. The right to political participation is rather vaguely defined, allowing states discretion to articulate the law in accordance with their own models of society. Nevertheless, the right is not without substance but should be administered without discrimination in form or in fact and without unreasonable restrictions.

In the course of the lengthy negotiations concerning Canada's constitutional reform, certain indigenous organisations took part in the negotiations on an equal footing with the federal and pro-

vincial governments. The *UN Human Rights Committee* found that these negotiations clearly amounted to 'conduct of public affairs' but in 1992 rejected a claim from the *Mikmak* tribal society who were not invited to take part in the negotiations. The Human Rights Committee did not find 'unreasonable restrictions' because it was for the legal and constitutional system of the state party to provide the model for such participation. Article 25 does not imply that any directly affected group, large or small, has an unconditional right to choose the model for participation in the conduct of public affairs.

The Saami Parliaments were established partly to ensure Saami influence over the development of their culture, identity and society, and partly because the Saami cannot achieve effective political participation through the normal political systems of individual states. As an indigenous Nordic people who live across borders, the Saami, presumably, have a right to effective participation in Nordic public affairs. Where does the boundary lie, in a Nordic context, for unreasonable and therefore inadmissible restrictions on the Saamis' right to participation?

There is evidence that the Saami have not participated in drawing up the observer status arrangement and that the arrangement does not ensure any permanent status, and does not fundamentally remedy their dependence on others to achieve their aims. Moreover, we notice that as early as 1970 the Nordic Council recommended that the governments expand the Saami peoples' opportunities to express themselves on matters of particular interest to them. This recommendation was never put into practice and historical experience indicates the need for a substantially more active and direct Saami participation in the Nordic Cooperation if they are to take their place as 'an inalienable part of the Nordic community'. A more active and direct participation would correspond to current developments at the international level and the call for more active participation by minorities in general and indigenous peoples specifically, a development in which the Nordic countries have been a driving force. In 1989, when the ILO rejected the old, paternalistic

and assimilationist-oriented Convention 107 in favour of the new Convention 169 on indigenous peoples, in a common statement the Nordic countries urged: "In our countries, we seek to establish a situation of co-operation and mutual respect between governments and indigenous peoples, with self-identification and cultural freedom as keywords... The keywords in the new instrument are 'co-operation' and 'mutual respect'. The standards set are minimum standards and governments should consider going beyond these".

When Sweden decided in favour of entry into the European Union, the then Prime Minister, Carl Bildt, spoke on the television news about the decisive meaning of EU membership: "The point is being in there, where the decisions are made. You are either part of it - or you're out".

Appendix

From the debate in Reykjavik on Saami membership of the Nordic Council

Arne Andersson (Moderate - Conservative Party, Sweden), Chairman of the Legal committee:

"The Presidency received... a recommendation from the three Saami Parliaments in Finland, Norway and Sweden with a request that the legal committee should be asked to examine in what manner the Helsingfors Agreement should be altered so that the Saami can acquire full membership. The Presidency, however, rejected this request. On this background the legal committee has decided that further moves towards full membership should wait until more experience has been obtained concerning Saami observer status".

Johan J. Jakobsen (Centre - Liberal/Agrarian Party, Norway), Spokesman for the minority. He noted the reluctance on the part of the majority in the legal committee to give the Saami people ordinary representation in the Nordic Council:

"This reluctance is strongly expressed given that the majority.... have not been interested in examining other alternatives for Saami representation than this observer status with no real influence".

Arne Andersson (Moderate)

"The simplest expression of our position is that we in the majority consider the

Saami in the Nordic countries as Finns, Norwegians and Swedes. This is sufficient for us".

Ole Norrback (The Swedish People's Party - Liberal, Finland), Finland's Minister for Nordic Cooperation:

"We in the Nordic countries boast of standing at the barricades and fighting for human rights. And we have done to a considerable degree. But it seems that it is easier to defend human rights and international conventions if the problems lie far away rather than those closer to home. The debate here has shown this to be the case. Personally, I am prepared for the Saami to have membership with full voting rights in the Nordic Council. It is not complicated to find rules to give them that possibility".

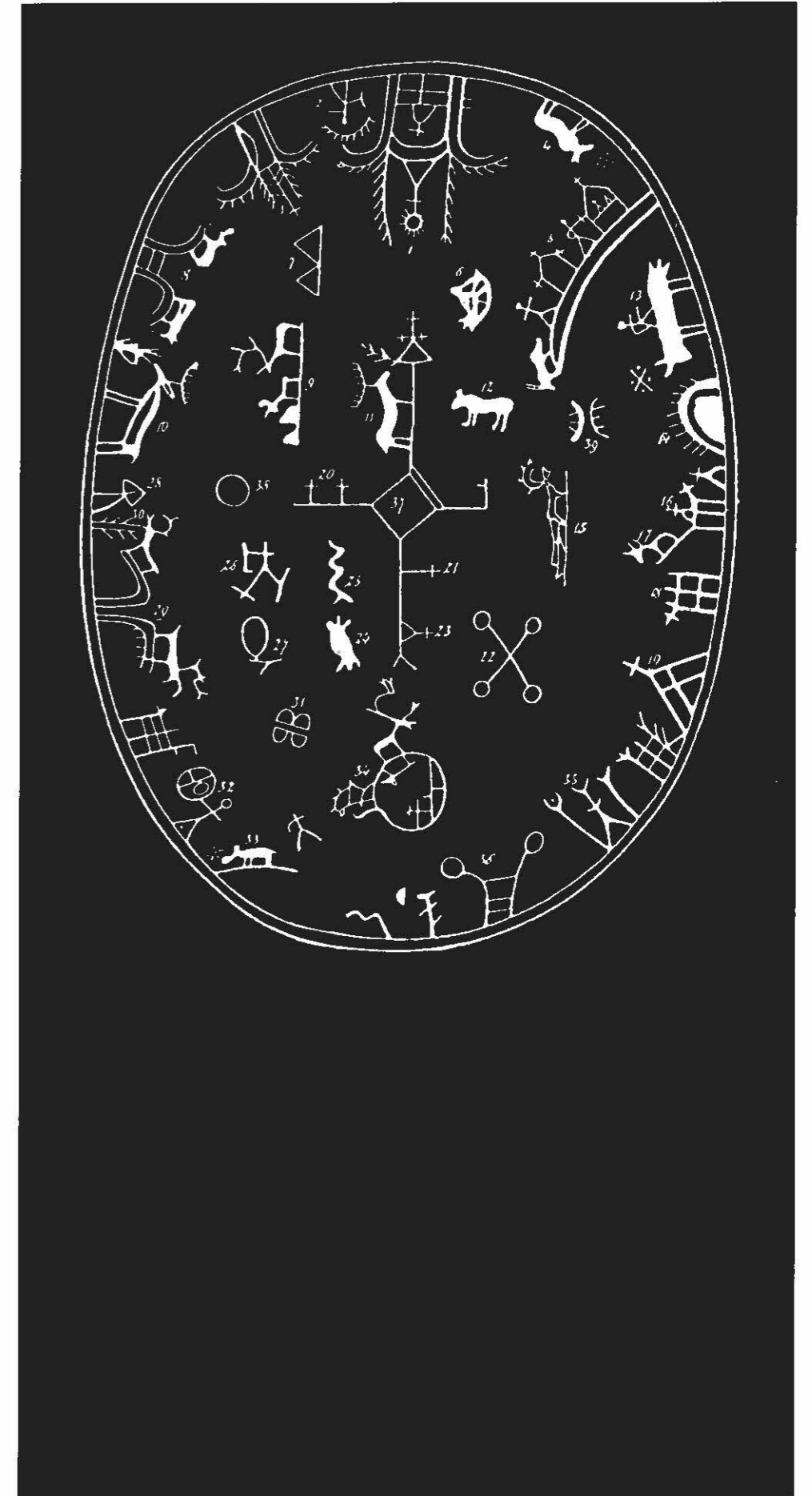
At the end of the debate, Inga-Lill Pavall, the Saami Parliaments' representative was given special permission to talk:

"... We are thankful for the opportunity to take part as observers... But it is not observer status for which we have applied. We have applied for full membership of the Council. ..The Saami need and want full membership of the Nordic Council. The situation is not as stated in the Norwegian documents which have been issued on the matter: 'The three Saami Parliaments have themselves decided not to put the question of membership on the agenda because they have obtained observer status and speaking rights.' This is not so. The Saami Parliaments have not taken such a decision. We have applied for and still want full membership of the Nordic Council.

I believe that Saami membership will not only be important for us Saami, I believe that it will also enrich the whole Nordic cooperation and contribute to the strengthening of the Nordic countries' role in terms of the work being carried out on the question of indigenous peoples".

Extract from the Preliminary Protocol for the Nordic Council's Meeting, 1st March 1995, pp. 113-121.

