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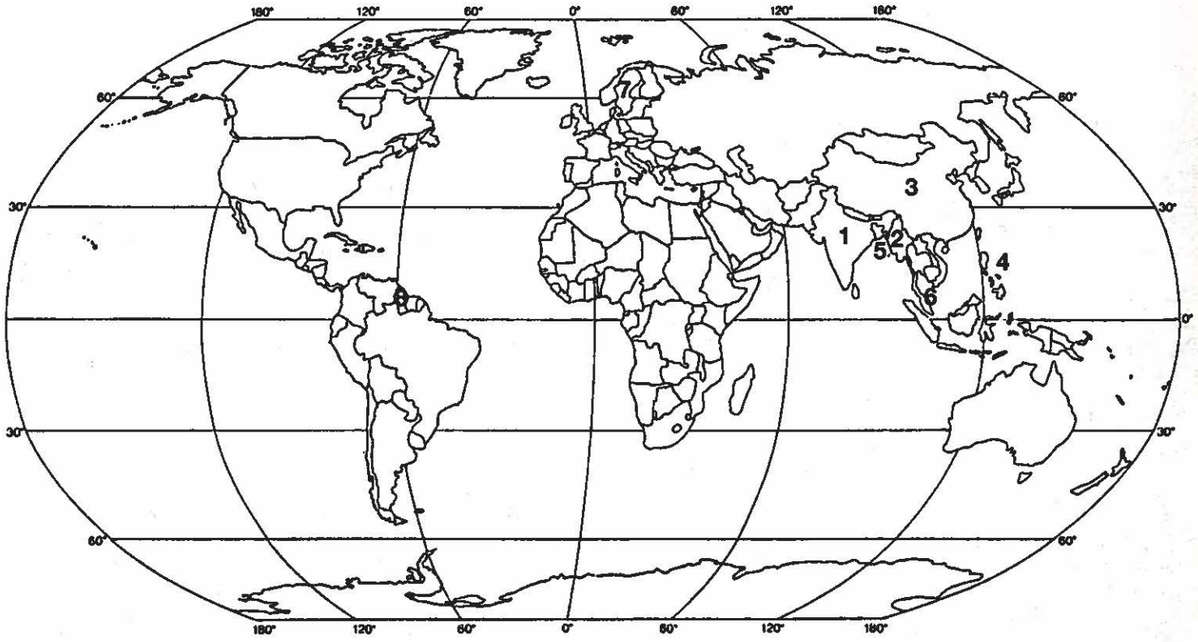

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NATIONAL GROUPS

Copenhagen:
Fiolstraede 10
DK-1171 Copenhagen K
DENMARK

Moscow:
c/o Alexander Pika
U. Vejernaja 36, K.2, KV.93
119501, Moscow
RUSSIA

Zurich:
c/o Ethnoligisches Seminar
der Universität Zürich
Freiensteinstrasse 5
CH-8032 Zurich
SWITZERLAND

Gothenburg:
c/o Heidi Moksnes
Inst. of Social Anthropology
Brogatan 4,
S- 41 301 Göteborg
SWEDEN

Lund:
c/o Friedman
Sociologiska Institutionen
P O Box 114
S- 221 00 Lund
SWEDEN

Oslo:
Seljestien 16
N-1370 Asker
NORWAY

IWGIA INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS
The International Secretariat of IWGIA, Fiolstraede 10, DK-1171 Copenhagen K, Denmark
Telephone: +45 33 12 47 24, Telefax +45 33 14 77 49
e-mail: IWGIA@ login.dkuug.dk

Christensen Fotosats

IWGIA

Indigenous Affairs

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International Work Group for Indigenous Affairs

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Editorial

by Christian Erni

Today, the world's population numbers some 5.7 billion, and it is growing by 94 million people per annum - the highest growth rate humanity has experienced so far. In their final protocol, the participants of the United Nation's International Conference on Population and Development (ICPD), which was held in Cairo in September of this year, agreed on a programme for action with which they hope to slow down the growth rate so that by the year 2015 the global population will number 7.27 billion instead of the expected 8 billion. Still, the planet is rapidly filling up.

Although deemed a success by the ICPD's Secretary General, Nafis Sadik, many participants from the South were frustrated. For them there was too much talk about population pressure, contraception and abortion, and too little about development. They emphasised that the world's ecological problems are caused less by overpopulation in the South than by overconsumption in the industrialised countries.

It should be borne in mind that between 1800 and 1950 it was the North which experienced the fastest population growth, and that Europe could only afford such a growth-rate because it was exporting its surplus population to less densely populated areas. Much of this population went to the Americas and Australia, where the indigenous peoples were either wiped out or forcefully confined to small and marginally productive fractions of their former territories.

Other parts of the world which became victims of Europe's colonial imperialism, such as most of today's African and Asian countries, did not suffer from massive immigration of white settlers and therefore grew at a slower rate throughout much of that period. However, more recently, they too have experienced tremendous population growth, and demographers have recognised that one of the main causes is the fundamental disruption of the traditional socio-economic structure brought about by colonial rule.

On a regional level today, overpopulation definitely is a problem in the South. In countries where most of the population is still rural based, and where slow growth rates in the industrialised sector cannot absorb the growing number of job-seeking youths, migration to 'underpopulated areas' in search for land is often their only option. This migration is encouraged and supported by the government but it is mostly indigenous peoples' land which is being colonised.

Modernisation and economic development has long been seen as the only solution for the global population problem. According to the so-called demographic transition model, growth rates will automatically slow down and a country's population stabilise as industrialisation takes place. Experiences in the North are taken as proof of this assertion.

Some countries in the South have rapidly developed in recent decades and such demographic trends can be observed (although there is much disagreement about the causes). But these countries are also starting to take a larger share of the world's natural resources as consumption patterns change as well. The consequences for the global climate if there was a car for every 2.2 persons in the whole world, as is already the case in the industrialised countries, would be disastrous. It is becoming more difficult to argue against the call for a new approach to development, a reduction of the industrialised countries' consumption of the world's natural resources and, as a consequence, a more equal sharing of global wealth.