Jens Brøsted is Associate Research Professor, the Institute for Political Science, University of Copenhagen. □

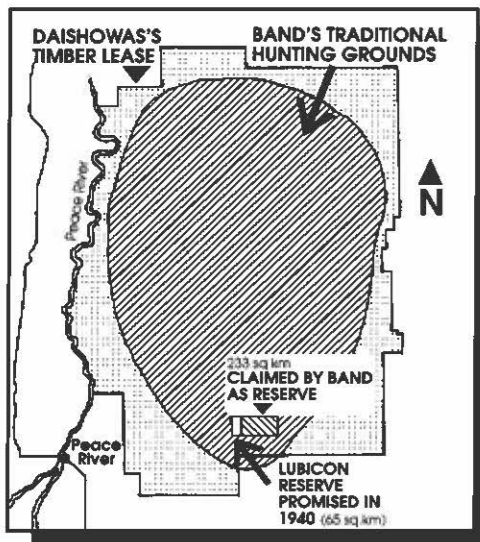


CANADA

THE LUBICON LAKE CREE NATION

closer to extinction?

by Bernhard Bös and Andreas Knudsen



Historical background

The Lubicon Lake Cree are a small aboriginal band or nation, today numbering about 500 people. Their traditional territory, comprising about 4,000 square miles, is situated in north central Alberta, east of the Peace River and north of Lesser Slave Lake. The Lubicon Cree have occupied their hunting grounds since time immemorial and must be considered as rightful land-owners according to international law. They have never ceded their land, nor lost it through military defeat. While Federal government officials in 1899 established reserves for the Indians in northern Alberta and surrounding bands signed Treaty 8, the isolated Lubicon people were not contacted, even though their existence was known. They continued their traditional, self-sufficient life-style as hunters and trappers. In 1918, the Spanish influenza reduced their numbers from several thousand to several hundred. Nevertheless considering themselves

'treaty Indians', and having received annuities, in 1933 the Lubicon Lake Cree petitioned the Ottawa government officially, asking to join the Treaty and be given a reserve at their Lake. In 1939 visiting government officials found them 'clean and well dressed, healthy, bright and intelligent: in other words, people who want to live and do well'. There was even some livestock-raising and farming going on at Lubicon Lake. A recommendation to recognize the Indians at Lubicon as a separate band and establish a reserve of 66 sq. km. for them was approved by Ottawa. Still no treaty was signed, but the reserve was marked on a map and the first chief of the Lubicon Lake Band elected. Weather conditions and cost-saving during the Second World War made a ground survey and final marking of their home territory impossible, thus starting an ordeal for them which continues to this day. Expenditure savings also made a ruthless federal agent arbitrarily remove about 50 per cent of the Lubicon Cree from the band-list, splitting families and removing children from mission schools. Denying them and other bands in northern Alberta recognition as 'true' Indians also reduced native land claims and the size and number of reserves. Thus in 1953, the number of Lubicon Lake band members was further reduced to 30 by transferring names to the neighbouring Whitefish Lake band list. Also, the provincial government deleted the provisional reserves from the books, thereby rendering 20 years of native efforts to achieve recognition in vain.

The reason for this ill-treatment of native Indians can easily be seen in the discovery of large gas and oil reserves in northern Alberta in the 1950s. In 1967, the neighbouring community to the north

of Lubicon Lake, Marten River, was moved eight miles to the southeast on the advice of a missionary; the old settlement was razed and burned. Strangely enough, the land next to it was exploited as the 'Golden Oilfield' shortly after.

In 1975, the Lubicon chief and the headmen of other isolated communities, some seven bands, claimed an interest in 33,000 sq. miles (approximately 53,000 sq. km.) of land between the Peace and Athabasca Rivers, 'by virtue of unextinguished Aboriginal Rights'. The Alberta Provincial government stalled negotiations about registering the caveat when it became clear that it had to accept registration. Instead it prepared retroactive legislation to win the court case; a very questionable and undemocratic measure. Bill no. 29 prohibited caveats on unpatented Crown land. Now the Alberta government felt free to sell oil and gas rights to different companies without Lubicon permission.

Oil and paper companies invade Lubicon Cree territory

While the Lubicon Lake Cree up to 1979 had lived mostly from the bush, their situation now began to change dramatically. The first all weather road into their territory to facilitate resource extraction was finished that year. "Without a single environmental or social-impact study, more than a hundred oil companies entered the previously isolated territory, converting it into the most active exploration and drilling field in the country. Over the next five years, crews drilled more than 400 wells within a twenty-four kilometre radius of the Lubicon community, Little Buffalo. Wagon routes became roads busy with tractor-trailer units. 'No Trespassing' signs went up. Bulldozers buried traps and blocked animal trails. Fires raged out of control; in 1980

alone, fire destroyed as much of the Lubicon hunting area as in the previous twenty years. Animal numbers plummeted. Soon, the oil companies were producing revenues of C\$1.3 million a day, while the Lubicon economy was for all practical purposes destroyed." (J. Goddard, *Saturday Night*, December 1991). As the number of moose shot yearly, dropped from 200 to 19 in 1983, the number of welfare recipients increased from 10 per cent to 90 per cent during the decade from 1979 - 1989.

In 1983, the director of the World Council of Churches' anti-racist programme concluded: "In the last couple of years, the Alberta Provincial Government and dozens of multi-national oil companies have taken actions which could have genocidal consequences". As Lubicon Chief Ominayak summed up: "Our situation is desperate...if we give up now, we're lost for good. The provincial government keeps coming at us from all directions. The federal government is waiting, hoping we disappear. There's lots of stress in the community and a lot of times we feel alone fighting these powerful People" (J. Goddard, 1991, p.3). According to Fred Lennarson, adviser of the Lubicon Cree Nation, stress caused by culture shock led to 18 stillbirths out of 21 pregnancies, alcoholism grew and with it car accident-related deaths, even suicide (the first in Lubicon history). In 1987, a third of the population was afflicted with tuberculosis, typical of the introduction of diseases in the past when native groups first came into contact with the white man.

In 1985, E. Davie Fulton, then Minister of Justice, was ordered by the Minister of Indian Affairs to investigate the



Further negotiations and the Grimshaw Accord

The newly proclaimed independence ended with a

Lubicon case: i.e. land-claims, band affiliation, self-government, hunting-regulations and compensation payments for oil extraction. Fulton concluded decisively that since 1939 the Lubicon Cree had been disadvantaged and exploited and he suggested measures for improving their situation. His report was not even published, and the Federal Government has acted contrary to it since 1986.

The Lubicon people attracted international attention in 1988, when they called for a boycott of the Winter Olympics in Calgary. It didn't come to a boycott. During 1988 the province had sold logging rights for the entire Lubicon territory (10,000 sq. km.), plus the surrounding area, adding to 40,000 sq. km. to the Daishowa Paper Manufacturing Ltd's area of exploitation. This multi-national Japanese enterprise went on to build the largest pulp mill in Canada, processing four million trees a year at Peace River. The Lubicon Cree were not consulted in this sale. By October of 1988, negotiations with the federal government had come to a standstill. The Lubicon Cree decided to take matters into their own hands. They proclaimed themselves the independent Lubicon Lake Nation with their own rights and legislation. During a six-day blockade of the main routes to their claimed reserve and the oil fields, they temporarily reasserted full jurisdiction over their land.

raid by heavily armed Royal Canadian Mounted Police and attack dogs. Twenty-seven of the Lubicon Cree and their supporters, some from overseas, were arrested. Finally, Alberta Premier, Don Getty, was ready to negotiate with Lubicon Chief, Bernard Ominayak, on band demands. It came to a tentative agreement where the Alberta government was supposed to transfer 95 sq. miles of reservation area to the Lubicon Cree. The federal government, on the other hand, refused to live up to its commitments and accommodate the Lubicon Cree's demand of 170 million dollars in compensation for the billions of dollars that have been appropriated out of their land. The 170 million dollars were to be used to rebuild the wrecked Lubicon economy by establishing a new means of livelihood based on farming, small business and wage jobs in the oil industry with some hunting and trapping continuing alongside. Also, the infrastructure was to be improved and new houses constructed. Instead, the federal government offered the Lubicon Cree only \$45 million - an amount which even Don Getty considered inadequate. Thus, the so-called Grimshaw Accord remains unimplemented to the present day. These procedures also show the kind of ping-pong game being played between the provincial and federal governments, in order to wear out the native adversary and win time for further annihilation measures.

So, rather than negotiate in good faith, in 1989 the government of Canada in

1989 engaged in a campaign to undermine the elected Chief and Council. The Lubicon Cree observed agents in the area, sowing dissension and arousing suspicion over the legitimate leaders. To suppress any unease and to give any dissatisfied tribe member the chance to vote for another leadership, Chief Bernard Ominayak held new elections in May but he was unanimously re-elected.

In August that year came another surprise: the Federal Government created the new 'Woodland Cree band' which was to compete with the Lubicon Cree over reservation rights. The Woodland Cree band was registered in only 12 weeks, ahead of about seventy aboriginal societies who had been waiting up to 50 years for band status. The Woodland Cree comprised various individuals from different tribes, among them former members of the Lubicon Cree, who had been bribed to transfer, as well as Metis and even some non-registered Indians. They were given approximately 56 sq. miles of unceded Lubicon territory in a special treaty.