The Southeast and East Asian region is currently experiencing the world's fastest economic growth. However, the price of this rapid growth is, at least so far, being paid by the region itself. The forced mobilisation of the productive forces in these countries - at the beginning mainly by expanding export-oriented commercial agriculture, by exploitation of mineral resources and forests, and later by large scale infrastructure projects and uncontrolled industrialisation - has led to massive environmental destruction. Just like the profits, the negative impacts of this forced development are not distributed equally among the population in these countries. It is, as always, the weakest sector which suffers most. In many cases, the indigenous peoples are the first to feel the consequences of internal colonisation and forced development. But while they are deprived of their lands in the name of national development, they are also denied their rights when measures are taken to protect the environment. Environmental protection in these countries is usually confined to the - often merely formal - establishment of protected areas and national parks, areas which in most cases lie within indigenous territories and from which the indigenous peoples are all too often being evicted.

About 150 million, or 75 per cent, of the world's indigenous peoples live in Asia, comprising the world's richest treasure of cultural diversity. But whereas the Southeast Asian strongmen, such as Malaysia's Prime Minister Mahathir or Indonesia's President Suharto, react to international criticism about the human rights situation in their countries by pointing to their different cultural heritage and to their right to define human rights according to their own traditions, they are not willing to respect the cultural differences within their own countries. The Burmese government, for its part, simply ignores such criticism. On the other hand, Western countries have taken a cautious approach to the human rights situation in China so as not to endanger their good relations with a country which is experiencing an economic boom, has an immense potential as a market and is therefore a most promising trading partner.

This issue of 'Indigenous Affairs' focuses on Asia and presents several case studies from the region and statements from Asian indigenous representatives given at the twelfth session of the UN Working Group on Indigenous Peoples in Geneva this year. The contributions cover several countries and address the multitudinous threats to the cultural and physical survival of Asia's indigenous peoples:

-the influx of non-indigenous settlers and the construction of hydroelectric dams in the name of national development (the statement by of the Chittagong Hill Tracts Women's Federation);
- the continuing struggle for self-determination and control of resources (the statement of the Chin National Front and the general article on Burma);
- the continuing forest destruction on indigenous territories due to large scale export-oriented logging (the statement by Sahabat Alam Malaysia, Sarawak, and the article on logging in the Philippines);
- the land evictions due to the creation of national parks (the article on the Van-Gujjars of Northern India); and
- the persistent undermining of cultural identity due to subtle assimilation policies (the article on China).

With rapid economic growth in many of Asia's countries today, there is an increase in the demand for natural resources, and policy priorities are being focused on development. Repressive political regimes, which blatantly neglect human rights, stress the need to maintain political stability in order to sustain economic growth. In the light of these developments, Asia's indigenous peoples have a hard struggle ahead for the recognition of their rights and for their self-determination - and they will need all the international support that can be provided.

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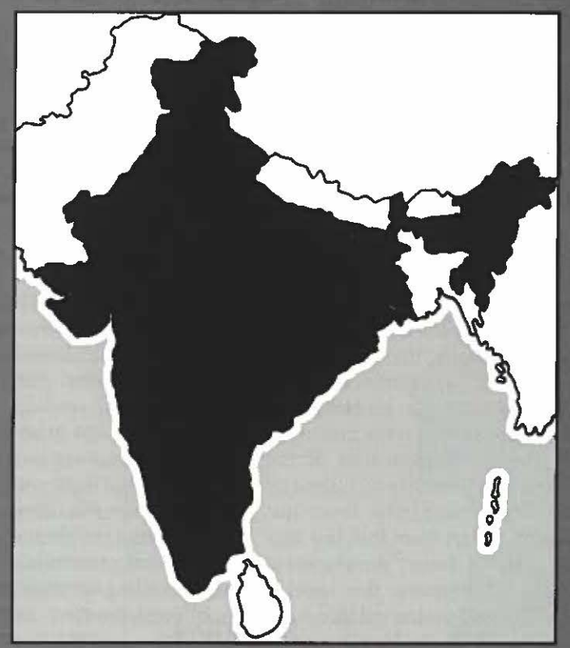
***Cover:** Buhid woman. Photo: Christian Erni*

Nomadic van-gujjars

fight to maintain their life in the forest



by Pernille Gooch

In the late summer of 1992 there was unrest among the pastoral nomadic *Van-Gujjars* in their summer camps scattered over a vast area in the mountains of Uttar Pradesh and Himachal Pradesh. Then, as the time for the migration back to the lowlands was approaching, the Van-Gujjars worried what would happen to them when they returned. Before making their annual migration from their lowland winter camps some families with camps in Rajaji, a proposed National Park, had put their thumb print to a piece of paper saying that they would not return to the area in the autumn. The Gujjars who had signed had done so just before leaving and since then there had been no possibility of communication and deciding a common strategy of action. The monsoon made communication between the scattered camps even more difficult as many roads were closed due to landslides and busses stopped running.

It was consequently with considerable uncertainty and anxiety that the downward migration began in September. The small groups of women, men and children descended slowly with their laden ponies, oxen and buffaloes towards the forest, picking up rumours of what was in wait for them at the end of the journey. One rumour reached the small group which I accompanied that paramilitary forces were preparing to ambush them and take them forcefully to a new colony built outside the forest. Others told of animals dying of starvation and of Gujjars being marched with their animals through hostile farming lands away from the forest. However, in spite of the rumours, the migration went off without any incident and it was not until reaching the Jamuna Bridge, the last halt on the journey and a meeting place for Gujjars descending from Himachal Pradesh and Western Uttar Pradesh, that they found all roads and paths leading into the proposed park area closed to them and their herds.

Background

The conflict surrounding the declaration of Rajaji National Park in Uttar Pradesh in northern India has highlighted the policies of traditional conservation versus the rights of indigenous people. In the case of Rajaji, which has been followed closely in the national media, the 'victims of conservation' are the nomadic pastoral Van-Gujjars, one of the few Muslim tribes of India. They practice transhumance and for centuries have moved with their herds in the Central and Western parts of the Himalayas. In India, the Gujjar peoples are found from Kashmir to the border with Nepal. The Van-Gujjars are a distinct endogamous Gujjar people who have their winter camps in the forested foothills in Uttar Pradesh and in the adjoining districts of the neighbouring state of Himachal Pradesh. In summer entire households migrate with their herds of milch buffaloes to mountainous pastures (up to about 3,000 metres).

The Van-Gujjars practice a forest-based form of animal husbandry and produce high quality milk and dairy products from marginal forest land, which they supply to a regional market. While most of the other Gujjar peoples in the Himalayan region have a village base from where they practice agriculture for part of the year, this is not the case for the Van-Gujjars who live scattered in temporary huts in the interior of the forests in both their summer and winter pastures. This means that they are completely dependent on access to state forests, which has made them easy prey to exploitation by forest officials.