On being questioned, the government cited a little-known clause of the Indian Act, section 17, where 'The Minister (of Indian Affairs) may, whenever he considers it desirable, constitute new bands and establish new Band Lists...if requested...by persons proposing to form the new bands. ...No protest may be made.' This is a "typical government action to divide and conquer," declared George Erasmus, Chief of the Assembly of the First Nations. 'Divide et impera' has been the slogan of colonialists since Julius Cesar. During a meeting in Zurich in August 1989, some 33 human rights organizations - among them IWGIA - from 13 European countries condemned Canada's attempt to split the Lubicon Lake Nation.

In October, the Lubicon Cree sent the Canadian Government an ultimatum: As the tribe's demands were unsettled, the Lubicon Cree were forced to collect royalties from state-owned Petro-Canada and other oil companies, operating illegitimately on their territory. If the State didn't pay these dues within 30

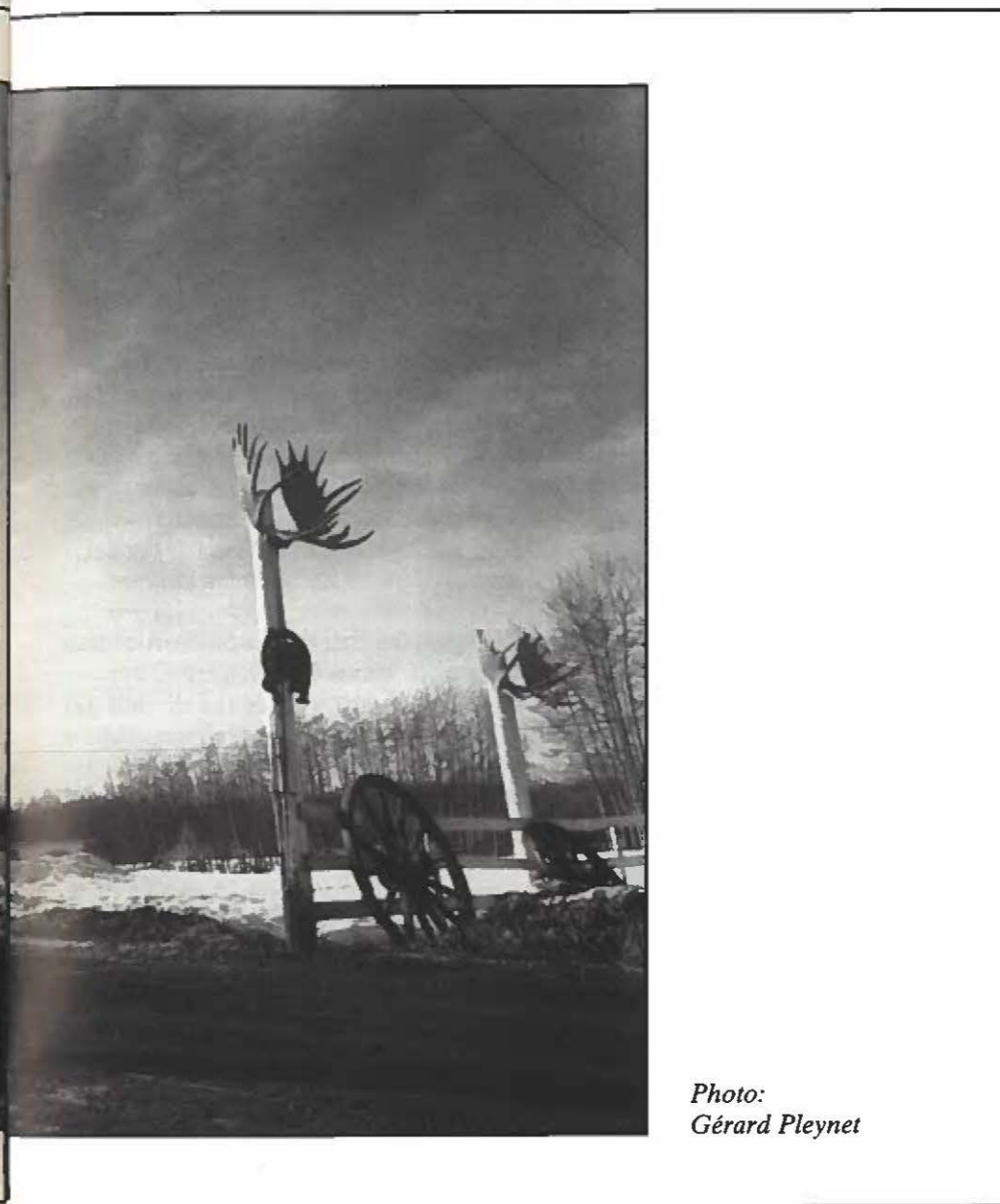
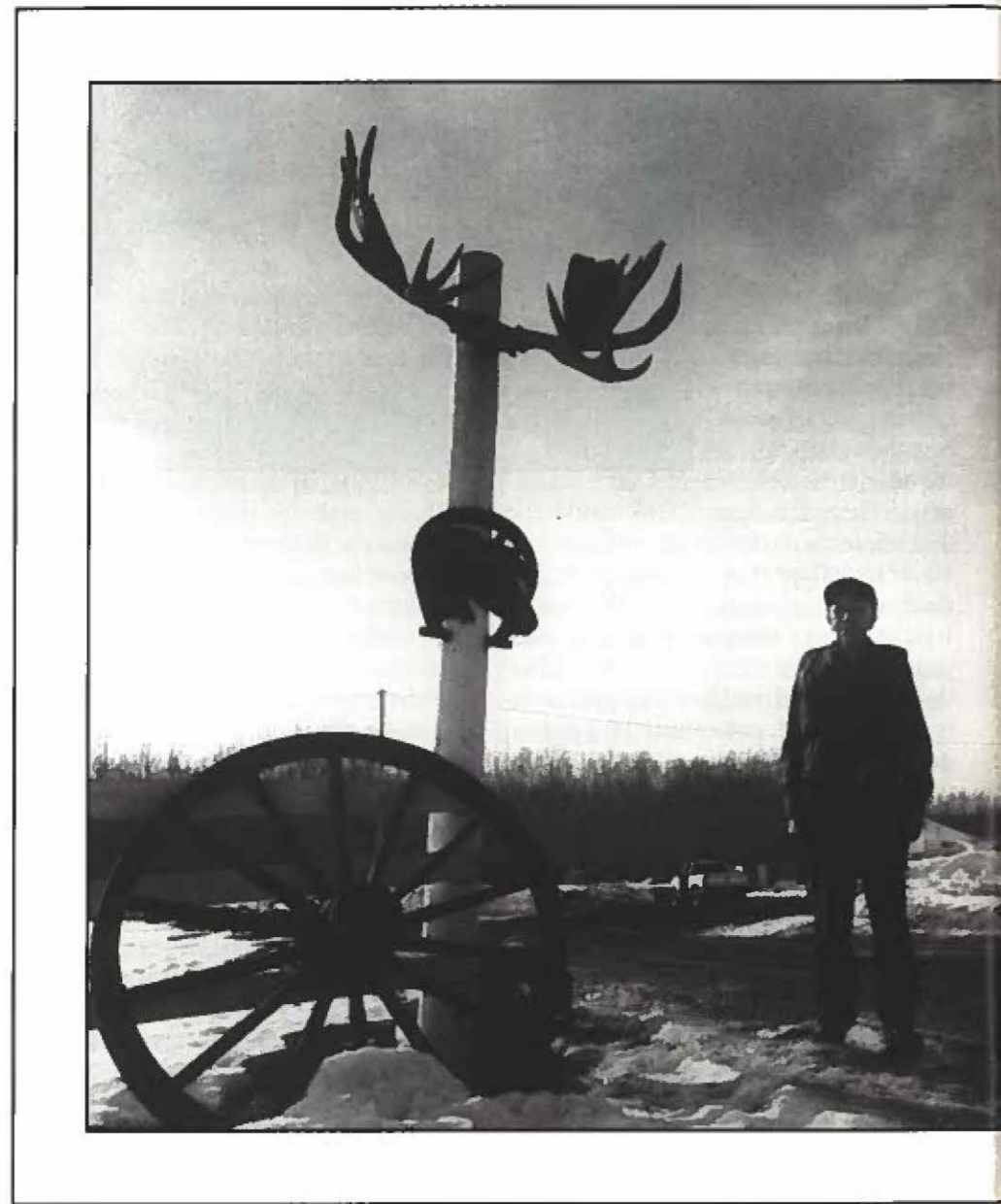


Photo:
Gérard Pleyne

days, the Lubicon People would be forced to close the oilwells - which the oil companies however, did themselves after that period.

Condemnation of Canada

In March 1989, the UN also condemned Canada's treatment of the Lubicon Lake Band. The UN Human Rights Committee Report (CCPR/C/38/D/167/1984) found that the Lubicon Cree could not find redress in Canada and found "historical inequities, to which the State party refers, and certain more developments

threaten the way of life and culture of the Lubicon Lake Band, and constitute a violation of Article 27 so long as they continue." In 1991, the UN even appointed an observer to report on the Lubicon situation. Both UN steps were formerly unheard of against a Western member state.

Boycott of Daishowa paper products

Japanese-owned Daishowa has built a huge new bleached kraft pulp mill just outside the traditional Lubicon territory, which from 1990 onward began consum-

ing 11,000 trees per day from Lubicon territory. Through the use of the chlorine bleaching process, for the pulp mass, forbidden in Japan and Europe, the Peace River was poisoned, which led to protests by environmental organizations. In the same year, the Lubicon Lake Nation therefore extended their halt on oil extraction to logging on their territory, which they said they would maintain until the Federal Government entered into serious negotiations. They rest their argument on the Royal Proclamation of 1763, which gives aboriginal nations the

right to exercise jurisdiction over their traditional land areas, until a treaty is negotiated between the Indians and the British Crown (later, Canada). This means jurisdiction over 4,000 sq. miles and not just the proposed 95 sq. miles of reserve land.

At first, Daishowa promised to postpone their logging activities until the Lubicon Lake Band had a treaty agreement with the two levels of government. But at the end of 1990 it started extensive tree felling on Lubicon territory together with other logging companies. In No-

vember, one logging camp involved was raided and later 12 Lubicon Cree were accused of destroying it. Police began to patrol the area, but the logging on Lubicon territory stopped.

In 1991, the Lubicon Indian Nation began a campaign to boycott Daishowa paper products in both Japan, Europe and Canada. IWGIA, like many other human rights organizations, sent protests to the Canadian government, urging it to resume negotiations with the Lubicon Cree. These protests were ignored. The successful boycott, however, led to new negotiations but these broke down again in August 1992. Chief Ominayak rejected the government's old 1988 offer of \$45 million and continued to demand the \$70 million for community and economic development plus a \$100 million trust fund.

Meanwhile, the Federal Government continued its misinformation campaign about the Lubicon Cree case, i.a. accusing them of being unreasonable in their demands. In a 'standard response' letter to over 50 Canadian Embassies and offices around the world, it was claimed that the Lubicon Band demanded an area of nearly 72,000 sq. km. The truth is that they were asking for approximately 230 sq. km. of reserve under their sole control and undisturbed hunting, fishing and trapping rights over their traditional band territory of approximately 10,000 sq. km. which they had had before the illegal oil-extraction and logging activities began.

In 1992, an independent commission to prepare new and fair negotiations with the Lubicon Nation was set up in Alberta. This Lubicon Settlement Commission of Review, via their Co-chair. In 1994 urged provincial ministries to take three steps:

1. Ensure an immediate end to any involvement by Provincial representatives in any activities which could be construed as inducement to any member of the Lubicon Nation to leave the Lubicon Nation.

2. State publicly, and communicate to the Lubicon Nation and the Woodland Cree Band in writing, that the

Alberta Government remains committed to the Grimshaw Agreement, and that the Province will therefore make available to the Lubicon Nation the 243 sq. km. of land guaranteed by that Agreement.

3. Reaffirm to the Federal Government and the Lubicon Nation the Alberta Government's willingness to



provide \$60 million over a ten-year period as a Provincial contribution to a settlement with the Lubicon Nation.
In January 1995, Daishowa Canada filed an \$8 million law suit against the small Lubicon support group, Friends of

the Lubicon (FOL), which had spearheaded the consumer boycott of Daishowa products. The pulp company had earlier made a commitment to the Lubicon that it would not log on unceded territory until land rights and wildlife and environmental agreements were in place. Daishowa later denied that it had made the commitment and broke it when it bought smaller local companies to cut on Lubicon territory. FOL said it would call off the boycott when Daishowa promises to keep its earlier commitment. Instead, they were taken to court by the pulp company. Now FOL has had to stop its boycott for three months, as a Daishowa injunction against them is likely to be granted. Daishowa will now purchase salvage lumber from resource extraction activities in the general area of Lubicon unceded territory.

Will gas be the final solution of the Lubicon 'case'?

In 1994, Unocal, one of the oil and gas companies on Lubicon territory, built a sour gas (natural gas with poisonous hydrogen sulphide, lethal when accidentally released) plant just outside and upwind of the proposed reserve without the permission of the Lubicon Cree. The 'plant expansion' permission did not mention processing of sour gas. When this became known to the Lubicon they protested immediately. During a regulatory agency hearing, lawyers for the California-based Unocal, working closely with senior Provincial government officials, even argued again that the Lubicon band was not a distinct indigenous society. Instead they belonged to the 'Whitefish Lake Band', which supposedly ceded its rights to the area by 'adhering' to Treaty 8 in 1901.

The demands of the Lubicon Cree

As of February this year Lubicon lawyer, Fred Lennarson, asked in the name of the Lubicon for "no more than other indigenous societies in Canada have received by way of compensation when their lands were effectively taken by the Canadian government:

- to retain 95 sq. miles of the traditional 4,000 sq. mile area for reserve purposes;

- to retain wildlife and environmental protection rights over their 4,000 sq. mile traditional territory;
- for C\$70 million in 1988 value to develop their 95 sq. mile reserve area for agricultural purposes and as a place where they can live their lives, raise their families and be responsible for their own affairs;
- for the same rights and programme benefits received by all other officially recognized 'Indians' in Canada;
- for C\$100 million in 1988 value for financial compensation to establish an interest-generating investment fund so that the Lubicon people will have an independent source of interest revenues in perpetuity and will not be dependent upon largesse from the Canadian government to do what they determine they must do as an independent, self-reliant society."

The Minister of Indian Affairs has finally informed Chief Bernard Ominyak that he has appointed a negotiator for the Lubicon dispute, though without the promised consultation with those concerned. The negotiator has strong links with the Alberta oil and gas industry - nevertheless, the Lubicon people hope that the conflict can be resolved quickly.

On the other hand, the Lubicon Cree are concerned that this might be the final push against them. There is an increased police presence in the community. Community members were told that they should rather become members of other bands such as the Woodland Cree, 'since there won't be Lubicons around for much longer' (E. Bishop, Aboriginal Rights Coalition, Box 5333, Peace River, Alberta, T8S 1R9 Canada, February 1995).

It seems that Canada, like other huge but sparsely populated countries, has a 'vastness of the country - don't care mentality' in which 'our ecological sins will not catch up with us, at least not in our generation'. This is the white linear way of thinking (get rich quick - we live only one time) as opposed to the cyclical and preserving view of the Indians. Why

not make the Lubicon People custodians of their own hereditary grounds for the benefit of all?

The Lubicon Cree are asking supporters for the following action:

1. As much publicity about the situation as possible;
2. Write, telephone or fax the Canadian Government;



*Photo:
Gérard Plejnet*

3. Write, telephone or fax the Alberta Government;
4. Write, telephone or fax the Unocal and Daishowa. □

The Establishment of a United Nations Permanent Forum of Indigenous Peoples

and Autonomous Assembly of Indigenous Peoples

by Ramón López-Reyes

Introduction

The topic of a permanent forum of indigenous peoples has been gaining attention in recent years. The issue was formally addressed at the 1993 World Conference of Human Rights in Vienna. As a result of this intervention, the General Assembly, in its Resolution of December 1993¹, requested the Commission on Human Rights to consider the establishment of a permanent forum of indigenous peoples. When the Commission of Human Rights convened in March 1994, Denmark proposed the establishment of a permanent forum for indigenous peoples. The Commission on Human Rights, in turn, requested the Working Group on Indigenous Peoples to "give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its suggestions for alternatives, through the Sub-Commission on Prevention of Discrimination and protection of Minorities, to the Commission on Human Rights at its fifty-first session" in its twelfth session (1994)².

The Working Group considered the

establishment of a permanent forum during its twelfth session in July 1994. The Working Group's conclusions and recommendations are found in the report submitted by the Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene A. Daes, to the Sub-Commission on Human Rights³. The primary conclusions and recommendations were:

- the Working group believed that an ongoing process of consultation and agreement with indigenous peoples and Governments was required in order to deal justly with that important subject;
- The Working Group was of the opinion that the forum should enjoy observer status at all United Nations bodies that impact on operational coordination for development
- the Working Group believed that, at the current stage, a permanent forum might be the most appropriate mechanism for assuming the responsibilities for the program of action adopted in 1992 by the United Nations Conference on Environment

and Development

the Working Group believed that it would be useful to hold further consultations on the question and encouraged Governments and indigenous organizations, together with experts, to consider how they could contribute to the further elaboration of the proposal with a view to presentation at the thirteenth session of the Working Group in 1995.

The purpose of this paper is to contribute to the general discussion on the establishment of a permanent forum of indigenous peoples. This paper examines the permanent forum, however, in context of the overall needs of indigenous peoples for viable institutions to fulfill these needs.