Forests make up the largest part of the Van-Gujjar environment and they know it intimately. The young children know each and every path and know the name and use of any tree. Through the ages, they have developed a systematic knowledge of their specific ecological niches and manage these in a way that ensures their continuity and survival. Their whole existence is dependent on the forest; the word 'Van' means forest.

In earlier times the Van-Gujjars' answer to pressure from state officials and from other surrounding populations has been to withdraw to the interior of the forest with the result that, although they remain important in the regional milk market, they have become increasingly marginalized and exploited. Their dealings with the outside world have been mainly through the Forest Department or through middlemen who buy their milk - and exploit them into the bargain. They have been alienated from the state by a development policy which considers sedentarisation as the only possible way for nomadic communities to 'progress', a policy which has so far resulted in schemes which only exist on paper.

However, as nomads, the Van-Gujjars have been denied basic civil rights to which they are entitled as Indian citizens, such as the right to vote, to have ration cards and rights to education. Though without rights, they been heavily taxed by the state since colonial times and pay taxes for their animals in both their winter and summer pastures as well as during migration. In India, tribal minorities have been given special benefits through their recognition as 'Scheduled Tribals'. However, this recognition is granted by individual states which has resulted in the paradoxical situation whereby the Van-Gujjars are 'Scheduled Tribals' in their summer pastures in Himachal Pradesh[1] but not in their winter pastures in the forest in Uttar Pradesh.

In spite of being marginalized and deprived of basic rights, the Van-Gujjars have not previously received any support from social rights groups or NGOs. They have been a relatively little-known tribal people on the periphery of Indian society. But all this changed in the autumn of 1992 when they were denied access to a large and central part of their winter pastures in the foothills of Uttar Pradesh because of the national park. This affects some 13,000 of the approximately 50,000 Van-Gujjars living in winter in the forests of Uttar Pradesh[2]. Rejecting a so-called 'rehabilitation' scheme and mobilised through the support of a local NGO, Rural Litigation and Entitlement Kendra (RLEK), they took up the struggle with the Forest Department and their resistance made instant headlines in the national papers.

Previously, individual Gujjars had been involved in cases of evasion and resistance when life in the forest was made impossible for them, but the situation had now become so serious that they had to act together and resort to open conflict if they were to survive. They also realised that not only were their rights to the forest and its resources threatened but also their whole lifestyle and with that their social and cultural survival as a people. Their refusal to give up their traditional way of life has become the basis of the Van-Gujjar move-

ment's aim to reinforce their identity as tribal and indigenous traditional forest-dwellers.

Since 1992 there have been many changes for the Van-Gujjars. They are still in the forest but their situation is precarious and the Forest Department wants them out. New development projects designed to strengthen and reinforce their specific lifestyle have been initiated by RLEK but these are being counteracted by the Forest Department as well as by other forces working for the conservation of nature. The Van-Gujjars have asked that the management of the proposed park should be handed over to them and in this they have gained the support of a number of important environmentalists. The conflict of Rajaji has been described and analysed in countless newspaper articles. However, for the ordinary reader, and especially the English reader, the Van-Gujjars have come to symbolise the 'simple and innocent tribal' fighting for survival against a nature conservation policy that excludes people from the nature with which they have lived in harmony for centuries.

Rajaji National Park

In 1983 the Uttar Pradesh Government announced its intention to amalgamate three former sanctuaries into a large national park, the Rajaji National Park, under the Wildlife Protection Act because of "increasing pressure on forest and wildlife in this delicate ecosystem". Situated in the chain of hills at the foot of the Himalayas known as the Shiwaliks, the area is only about 250 km from Delhi and formerly was a favourite hunting ground for the Mughals as well as the British. The proposed park is situated within Pauri Garhwal, Dehra Dun, Haridwar and Saharanpur districts in Western Uttar Pradesh and in the middle of Van-Gujjar winter pasture land. It covers an area of 831 sq km and will be the largest national park in the state of Uttar Pradesh. The sanctuaries have a population of approximately 400 elephants, a smaller population of tigers and also a wide variety of deer, leopards and birds. But Rajaji is not the 'pristine home' of wildlife and plants. Like other national parks in India, it has a large human population both within the park area and in towns and villages on the periphery[3]. Modern development has also made major encroachments on the park. Among the more significant are: a large army ammunition dump, an electricity plant with adjoining township, a chemical factory, a railway line, a railway station and several major roads. The population pressure from sources other than the Van-Gujjars in and around the park is immense. Within the park there are 12 revenue villages and a number of settlements. Just outside its boundaries some 80 villages are dependent on the park for firewood and fodder. Close by are also a number of towns, of which Haridwar and Dehra Dun are the largest, the latter with a population of close to one million people. Furthermore, in the 1970s a power canal was constructed which made it impossible for elephants to make their annual migration thus trapping them in the western part of the park. The wildlife is further disturbed by an army shooting range in the forest just west of Rajaji. Apart from this, the area has been part of forest development schemes where indigenous tree species, which provide food for the wildlife, have been felled and replaced by plantations of commercially valuable trees.

The creation of national parks

It was not until 1972 that unified legislation concerning the management and protection of wildlife was passed in India. The Wildlife Protection Act (WPA) deals with wildlife protection through the establishment of protected areas, regulation or prohibition of hunting and control of trade in wildlife products. A significant and far-reaching amendment was made in October 1991 to include plants in the definition of wildlife.

The Wildlife Protection Act laid out the steps to be taken in the formation of Protected Areas. First there must be a declaration of intent to constitute a Sanctuary or a National Park by the State or Central Government (initial notification), followed by an inquiry into and identification of existing rights and their nature and extent by the Collector. These rights and claims must then be settled or disposed of before the area can be declared protected and all human activity inside banned.

No entry or hunting is allowed, except with permission (Choudhury, A. 1993:-22). This means that people lose all their traditional rights in the area and not only can they no longer collect in the forest, they can no longer enter it. However, in India, with its scarcity of primary resources, parks cannot be considered as isolated 'islands'. They are parts of larger systems of traditional resource utilisation providing fodder, firewood, fibres for rope making, medicinal herbs, etc. They comprise complex relations where local people, especially the poorest sectors of society, are dependant on the forest for their subsistence needs. The creation of national parks consequently threatens their very survival.