Background

The Government of Denmark, in its "Strategy for Danish Support to Indigenous Peoples" noted: "The crucial issues when discussing the rights of indigenous peoples is the recognition of these peoples' right to self-determination⁴. There is a

historical basis behind this demand by indigenous peoples for the right of self-determination.

After World War I, President Wilson of the United States included in his "14 Points" Peace Plan the idea that "peoples" should have the right to self-determination. In 1919, "peoples" was limited to peoples of a State. This concept led to the recognition of the sovereignty of various peoples (States) to include Czechoslovakia, Estonia, and Poland. In 1919, "peoples" did not refer to colonial or indigenous peoples.

In the period following World War II, two theses were presented concerning "peoples" with the right to self-determination: the "Salt-Water Thesis" which pertained to territories not contiguous to the Metropolitan State, and the "Belgian Thesis" which pertained to territories within a Metropolitan State. The "Salt-Water Thesis" was accepted but not the "Belgian Thesis"⁵. The "Belgian Thesis" was rejected because it was perceived to address peoples of nation-states within a Metropolitan State such as the Soviet Union. The decolonization process, therefore, focused only on overseas non-self-governing territories and on the colonized peoples in these territories. Other peoples, including colonized indigenous peoples were classified "minorities" and accordingly, did not enjoy the right to self-determination. At the end of the debate, decolonization was restricted to colonies ruled by Western European Colonial States and not to internal colonies.

In comparison, indigenous peoples do not differ from colonized peoples; both were the objects of external invasion. The only difference is that the latter are ruled by external colonial powers, while the former was ruled by internal or metropolitan colonial powers. Colonized and indigenous peoples experienced the same sequence of invasion and introduction of new cultures. While the colonized peoples have for the most part ejected the invader, indigenous peoples continue to experience the invaders' permanent act of aggression.

Because the "Salt-Water Thesis" was accepted, the colonized peoples within a State (for example, Central Asian peoples within the former Soviet Union and indigenous peoples in Brazil) were declared not to possess the right to self-

determination. In this context, indigenous peoples would have the right to self-determination if the Metropolitan Colonial State were external, that is, "overseas". One author hypothesized that had the "Belgian Thesis" been followed, it "would have extended the concept of non-self-governing territories to include the disenfranchised indigenous peoples living within the border of independent States, especially if the race, language, and culture of these peoples differed from those of the dominant population"⁶. It was only during the closing years of the Cold War that indigenous peoples increasingly brought attention to the "flawed" reasoning of the "Salt-Water Thesis". In 1982, the Sub-Commission on Prevention of Discrimination and Protection of Minorities established a Working Group on Indigenous Populations to review national developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous peoples: and develop international standards concerning the rights of indigenous peoples... These standards have led to the preparation of the Universal Declaration of Rights of Indigenous Peoples⁷.

In November 1989 the dismantling of the Berlin Wall heralded the end of World War II. The Malta Summit of December 1989 "officially" declared the war over. But contrary to the termination of World Wars I and II, the end of the Cold War, or, rather, the end of World War III, did not produce a new international organization empowered to address the unique issues of the post-war era. The absence of preparation for a new post-war era precluded the international community

from readying itself for the onslaught of internal conflicts which emerged in various States, for example, in Yugoslavia, and in several of the former Soviet Republics. The demand for self-determination of peoples within Metropolitan States has emerged in a terrifying way in the post-World War III era. In a manner of speaking, these conflicts represent work left undone after World War regarding the self-determination of peoples. The above assessment indicates shifts in the meaning of peoples who possess the right of self-determination. (See Chart 1.) The post-World War I era defined the right of self-determination to mean peoples of a State. After World War II, the definition changed and colonized peoples were designated to have the right of self-determination. It appears that another shift in definition will occur in the post-World War III period, namely that indigenous peoples possess the right of self-determination.

In the wake of continuing opposition by member states of the United Nations to include the right of self-determination in the Declaration of Rights of Indigenous Peoples, numerous indigenous peoples have petitioned the Working Group on Indigenous Peoples to hold fast and keep the right of self-determination for indigenous peoples in the Declaration. Several countries "have argued against recognition of the right of indigenous peoples to self-determination. These countries fear that if such rights are invoked, the nation states in question could dissolve"⁸. Just as it took time and much struggle in the post-World War II era for the international community to accept that colonized peoples possessed the right

Chart 1

Period	Peoples Identified for Self-Determination	New International Organization
Post-World War I	Peoples of nation-states	League of Nations
Post-World War II	Peoples of "overseas" colonized territories	United Nations
Post-World War III	Peoples of "internal" colonized territories	No new organization yet

of self-determination, so too will it take time and much struggle in the post-World War III era for the international community to accept that indigenous peoples have the right to self-determination.

In short, the question of a permanent forum, from an indigenous perspective, is not about obtaining observer status on certain United Nations bodies or about participating on matters of development controlled by metropolitan states, but about securing the right of self-determination. In the widest sense of the word, "self-determination" "is the right to control one's own future". Therefore, a permanent forum of indigenous peoples should above all, enhance indigenous peoples to control their future.

Autonomous Assembly of Indigenous Peoples

For twelve years indigenous peoples have gathered in Geneva and each year, as Julian Burger wrote, "more and more indigenous peoples make the pilgrimage to the United Nations to push open the door of the international arena a little bit more"¹⁰. In the week prior to the Twelfth Session of the Working Group, indigenous peoples participated in a Technical Meeting to discuss the United Nations Decade of Indigenous Peoples. The indigenous peoples selected two vice-presidents to join with the Chairman-Rapporteur who was selected by member states of the United Nations to manage the Meeting and to prepare the final report of the Technical Meeting. On the weekend prior to the actual meeting of the Working Group, indigenous peoples met by themselves to discuss various issues regarding the Working Group's agenda. This selection of indigenous peoples to join with an United Nations administrator, and gathering on their own initiative-suggest the possibility that indigenous peoples can organize themselves and appoint individuals to represent them at United Nations meetings. A question surfaces: After twelve years of convening under the direction of the Working Group on Indigenous Populations, are indigenous peoples ready to convene under their own authority and support a united policy?

Besides drafting a Declaration on the Rights of Indigenous Peoples, has the Working Group succeeded in coalescing indigenous peoples into a single body?

It is clear that the proposed permanent forum will not be an indigenous organization but an United Nations agency which will, at best, institutionalize a "dialogue between indigenous peoples and governments on all issues of direct significance to indigenous peoples, i.e. not only human rights"¹¹. Such a permanent forum indeed elevates indigenous input beyond that possible at the Working Group level, but it still leaves indigenous peoples completely "dependant" on the United Nations.

An alternative to such dependence is the creation of an Autonomous Assembly of Indigenous Peoples with the capability, among other things, to convene on its own authority, agree upon collective goals, conduct appropriate studies, and appoint members to represent the Autonomous Assembly on the United Nations Permanent Forum of Indigenous Peoples.

The Autonomous Assembly of Indigenous Peoples, organized as a Non-Governmental Organization, could receive support from nation states that are sensitive to the needs of indigenous peoples. For example, the Danish Government asserted that "top priority will be given to support the establishment of the indigenous peoples' own organizations, since this will help them formulate their own needs and development models"¹². Floyd Heavyrunner, member of the Native American Blackfoot Federation, voiced the opinion "that the indigenous peoples, in spite of their great differences, need to commit themselves to a single arrangement, in order to challenge the control still in the hands of the state government"¹³.

During the past decade a number of indigenous organization have listed themselves with the Center for Human Rights in Geneva. The UN Document, "List of Indigenous Organizations," names over 200 indigenous peoples, nations and organizations throughout the world¹⁴. In addition, there are numerous organizations that support indigenous peoples. The European Alliance with Indigenous Peoples, in its publication "Getting in Touch: A Guide for Indigenous Peoples to the European Union's Institutions", lists over 60 support organizations in Europe¹⁵. Given, on the one hand, the need to strengthen their leverage in the

international community and on the other hand, the varied human resources available, it is conceivable that during the initial years of the Decade of Indigenous Peoples (1994-2004), the indigenous peoples may establish an Autonomous Assembly.

It is not the intent of this paper to discuss in detail the organization or scope of the proposed Autonomous Assembly, that should be left to subsequent discussions. Rather, the intent is to frame the proposed Permanent Forum of Indigenous Peoples in context of a larger perspective. This larger perspective centers on how best can indigenous peoples organize themselves to secure and advance their right of self-determination.

Indigenous Representation on the Permanent Forum of Indigenous Peoples.

In context of the above, the Permanent Forum of Indigenous Peoples would consist of representatives of member states of the United Nations and representatives of the Autonomous Assembly of Indigenous Peoples. It is recommended that the Permanent Forum be placed directly under the General Assembly and that the Permanent Forum act as a consultative organ to insure full participation of indigenous peoples at all levels of United Nations operations. In particular, the indigenous members on the Permanent Forum would have the mandate (a) to submit interventions at all levels and organs of the United Nations when issues of indigenous peoples are under discussion, (b) to provide recommendations on critical issues regarding indigenous peoples to appropriate organs of the United Nations, and (c) to advise United Nations organs (that will be required to solicit such advice) to take under review and study any issue impacting on indigenous peoples. (See Chart 2.) The Autonomous Assembly would periodically furnish their representatives on the Permanent Forum guidance on what policy and strategy to follow. Selection of representatives to the Permanent Forum would be made according to procedures established by the Autonomous Assembly. Besides participation on the Permanent Forum of Indigenous Peoples, the Autonomous Assembly would organize:

Indigenous peoples Tribunal

The Danish Government has stated its intent to "consider whether an authority within the UN system should be established to which complaints related to the problems of indigenous peoples could be addressed"¹⁶. Once the Declaration of the Rights of Indigenous Peoples has been approved by the United Nations General Assembly, there will be a requirement to rule on violations of the indigenous rights. In this respect a need exists for a Tribunal System with which violators can be brought to judgement. Unless incorporated within the jurisdiction of the Permanent Court of Justice, the Indigenous Peoples Tribunal would not have any "enforcement" authority recognized by sovereign states. However, the proposed Tribunal System would have the capability of adding to international law and at the same time, providing indigenous peoples with the truth of what occurred. In short, such Tribunals would act as "truth reports". A variation of a Tribunal System is an "legal advisory instrumentality". For example, the Unrepresentative Nations and Peoples Or-

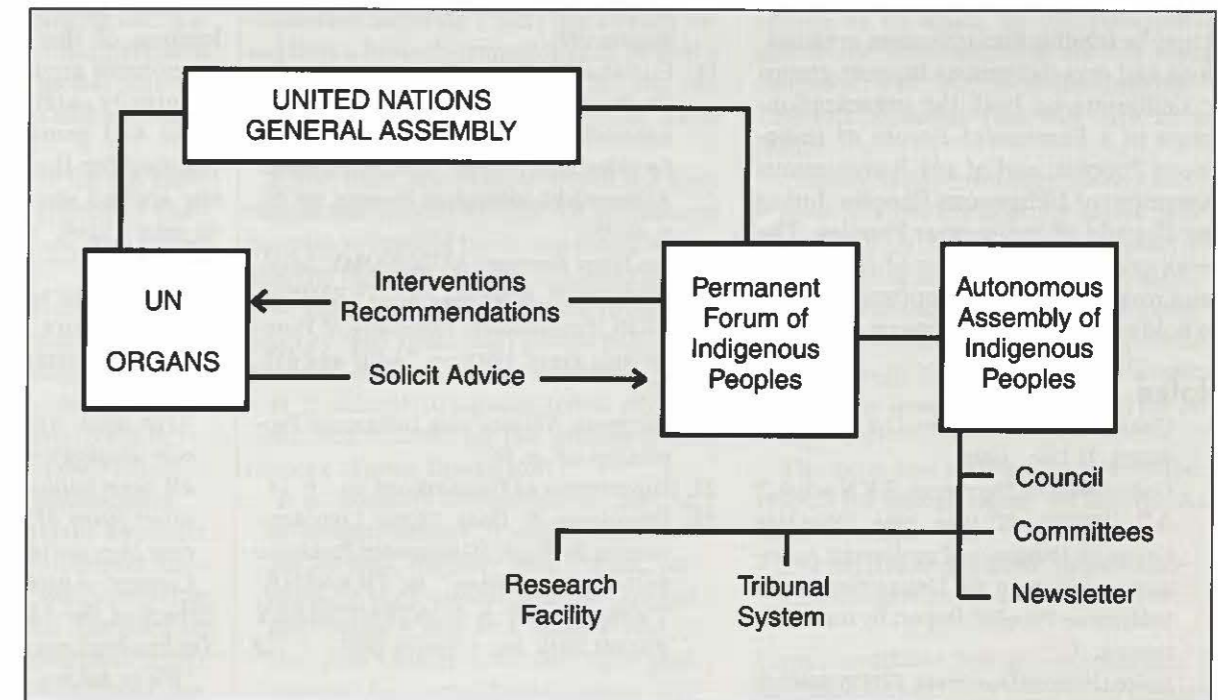
have been subjected in the past, and still are": (b) its acknowledgement that "the UN has recognized the right to intervene when fundamental human rights are under serious threat", and (c) its call for "appropriate budget lines to be clearly allocated for the defence of the rights of these peoples,¹⁸ may be willing to provide the resources to establish a Tribunal System or a legal advisory instrument. However it must be clear, that the Tribunal System or advisory instrument must not be a "European" institution. Rather, the European Union would lend its support to assist indigenous peoples to establish the needed juristic institutions.

Indigenous peoples Research on Self-Determination Models

Whereas the process of self-determination during the period of external decolonization focused largely on independence, such emphasis may not be appropriate for all indigenous peoples. Much study will be necessary to explore the alternatives of free association and autonomy¹⁹. For this reason, there exists a need to establish a research capability in

ing this institution. The European Parliament already has announced the undertaking to set up "an inter-parliamentary delegation composed of this Parliament and representatives of indigenous peoples and instructs its Subcommittee on Human Rights to monitor questions concerning their rights..."²⁰. The research facility may well begin with such an inter-parliamentary delegation to explore critical questions and later, establish a Research Center to provide answers for these questions. The Danish Government also noted a need for a research capability: "In order to urge on the development of locally adapted models of agreement between indigenous peoples and states, Denmark will seek to promote research and the dissemination of information on this issue"²¹. Rather than secession, Madam Daes, Chairperson of the Working Group, called for a new partnership between indigenous peoples and metropolitan states in order to assure the self-determination of the former²². If this partnership is to be accepted, then the various forms that it may take will require extensive study.

Chart 2



ganization (UNPO)¹⁷ has the capability to assemble legal experts to hold hearings, review relevant materials on a particular matter, and render an advisory opinion. Also, the European Union, given (a) its dismay "by the violence of every kind to which indigenous peoples

order to conduct such study and to assist the Autonomous Assembly of Indigenous Peoples to develop policy regarding self-determination. The research facility would be charged to develop new self-determination models. The European Union may also play an important role in develop-

Autonomous Assembly Council and Committees.

The autonomous Assembly of Indigenous Peoples would appoint an Administrative Council and established the necessary committees to develop policy and prioritize objectives.

Autonomous Assembly Newsletter.

The-Autonomous Assembly of Indigenous Peoples would publish a periodic Newsletter to inform members and non-members of policies, objectives, and developments.

Conclusion

Whereas the First World War freed peoples in Europe and the Middle East from authoritarian imperial regimes (German, Austrian, Russian and Turkish), and the post-Second World War period freed (mostly through violent means) many peoples in Africa and Asia from Western European colonial exploitation, the post-Third World War era may lift or free the indigenous peoples-throughout the globe from the oppressive rule of Metropolitan Colonial States. The Permanent Forum of Indigenous Peoples represents a step toward empowering indigenous peoples. A more empowering step would be the establishment of an Autonomous Assembly of Indigenous Peoples so that the collective strength of indigenous peoples can consolidate to further the self-determination of indigenous peoples.

It may be feasible for indigenous organizations and non-indigenous support groups to deliberate on both the organization-scope of a Permanent Forum of Indigenous Peoples, and of any Autonomous Assembly of Indigenous Peoples during the Decade of Indigenous Peoples. The week prior to the sessions of the Working Group suggests an appropriate time to hold extensive discussions on this topic.

Notes

1. United Nations Document, GA Resolution 48/163, 21 Dec., 1993.
2. United Nations Document, E/CN.4/Sub.2/AC.4/1994/11, 22 June 1994. "Working Group on Indigenous Populations: A Permanent Forum in the United Nations for Indigenous Peoples' Report by the Secretariat, p. 1.
3. United Nations Document, ENCN.4/Sub.2/1994/30, 17 August 1994.
4. Government of Denmark, STRATEGY FOR DANISH SUPPORT TO INDIGENOUS PEOPLES. Copenhagen: Ministry of For. Affairs, July 1994.
5. Michla Pomerance, SELF-DETERMINATION IN LAW AND PRACTICE. The Hague: Martinus Nijhoff, 1982 p. 15.