The traditional symbiosis between local populations and forests is completely ignored in the legal policies surrounding the creation of national parks. This top-down attitude of the conservationists has alienated the traditional users of the forests resulting in conflicts between tribals/forest-dwellers and tribal (social) activists on one side, and wildlife conservationists on the other. The former feel that the laws have been created by a 'westernised' elite "alienated from the vast majority of Indians, and especially ignorant if not disdainful of tribal society" (Kothari, A. 1993). Tribals and other local communities have often been perceived as the main threat to the fragile forest eco-system ignoring the destruction to the environment caused by modern development. Parks and their non-human occupants are to be protected against the 'poor and marginalised'. It is considered that the only way to keep people away from resources they have used for centuries is by force, and park officials have consequently become policemen patrolling parks to protect them against humans rather than managers of an eco-system. The policy has became one of 'fencing and protecting' with man as the outsider. This is a situation which is being repeated in the case of the Van-Gujjars and the proposed Rajaji National Park (so far a number of issues and conflicts are still to be solved before Rajaji can be declared a national park).

In this connection, the Indian delegation to the Rio Conference took an important step when it stressed that forests in countries like India have to continue as resource bases for local populations.

An unsustainable lifestyle?

The Van-Gujjars have always been seen by the forest authorities as one of the main threats to the ecosystem of the park. In all documents relating to the construction of the park, as well as to the management of social relations in the park, the removal of the Gujjars is given high priority.

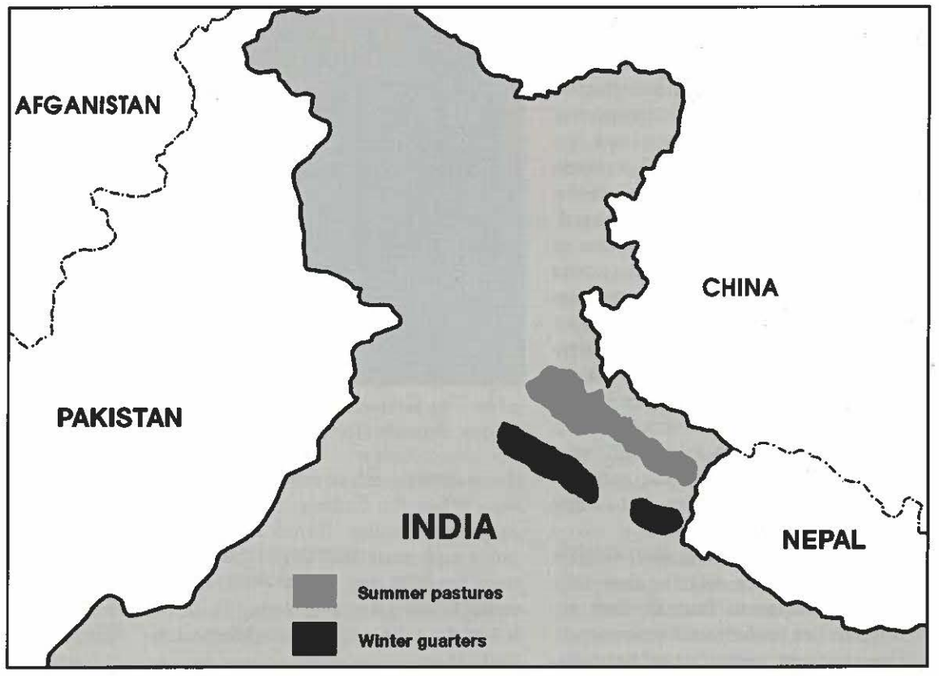
The heavy lopping of forest trees, the location of deras (camps) even in remote areas and the traffic to and from those of milk vendors is in conflict with the national park objective of 'maintaining a representative ecosystem in its natural state' and national park law does not permit people to live in the park. In all documents shifting of Gujjars is therefore given high priorities...The option of retaining some deras has been dropped as incompatible with national park status and resettlement is now considered as the only solution (Berkmuller, K.L. 1986:-4).

This means that of all the different groups 'pressuring' the park area, the Gujjars were being singled out for removal. The Van-Gujjars are, naturally, questioning the rationale behind such a policy. Mustooq, one of their leaders says,

"Why start with us? Shifting out the Gujjars is the easiest part of all but what use is it that we have been removed when the ammunition dump and the industrial plants are still there. Move them first and then you can think about the Gujjars."

The conflict between the Van-Gujjars and the Forest Department can be seen as part of a larger discussion concerning issues of 'conservation' and 'sustainable development', terms inspired by the World Conservation Strategy and adopted by India in 1980. The strategy uses these terms in a very ambiguous way. On the one hand, it proposes anti-people measures such as population control and preventing the use of natural resources through the creation of protected areas such as national parks. On the other hand, it talks of the prevention of dispossession of land, recognition of traditional rights and guaranteed secure access to land, water and forests for vulnerable parts of the population such as tribals. However, it is mainly the first set of considerations which are implemented while the poorest and most backward sectors of society have to give up their rights "for the preservation of the local and global commons" and that a destructive modern development benefiting only a small section of the population is allowed to continue goes without saying (Indhira 1992).

The Forest Department and the Indian Wildlife Institute have claimed that the Van-Gujjar lifestyle in the forest is no longer sustainable. According to this view the Gujjars previously lived in a sustainable way in harmony with nature but this has now changed because of population pressure both in the hills, where the Gujjars stay in summer, in the villages surrounding the forests of the foothills and among the Gujjars themselves. The new situation is resulting in a disastrous destruction of the vulnerable ecosystem, something like a 'Tragedy of the Commons' where the people, especially the Gujjars, are supposed to be destroying the very foundation of their own survival. D.S. Khati, former Direc-



„The Van Gujjars have been in these forests for hundreds of years. Now we are treated as criminals!" Mustooq Lambardad speaks at a Van Gujjar rally. Photo: Pernille Gooch.

tor of Rajaji National Park states: "The Gujjars can be allowed to live their unsustainable lifestyle uninterrupted, in which case the death of the Rajaji forest is inevitable" and "if the Gujjars are not rehabilitated now, my experience as a forester suggests that the Shiwaliks of Rajaji will collapse under the unbearable environmental burden" (Khati, S. 1993).

One of the main reasons given for this truly disastrous scenario is that a large number of Gujjars have stopped migrating to the mountains in summer which puts added pressure on the delicate ecosystem resulting in over-use of the habitat and no time for regeneration. However, this development can be seen as a response to the Forest Department's own policy. It is also a situation which is more apparent than real. In spring and summer the forest dries up and the leaves, used for fodder, fall. That means that the possibilities of keeping buffaloes in the lowlands during the hot season are severely limited and only one or two households will be able to remain and feed their cattle in summer in an area shared by 40-50 families in winter[4]. These households can only survive by a strategic use of the whole area in combination with purchasing fodder from outside. The other families have to go to the mountains in summer or at least send one of their sons up with the cattle to prevent their animals dying from thirst and starvation. Nevertheless, if asked whether or not they migrated, Gujjars from the park area will say that they went to Bharamasi, that is, they remained in the lowlands all year round.

This apparent contradiction has to be understood in the context of special benefits given by the Forest Department to Gujjars who stay all year. It is the transhumant households that are the first to be relocated while the sedentary Gujjars will be allowed to stay on till a later phase. So the Gujjars believe that claiming to be Bharamasi carries more weight in dealings with the forest authorities. As one Gujjar said, "if you are settled, you are like a stone and not so easily removed". Another reason for leaving some members of the family in the summer pasture is to protect their huts. When the Gujjars migrate the forest guards auction off their huts made of poles and grass, and when they return they have to pay heavy bribes to the same forest guards in order to be allowed to collect new materials and rebuild them.

The Gujjars' specific mode of animal husbandry in the forest, *munh chugan* (literally 'eating by mouth', that is, grazing) and *shakh-tarashi* (lopping trees for leaves to feed the animals), is no longer seen as sustainable. In an article in the Indian Express, 1993, with the telling title, 'Gujjars eat away the heart of Rajaji?' Ashok Kumar, working for the WWF, India, points to the Gujjars as the sole agents in the destruction of the forest cover in the Shiwalik hills, "..the undergrowth is disappearing, trees are dying due to excessive lopping and the eventual result will be the destruction of the habitat of the Rajaji National Park". Another serious accusation against the Gujjars is that the removal of the forest canopy through lopping increases erosion by encouraging the monsoon rains to wash away the top soil (Khati 1993:-18). The Gujjars are also accused of poaching.

These views were not supported in an independent report of 'Habitat Utilisation by Gujar Pastoralist in Rajaji Wildlife Sanctuary' written by Clark, Sewil and Watts in February, 1986. Clark et al. not only found that crown cover was "relatively unaffected by lopping" but also that there was "an increase in ground vegetation in areas with lopped trees which actually decreased the possibility of erosion". Furthermore, the study team "saw no evidence of dead or dying trees other than those knocked over by elephants...". No evidence was found to verify the accusation that Gujjars act as a threat to wildlife. The Van-Gujjars are vegetarians and do not hunt and, even when the larger carnivores kill a calf from time to time, they are quite 'philosophical' about their losses, taking it as 'part of life' and the wildlife is usually not disturbed by Gujjar activities. On the contrary, the study team observed wildlife sharing the resources with the Gujjar herds as deer came to eat from the lopped leaves on the ground and drink from water holes dug by Gujjars. The theory of the 'Tragedy of the Commons' was found to be inapplicable in the Gujjar situation as "land is appointed to each family and boundaries respected. Families practising transhumance always return to the same area year after year".

Van-Gujjars versus forest policies

Controversies between the Van-Gujjars and officials of the Forest Department are not new but go back at least a hundred years. In the last decade of the 19th century the British colonial power set up check posts along the traditional migration routes of the Gujjars in order to control the number of buffaloes which the nomads brought into the hills. According to a letter from Forest Conservation officer, Jaunsar Division, to the Superintendent of Police on the 26th May, 1892, the Gujjars were given permits to bring a stipulated number of cattle into the mountains and a police guard was stationed at the entrance to the hills to prevent entry without a permit. In this way mobility, one of the most important factors in ecologically sound herd management, was severely restrained. As permits tend to be static while herds multiply this policy gave ample opportunity for forest officials to exploit the Gujjars by letting excess animals slip through after receiving a bribe in kind or in cash. This practice continued after Independence and it was not until summer 1993 that the Gujjars were allowed to start their transhumance migration without permits[5].

Apart from needing permits to be allowed to migrate, the Gujjars also need permits for using the forests in their winter-quarters. During the colonial period forests were taken over by the state as an important national asset and their use by local people was regulated by a state monopoly. For the Gujjars this meant that customary rights to the forest and its products became mere privileges in the form of lopping and grazing permits given to the *mukhias*, the heads of households. The permits stated the number of cattle a family was allowed to keep and, with no system of updating them in terms of current numbers of buffaloes, forest officials exploit the herders demanding a large share of their income in the form of milk, butter and cash. This old and established exploitation has, so far, been impossible to root out.

Persistent nomads

During the 1950s and at the beginning of the 1960s five well-attended Gujjar Conferences were held with the aim of discussing the problems of the nomadic Gujjars and the benefits of a settled life for their future welfare. The most important of the conferences was that held in November 1961 at Vikas Nagar in Dehra Dun District, Uttar Pradesh, and presided over by Jawahal Nehru. Nehru was especially interested in the problems of the nomadic communities of India. The only result of his efforts with the Gujjars, however, was one colony for 23 families in Himachal Pradesh finished after his death and populated only with great effort and some coercion[6]. Still, the Gujj-

ars generally feel that Nehru's intentions were good and that he was not to be blamed for the failure of the proposed Gujjar welfare programme. At the Conference, according to the Gujjars, 'Father' Nehru promised them land if they would settle down and stay in one place. They were also promised schools and medical and veterinary facilities. However, what they wanted was not a sedentary life but help with the problems that they faced in their nomadic life style: problems concerning their rights to land, heavy taxation of cattle, exploitation by foresters and lack of access to veterinary and medical facilities. "Father Nehru promised us land but all the Gujjars thought about was following the tail of the buffalo", says Noorbibi, a Gujjar woman. The outcome of the Conference was negligible. Schemes for the benefit of the Gujjars evaporated into thin air with the result that the Gujjars, disappointed in the Government and its development plans, continued their life in the forest as before.

In spite of the fact that the Gujjars wanted a development which took account of their special mode of production as nomadic pastoralists, all development plans to date have been based on sedentarisation and stall feeding. The discrepancy between these aims has turned all development projects into failures. The Gujjars are 'persistent nomads', continuing their way of life in the forest in defiance of schemes made on their behalf. What the planners have not realised is that, for pastoralists everywhere, "more than just a means of making a living, pastoral systems are ways of life" (Galaty and Johnson, 1990). Pastoralists combine an intimate knowledge of their environment and its potentialities with a moveable capital in the form of livestock, which is the basis for both production units and social units. This unique way of life allows them to be mobile as well as relatively independent and maintain a perspective on life which is different from that of settled peoples.