6. Ibid., p. 82 n. 72.
7. United Nations Centre for Human Rights Publication, "The Rights of Indigenous Peoples: Fact Sheet #9", Geneva: 1990.
8. Government of Denmark, op. cit., p. 11.
9. Ibid., p. 10.
10. Julian Burger, "The United Nations and Indigenous Peoples," in INDIGENOUS PEOPLES AND INTERNATIONAL ORGANIZATIONS. Ed. Lydia van del Fliert. Nottingham, England: Russell Press Ltd., 1994 p. 90.
11. Government of Denmark, op. cit., p. 12.
12. Ibid. p. 19.
13. Heide Moksnes, "Culture Is How We Survive." in INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS (IWGIA) NEWSLETTER. Copenhagen July-September 1992, p. 27.
14. United Nations Document, ENCN.4/Sub.2/AC.4/1994/CRPol, 1 June 1994.
15. European Alliance with Indigenous Peoples, "Getting In Touch: A Guide for Indigenous Peoples to the European Union's Institutions." Antwerpen, Belgium: De Wrikker, 1994. 16. Government of Denmark, op. cit., p. 3.
17. See Publication of UNPO "Unrepresented Nations and Peoples Organization," The Hague: 1991.
18. European Parliament Document A3-0059/93: Resolution on action required internationally to provide effective protection for indigenous peoples. Cited in European Alliance with Indigenous Peoples, op. cit. p. 44-45.
19. See Hurst Hannum, AUTONOMY, SOVEREIGNTY, AND SELF-DETERMINATION. Philadelphia: University of Pennsylvania Press, 1990: pp. 74-103 and 453-477.
20. European Alliance with Indigenous Peoples. op. cit., p. 45.
21. Government of Denmark, op. cit., p. 14.
22. Erica-Irene A. Daes, "Some Considerations on the Right of Indigenous Peoples to Self-Determination" in TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS. No. 3, Spring 1993. □

The wave of international concern for vanishing biological diversity has identified a new field for prospecting - vanishing peoples. The US-based 'Human Genome Diversity Project' is intent on collecting tissue samples from 700 endangered indigenous societies, whom it refers to as 'isolates of historic interest'. It aims to 'immortalise' them, by establishing viable cell lines in laboratories, in order to search for unique DNA sequences that may offer clues to genetically-caused diseases and to potentially lucrative cures.

This fascinating television documentary, by independent TV producer Luke Holland, confronts us with the moral dilemmas of this 'genetic goldrush'. The proponents argue that the collection, and eventually patenting, of rare human cell-types and genes from these peoples is justified for the 'greater human good' - the applied science provides a short cut to new cures. The peoples themselves, however, have rather different opinions, as this film so sensitively brings out. Explains Leonora Zalabata, spokeswoman for the Arhuaco people of northern Colombia:

'Our land, our culture, our sub-soil, our ideology and our traditions have all been exploited. This could be another form of exploitation. Only this time they are using us as raw materials'

George Annas, Professor of Medical Ethics of the Massachusetts Institute of Technology agrees:

'We're taking from them their DNA, which we now consider like gold. Its even worse than standard colonialism and exploitation because we are taking the one thing that we value. And after we take that we have no real interest in whether they live or die.'

FILM REVIEW: THE GENES HUNTERS

by Marcus Colchester
World Rainforest Movement

Nor has Ray Apodaca of the National Congress of American Indians much sympathy for the 'pure science' justification of this research - that it will reveal the history of human migrations.

'We know where we came from, and we know who we are, and we think we know where we are going. Why do we need to know anything else? I mean, is this for their benefit? It certainly isn't for ours.'

He reminds us of earlier 'scientific' investigations into the unique characteristics of native Americans, which led to hundreds of Indian graves being robbed in the last century to measure skull sizes and estimate racial intelligence. Taking people's blood and other tissues in the name of science and global benefits today is not very different and has led to bitter recriminations.

Behind the new rhetoric lie the same attitudes, which treat indigenous peoples as inferior and ignorant, and therefore deny their rights.

'They haven't been honest. They haven't told the indigenous authorities what they are looking for. We think the way they have taken away these samples is arbitrary. We don't want to be guinea pigs for their experiments' explains Leonora Zalabata.

The complaint highlights the key issue in this moral debate - 'informed consent'. Do the individuals who are giving these samples know what happens to them? Are they consulted about further applications of the scientific findings? Are they assured of a share of any benefits? High in the Sierra Nevada in Colombia we learn the truth, as geneticists from the Bogota-based Genetics Institute, accompanied by scientists from the pharmaceuticals giant Hoffman-La Roche,

draw blood from isolated *Asario* Indians.

'In fact, we don't tell every community that we are immortalising their cells' Dr Alberto Gomez admits to camera. On the contrary, we learn, the Indians are persuaded to allow their blood to be taken because the visiting doctors offer them one-off medical treatments, which these isolated peoples otherwise have little chance of obtaining.

Nor, we learn later, do the communities get informed about any scientific findings. Patents are being taken out without the knowledge and consent of the local people. Indeed in a startling test case documented in this well researched film, the California Supreme Court has already ruled that a biotech company may patent a person's genes even where he has not only refused to give his consent but taken the matter to court.

Here, then, is a process which not only denies the collective rights of indigenous peoples to control their own destinies but also the individual rights of US citizens to own their own cells. Business profits get priority and there are, potentially, hundreds of millions in the making.

Is it ethical to ignore tribal peoples' rights and interests for the 'greater good'? George Annas thinks not:

'It is virtually impossible to get the informed consent of indigenous people for this. Number one, I think, because if they understand the project they would refuse and, number two, if they don't understand they can't give consent. So it is total exploitation. It is taking things which can be of no benefit to them.'

Scientists, however, are concerned that there may never be another chance to take their samples: the peoples may die out taking their genetic secrets with them.

One way out of this conundrum might be benefit sharing; entering into contracts with indigenous peoples to ensure that they get a cut of any profits. It's a problematic suggestion. In the first place, as the film reminds us, most indigenous people have learned to mistrust foreigners' false promises. They will be hesitant to enter into new agreements based on trust. And, if there is to be benefit sharing, how will you ensure that the profits return to the community in an appropriate form and who will vigilate the honouring of agreements?

The producer's sympathies for the rights of the indigenous peoples are clear, but he leaves us to make up our own minds about the best solutions to this moral dilemma. For me, it is the lessons of Leonora Zalabata that will stick in my mind:

'Science and technology solve problems, but they are also aggressive. But our way of looking after humanity and helping to save the world, of looking after the earth and making a brotherhood of mankind is done without technology. Our technology is in the head, the heart and the spirit. That is different.'

The only just solution is to enforce a respect for human rights. As George Annas concludes:

'We need to secure their future as peoples, not just immortalise their genes.'

Copies available free to organisations in the Third World from: Television Trust for the Environment, Prince Albert Road, NW1 4RZ, England. Fax: +44 171 586 4866. □

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Gaddis on the Run

by
Minoti Chakravarty-Kaul

The Story of the *Gaddis* with their homeland in Gadderan and other pastoral people like the *Gujars* is increasingly tied up with the exploitation of natural resources in the foothills of the Himalayas. The Thein Dam in Guardaspur district illuminates. It is being constructed at a point on the Ravi where it pierces through the Siwaliks on its way to the plains. Just at this point on the left bank of the river lies the Shahpur Kandi Forest. The reservoir - Ranjit Sagar will consequently submerge parts of it and serve as a catchment for all the small hill rivulets like the Karnal which runs through the forest tract. In the process it will drown not only valuable croplands of sedentary cultivators in large sections of some thirty odd villages in the tract, but will also put an end to the grazing resources of a transhumancing people - the *Gaddis*. The Forest Officials of Punjab will also witness the most important forest in the State go under water.

This forested tract complements resources of two pastoral regions at two different times of the year. This is because the tract gets sufficient rainfall to support agriculture and yet is comparatively frost free and dry in winter. Therefore the tract can give refuge to herds of

sheep and goats in winter which cannot survive the frozen alpine regions in the Upper Himalayas; while it can take on the heavier cattle after the rains. Both these features contribute towards relieving pressure on the more fragile ecosystems of the Upper Himalayas. Thus are preserved the lush pastures above the tree line and on the steep slopes which only nimble footed animals and their equally agile shepherds can tackle. The access to these are guarded by snow cover on the passes and the treacherous storms which blow over them for greater parts of the year, but can afford summer pastures.

Such conditions enforce nomadism on pastoralists as a rational response to uncertainty. *Gaddis* for instance have chosen transhumance to alternate their use of these pastures in the upper regions with those in the Siwalik forests below. This indicates the importance of the Siwaliks in general and Shahpur Kandi tract in particular within the ecology of the Himalayas.

At stake here is a whole system of property rights. In question here is not just the material loss to people but the ruination of a form of joint governance - a political system. As the dam engulfs the pastoral resources it will also termi-

nate a long-standing relationship between those who can best be described by a term - which Gandhi used «trustees» of the Himalayan environment. How else can one define a group of people who have jointly battled with natural disasters like flood, famine, earthquakes and plague?

Their use of the Himalayan pastures has been treated as «tolerated» customary usage with no existing «legal» record. Hence no court need take cognisance of these customs, leave alone compel a Government to compensate the *Gaddis* for their loss of grazing resources in the forest. Therefore one of the main actors in this institutional set-up - the *Gaddis* - will lose out more, because they trusted the political system in post-independent India would honour transhumancing as their way of life. With the situation as it is today, the shepherds realise that they are but naive pawns in power struggles inherent in a democracy; and that majority votes can «drown» minorities. Presently, a hydro-electric project which on the face of it is intended to empower people will actually strip the nomads of even their basic right to choose a way of life.