The Bhasin Committee

In Uttar Pradesh, the Forest Department has been the main actor in the efforts to sedentarise the Gujjars. A rehabilitation scheme for the Gujjars was prepared by a committee led by C.L. Bhasin, Forest Conservator, in 1979. The scheme did not materialise but it is nevertheless still important in the current conflict between Gujjars and foresters and provides an example of the divergence of views among forest officials themselves. The Bhasin Committee advocated what might be characterised as a 'benevolent touch' and wanted to settle the Gujjars gradually and in a way that would not completely destroy their culture. The committee was opposed by a core of 'hardliners' whose views ultimately prevailed.

The Committee's report opens by stating that the Gujjars only migrated to the forests of Uttar Pradesh at the beginning of this century. This is not true. An exchange of letters between foresters during colonial rule at the end of last century about the 'problem of the Gujjars' confirms that the Gujjars had already been in the area for a long period. Indicating that the Gujjars are newcomers to the area and that their claims are consequently of little value has clearly been part of the Forest Department's strategy to have them evicted from the forest.

However, some very important statements were made by the Bhasin Committee.

1. No Gujjars should be settled against their own will.

2. In letters to the Committee the Deputy Forest Officer (D.F.O.) demanded that the Gujjars should be settled far from the forest but it was decided to settle them on the outskirts of forests and give them rights to lopping trees and fetching building materials for their huts from the forest for the first few years. This was to slowly 'wean' them away from a nomadic life.

3. One problem encountered in the rehabilitation scheme was drawing up a list of the number of Gujjar families entitled to land within the scheme. As they were nomadic and had no permanent address they were not on the census roll. At first it was decided to draw up the list on the basis of permits for grazing and lopping given to the nomadic Gujjars. Many Gujjars objected to this as the permits had been issued many years previously to the Mukhias and there were now several independent households - of brothers, sons and grandsons, in some cases also sisters and daughters - sharing one permit. This proposal was seen to be unfair because it would leave many Gujjar families landless. To counteract this it was later decided that land would be given to each married couple and their unmarried children. In this way all families would get land; one hectare of land for growing fodder and 500 m.sq. for buildings on the outskirts of the forests for each household. The final settlement location was to be decided after discussions with forest officials and according to the wishes of the Gujjars.

4. However, the settlement scheme later opted for a very different plan for the Gujjars and I will quote it in full:
D.F.O. Shiwalik Circle and Dy. D.F.O. Shiwalik Forest Division stresses that all Gujjars of Shiwalik Forest Division should be settled in Pathri Block. This suggestion is praiseworthy as far as forest conservation and its technical aspects are concerned. But all concerned Gujjars have opposed it which makes any settlement plan there impossible. It is essential that Gujjars should not be settled against their wish. So this Committee has decided that the Gujjars should not be settled in Pathri block.

An impossible rehabilitation scheme

In violation of all the Bhasin Committee's recommendations, it was decided to resettle the Gujjars from the park at Pathri block in Haridwar District, a place that has come to symbolise for the Van-Gujjars exactly the kind of so-called 'development' that they expressly do not want. From the Forest Department's perspective, Pathri was strategically chosen in order to resettle the Gujjars as far away from forests as possible and to make it impossible for them to return undetected to their former homes in the forest. "Gujars will not be rehabilitated in the middle of forest....and will not be allowed to enter into forests after they are settled....To save forests Gujars have to be settled away from the forests" (Working Plan for the East Dehra Dun Forest Division 1979-88/9:149).

Pathri is a block of eucalyptus plantations surrounded by agricultural land, the river Ganga, and a railway line. Part of the plantation has been cleared to make room for a colony of 512 two-roomed houses built close together, each with a stable with space for six buffaloes and a small compound. There is no provision for growing fodder or other crops, or any pasture land. According to this scheme the Gujjars are supposed to sell all their cattle and replace them with buffaloes of high quality breeds and change their traditional pastoral management to stall feeding. It was estimated that each family would earn a living by keeping three milking animals and buy all the fodder for them.

This might seem a reasonable and rational plan to some but, as already pointed out by the Bhasin plan, it is completely unacceptable to the Gujjars. First, the Van-Gujars do not want a rehabilitation plan that cuts them off from their life-line, the forests. Secondly, pastoralists form ties with their cattle as well as keeping them for purely economic reasons. The Gujjars have kept the same breed of buffalo for generations with little mixing of blood and they are a hardy, indigenous breed, well adapted to the nomadic life-style. All buffaloes have histories and individual names, even 'personalities'. As with other nomadic pastoralists, livestock play a very important role in the cultural and social life of the community. The idea of parting with the buffaloes is unacceptable. But at Pathri there is neither room for all the cattle nor for all the people. In spite of the Bhasin plan's recommendations, allocation of land had been made on the basis of permits, permits issued in 1937. This made the plan impossible because one permit could cover as many as 70-80 people and 100-150 buffaloes. As one young Gujjar said looking at his large family, "we won't even get enough space to stand there all of us".

Apart from this, the colony is considered marshy and unhealthy and promised sources of clean water have still not been supplied. The colony was constructed in 1987-90, but by 1992 it was still empty, derelict and overgrown with weeds. The Forest Department had not succeeded in getting any Gujjar family to move there by persuasion and so turned to coercion, as the Gujjars experienced when they returned to the Shiwalik hills in autumn 1992 and found every opening large enough to let a buffalo through barred to them.

The Forest Department's strategy was clear - to force the Van-Gujjars of the park into Pathri by giving them no alternative. With no possibility to get back into the forest it was expected that they would start walking the twenty kilometres to the agricultural land where the 512 small houses were waiting to receive them, thus solving the Van-Gujjar 'nomadic problem' through sedentarisation. D.S. Khati, Director of Rajaji National Park at the time said:
They (the Gujjars) should be rehabilitated in a just and sustainable manner thus returning health to the forest and dignity and survival to the Gujjars themselves. It was such a reasoning that prompted us to move the Gujjars out from the proposed park area...The Uttar Pradesh Government expected that by September 1992 the Gujjars would move to Pathri colony (D.S.Khati 1993:20).