The Dam has thus succeeded in creating an «institutional» diaspora. The *Gaddis* can no longer depend on the residents of the Shahpur Kandi villages to support their transhumancing life-style. The cultivators have succumbed to «money illusion» and fear their own chances to secure jobs on the dam(n) project will be jeopardised in case they honoured their reciprocal commitments to the *Gaddis*. Nor can they hope for the support of the Forest Department.

The option before the *Gaddis* need not be too limited because the Government of India has been generally benign. We can only mention some of these here without going into any detail. But, the situation may not remain the same. At present the Census has recorded them as scheduled tribes which carries some privileges. Then the *Gaddis* have formed a Trade Union with a claim of 6 lac population in August 1993, presumably to secure a platform to ask for rights. In the last resort they can go to court. □

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Extractive Industry Threatens the Soliga People

by
Marianne Hesselager

It is not surprising that the tribal peoples of the tropical forests of southern India shake their heads at 'development' and 'progress'; the authorities have put a ban on their forests in order to make a huge wildlife reserve with the laudable intention of conserving threatened species of plants and animals. But this ban means that the *Soliga* people are now forbidden to live in and from the forest, as they have done for centuries without endangering any of its wealth.

Meanwhile, the bulldozers and dynamite devour the forest and hills and the authorities allow this to happen because there are strong interests at play and lucrative business deals: the extraction of very high quality and sought-after black granite for export around the world, especially to Japan and Europe. The granite ends up as tombstones, facades and other stonework of this sort.

The black granite extraction is focused on the Biligiri Ranga Hills in the District of Mysore in the southernmost corner of the state of Karnataka. This is a zone rich in biodiversity including species of animals and plants which are not found in other parts of the world. Here there are wild elephants, large quantities of medicinal plants, wild herbs known only by the *Soliga* people - and the biologists

are very interested in researching and conserving them. Here there is also black granite...

Corruption and criminality

The companies which operate in the region have met with bitter resistance from the *Soliga* people and other local groups who are trying every means to protect the area from destruction: protest letters to the authorities and politicians and denunciations of corruption and falsification of registration papers with which companies have obtained permission to dynamite very close to *Soliga* villages, to build dams, to construct irrigation networks and to set up the fauna reserve itself. There is evidence that a whole series of laws and regulations are being broken by the companies implicated.

In November 1993, after a protest march in which thousands of *Soliga* participated, two young *Soliga* died in an explosion. Afterwards, all 25 families from the village of Bellatha were forced to flee their homes with no warning because of stones raining down on their thatched roof huts as a result of another explosion. Although the companies try to intimidate the *Soligas* into silence by provoking such incidents and by attacks on their villages by thugs, the protests continue.

The environment pays the price

With support from geologists, biologists and other specialists, those against the rape of the environment have been able to prove that the extraction of the granite is having serious consequences:

1. Water holes are running dry. Elephants and other wild animals in the wildlife reserve rely on these for water.
2. According to the geologists, it is, in fact, the black granite in the mountains which contributes to the formation of underground water reserves. The rich forest vegetation depends on this water.
3. The extraction of the granite is carried out very close to dams and irrigation channels which become blocked through soil erosion.
4. The *Soliga* in nearby villages live in constant fear of falling stones from the explosions.
5. The daily explosions frighten the animals, which are protected by law.
6. The vegetation is wiped out in order to get to the granite and then the area is abandoned. It is left littered with mountains of waste and deep holes which are open to erosion and produce a treacherous terrain for both humans and animals.

The Soliga people will not give up

In many parts of India, the tribal peoples and the environment are being threatened by present-day construction of gigantic dams, mining projects, etc. There are almost 67 million indigenous people in Indian who live in the remote hilly regions of dense rainforest or areas with rigorous climates. Many of them run the risk of being displaced and disappearing, at least culturally.

"We cannot sleep for fear that huge stones will rain down upon us. It cannot continue like this. Let the miners make their explosions somewhere else, not on our doorsteps and in our forest. We will continue protesting until they go", says Kadar Gowda to the local press.

The *Soliga* people are not going to let themselves be walked over by 'development' as has happened with many others. They are organised at the village and

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district levels. They have a population of 20,000 persons spread over a radius of 60 km in many small dispersed villages. The largest villages are Yelandur, Chamrajanagar and Kollegal.

However, the noise of the dynamiting is a daily reminder that the territory of the Soliga is threatened.

"There can only be one explanation as to how the companies can carry out all these illegal acts. They pay for them. This is how they gag the politicians and functionaries", says Dr. Sudarshan, supporter of the Soliga people.

Boycotting the granite

"We believe more and more that an external boycott is the only way to stop the destruction. We believe that the Euro-

peans could manage without gravestones with the stone from here and we are waiting for a European campaign to boycott it".

"Furthermore, the companies can find black granite in the plains, where there is regular agriculture. But here access is easier and therefore it is more profitable to take it from the hilly area", says Sudarshan. Up until a few years ago, the companies operated mainly on the plains but the demand is increasing and so too the greed.

Black gold

'Shanta Exports' in Bangalore exports increasingly more granite from India, including black granite from the South. Together with its European sister com-

pany, 'Venkata Impex', they have some 100 employees. Venkata Impex contributes at present approximately 5,000 m³ per year of Indian granite to the European market. However, it is trying to more than double its sales to 1,000 m³ per month, according to the Hindu businessman, Balender Venkata, in the German publication 'Stein' (February 1994).

Venkata is transporting unworked blocks of granite by boat to Amberes, which is its main depot, and then on to subsidiary depots in Amsterdam and Mannheim. The German wholesalers take charge of more than 20 per cent of the total production. According to indications in the article in 'Stein', other clients are companies which work with crude blocks in Carrara in northern Spain, Belgium and Holland.

areas. The climate is tense in indigenous areas. In some regions of the country, pressure against the indigenous peoples is rising and demonstrations are taking place. Recently detected invasions of indigenous lands in the states of Para, Maranhao and Rondonia may have been caused by the proposal to amend Decree 22/91. Because of this situation, CAPOIB (the Council for the Articulation of Indian Peoples and Organizations of Brazil) and CIMI have stepped up a campaign to mobilize the population against the proposed amendments to the decree.

Since the time of the military dictatorship, when the 'Charter of the Indians' was promulgated, there have been constant challenges to the demarcation of indigenous lands. Now, however, anti-Indian groups have a powerful ally, namely, the Minister of Justice himself, Nelson Jobim. While a Federal Deputy, Jobim, also a lawyer, submitted a document to the state of Para arguing that the decree was unconstitutional. Although he was unanimously defeated at the level of the Supreme Federal Court on that occasion, he is now, as Minister of Justice, trying to further the same arguments, which give rise to questions about the ethics of this action given his position as Government

The campaign launched by anti-Indian groups proposing amendments to Decree 22/91, which provides for the procedure to be adopted for the demarcation of indigenous lands in Brazil, has become stronger. Through repeated articles and generous space in the national press, the Minister of Jus-

tice, Nelson Jobim, has been announcing changes in the decree. According to the proposal, the demarcation of all indigenous areas which have not been registered so far may be reviewed and an adversary system adopted, allowing invaders of indigenous lands to have a say in the definition of the bounds of those

BRAZIL

Brazilian Government Wants to Review all Demarcations of Indigenous Lands

SHORT NEWS

SHORT NEWS

Learning from the Soliga people

"The Soliga people worship the *dodda-sampige* tree as a god. They worship the natural environment, which is today being recognised as having fundamental importance for the survival of the planet," says Dr. Sudarshan. He believes it is important to fight for the survival of the Soliga people so that we can learn from them.

As he says, "They are some of the few people remaining who know how to live in mutual harmony with the environment".

□



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Minister, especially as the proposal could benefit one of his ex-clients and all the invaders of indigenous lands. According to the Brazilian Constitution, the Union must demarcate all indigenous lands and the boundaries must be defined by administrative decrees issued by the Minister of Justice. Any complaints against acts of the Union in this regard are to be judged by the courts, as they have been on many occasions. What is behind this manoeuvre is the same old attempt to reduce the size of indigenous areas. By changing Decree 22/91, the Brazilian government is actually trying to switch roles, turning the indigenous peoples into invaders of their own lands. By doing this, it is disregarding the original rights of the indigenous peoples to lands traditionally occupied by them and, furthermore, it will waste the millions of dollars already spent on demarcations (including with international campaigns), in addition to jeopardizing rights ensured in the 1988 Constitution after a fierce struggle.

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ISSN 1024-3283

The International Work Group for Indigenous Affairs (IWGIA) is an independent, international organisation which supports indigenous peoples in their struggle against oppression. IWGIA publishes the IWGIA Documents Series in English and Spanish. The IWGIA **Indigenous Affairs** (English) and the IWGIA **Asuntos Indígenas** (Spanish) are published four times a year. The Documentation and Research Department welcomes suggestions as well as contributions to these publications. IWGIA publications can be obtained through subscription or purchased separately.

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