However, the Van-Gujjars did not consider their treatment as 'just and sustainable' and were quite convinced that they would never survive there. They have compared life at Pathri with a life-time prison sentence and ask, "Why shall we go to prison when we have committed no offence?" Fakka, an old man, said, "This (forest) is my *desh* (country) and everything outside is like another country where I cannot live".

If the Forest Department officials had offered a more acceptable rehabilitation scheme they might have divided opinion among the Gujjars and succeeded in getting some of them to move. But Pathri was so far from the Gujjars' own hopes and aspirations that it was acceptable to none of them. So by insisting on Pathri as the only solution, the Forest Department succeeded in uniting have Gujjars for the first time.

Help from an NGO

Consequently, the removal of the Gujjars from the national park area proved to be much harder than the forest officials had expected and instead of going to Pathri they camped at transitory campsites on the edge of the park, or went into hiding in the dense forests outside the park area...and waited. At this point it would have been very difficult for the Gujjars to continue their struggle alone. Marginalised, without education and having spent most of their lives in the interior of the forest, they did not have the necessary means to take the conflict from the micro- to the macro-level where it would ultimately have to be fought. Help came in the form of a local NGO, Rural Litigation and Entitlement Kendra (RLEK), that came to play a crucial role in supporting the Van-Gujjars' case.

The chairperson of RLEK is Avdesh Kaushal, a well-known environmental and social activist. He has a wide reputation and respect for fighting for the 'poor and downtrodden' and for a better environment, for which he was awarded the Pradma Shri by the Indian government. His most spectacular case, which put him at the forefront of the environmental battle in India, was the 'Limestone Case' where, as a 'concerned citizen', he managed to get the Supreme Court to rule in favour of the closure of 101 limestone mines in the Mussoorie hills. This represented an important victory for ecological and environmental preservation over strong economic development interests and was the first time that these two interests had been pitted against each other in a legal battle in India. It is characteristic of RLEK's policy that it did not just get the mines closed down but also worked practically on a project with school children from all over India to reforest the hills.

With Kaushal and RLEK behind them, the Van-Gujjars' case drew national attention and their message about the importance of people and parks found resonance in many other local communities in India whose survival is threatened by parks and sanctuaries.

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Kaushal helped to publicise the right of the Van-Gujjars as an indigenous people to continue to utilise their resource base in the face of conflicting conventional conservation practices. In a subsequent development, RLEK has been engaged at the local level in a number of development projects that are reinforcing the Van-Gujjars' own lifestyle in the forest.

Mobilisation

The Van-Gujjars mobilised through meetings at Mohand, a village at the entrance to the park. Their mood was agitated at the first meeting and it was clear that they felt the situation had gone too far this time. The approach taken was directed both towards uniting the Gujjars at the local level and focusing national attention on the Gujjars' version of events. The latter approach was mainly directed towards a strategic use of the media, and the English language press, to influence decision makers in Delhi and Lucknow and to counter the official version of events from Forest Department officials. Now the voice of the Van-Gujjars would be heard all over the country.

At the first meeting the Van-Gujjars stated that "We, the Van- Gujjars are not the ones who destroy the forests, how can we destroy the trees when our whole livelihood is dependent upon them". One young man, Dummon, pointed at the greenery of the park area behind the assembly and said, "Look, the trees are all green and here Gujjars have lived for generations, how can anybody claim that we, the Gujjars, destroy the forests, instead we are the ones who protect trees. In other places the trees have gone but where we live the trees are still there."

The Gujjars also described how they live in harmony with the wild animals as they are vegetarians and do not hunt. And when they lop the trees deer and other wild animals come to eat the leaves together with their buffaloes. Mustooq Lambardar, one of the Gujjar leaders said:

The forest belongs to us just as well as it belongs to the wild animals. The forest is our mother. We were all born here, my wife, my children and I. The Van-Gujjars have been in these forests for hundreds of years. Now we are treated as criminals and we will all perish if we are forced to leave the forest... The Government wants the wild animals like tiger, elephant and wild boars to come here and multiply but this should not be at our expense. We consider the growth of the wild animals is a very good thing but we should also be given shelter...So the journalists assembled, I am sure, will take our voices to Delhi and plead our case before the Prime Minister and Central Government. The Director of the park threatened to have me arrested. I answered that you may arrest me even put me into jail but I am not prepared to leave this land (the forest) and go out from here...I have come here to plead the case of my fellow Gujjar brothers. We do not want to go to Pathri. Instead we want to tell all our problems to the people who have come from Delhi. All that we want is that we should not be 'disturbed' from this place. We want to remain here and earn our livelihood, we do not want to go to Pathri and live in the rooms allotted to us there. We can't keep our animals there...The area at Pathri is not at all good. The Government wants to send all of us to that place but we know that our animals will die there and we know that once we leave this place (the forest) we will never be able to return.

The Gujjars have been blamed for, among other things, disturbing the large population of elephants in the park area. "But", said one of them, "how have the elephants grown to 400 (the estimated number)? Is there anywhere where the forest department has nurseries for breeding elephants?". Instead they blamed the decrease in elephants on the building of a canal dividing the park area in two and not allowing free passage for the elephants. Mustooq said that Gujjars and elephants are born in the same soil and elephants and their buffaloes eat salt together. When tigers and elephants roam outside, Gujjars sleep in peace in their deras because no thief or forest official will dare to enter the forest.

One young man was concerned about the Gujjars having to leave the forests before getting any education which would make it possible for them to live in the society outside. "How can we survive now," said he, "when all we have learned is how to climb trees".

The Van-Gujjars also made a plea for unity and brotherhood. "If we can live with wild animals like tiger, elephant and wild boar then why can't we live peacefully with human beings? Even if he is a Muslim, Brahmin or anybody he is our brother."

At this meeting it was suggested that the Forest Department be given an ultimatum. If the Gujjars were not allowed entrance to the park by their next meeting on the 10th of October they would block the road with their families, cattle, tents and luggage and camp on the very busy Delhi-Dehra Dun highway which passes through Mohand. This suggestion was received with enthusiasm by all Gujjars present. The Gujjars had formerly always opted for appeasement and not direct action but their anger had escalated as buffaloes started dying from hunger in the transitory camps outside the park.

A road block was never necessary, though. With all the attention which the case received, on the 7th October permission was granted from the Uttar Pradesh government for the Van-Gujjars to re-enter the forest but only for one more winter season.

Asking for forest management

Instead of the creation of a 'traditional' national park, which would cut the Van-Gujjars off completely from the natural resources they need, the Van-Gujjars have suggested that they should be given the management of the Rajaji Park, making it into India's first 'People's National Park'. This would be a unique project and an important pilot case for many other people in India living in and around national parks. This idea was first expressed by Mustooq Lambardar and the Gujjars declared: "Give us the management and we will turn this forest into a diamond".

There are many reasons why this would be the best solution for the park. As a people completely dependent on the forest environment for their sustenance, the Van-Gujjars have a commitment to preserving the forest resources and have developed their own strategies for its protection. The foresters now managing the forest have not been able to protect its fragile eco-system and poaching and illegal felling is still rampant. Only by directly involving local people will it be possible to save the forests; a 'fencing and protection' policy will never succeed in this heavily populated area. The Van-Gujjars have an intimate knowledge of the forest in which they have lived for generations. They have their camps spread out in the forest and will consequently be able to act as guardians of the environment. Being right there in the forest, all night and day, they will know of any illegal activities. Management for the Gujjars means *hifazat*, that is, protection or guardianship.

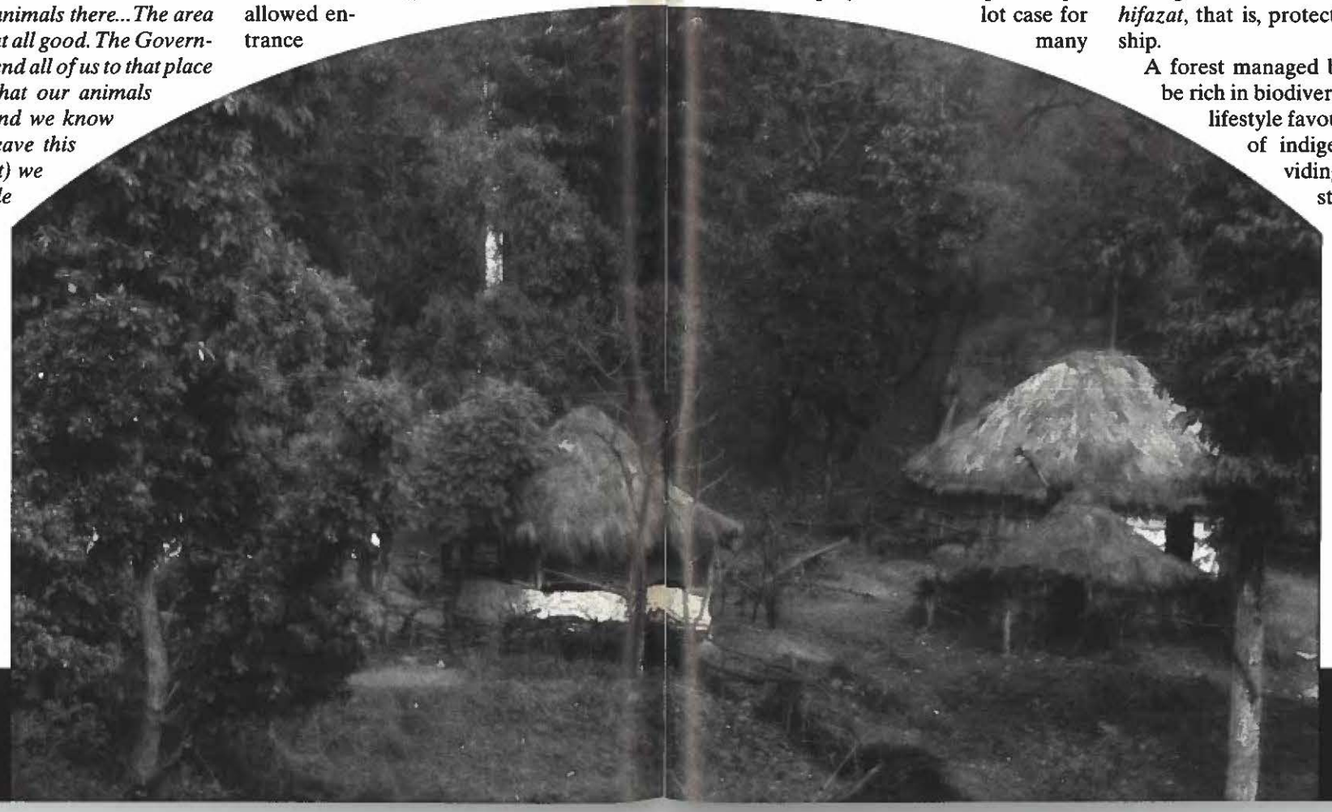
A forest managed by Gujjars would be rich in biodiversity because their lifestyle favours a mixed forest of indigenous trees providing fodder (for livestock as well as for wildlife), fruits, etc. and not the monoculture of modern forestry. As they use the yields of the same trees for fodder year after year it is of vital interest for them that the forest is regenerated. They already have plans for a systematic regeneration of forest resources. This involves planting sequences of both grasses and trees according to when leaves are felled and when the trees produce seeds. So far, the scientific training of the foresters has not taken into consideration the holistic and contextual nature of indigenous knowledge about the forest. Gujjar forest management would ensure the continuity of the homogenous Van-Gujjar society and its traditional institutions in the form of local Panchyats. The Gujjars are also skilled in dairying, which as vegetarians provides them with the means to support themselves in the forest. But existing legislation forbids them to take responsibility over their environment.

At a meeting on the 4th of April 1993, the Gujjars passed a resolution to ask the Prime Minister and the Union Minister of Environment and Forests to hand over the entire management of the Rajaji Park to the Van-Gujjars for an initial period of five years:

You have stated (at the Rio Conference) that 'India cannot treat forests as global wealth as they are community resources providing, fodder, fuel and wood'...Thus, at your team's insistence the importance of forests for local communities came to be incorporated in the forest principles... Therefore, in this year of the Indigenous Peoples, the Rural Litigation and Entitlement Kendra (RLEK) Dehra Dun (together with the Center for Science and Environment, CSE, Delhi)... makes a case for the very survival of the Van-Gujjar tribe by urging the Government to hand over the entire management of the proposed Rajaji National Park to them (Resolution signed by the RLEK and CSE).

The proposal for indigenous management has gained support from many environmentalists:

Because it is near Delhi, the conflict between foresters managing the proposed Rajaji National Park and the Gujjars who have been using these forests for a long time, has been reported extensively in the national media...This conflict can become a blessing in dis-



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A Van Gujjar dera, *camp, in the forests of the foots hills. Photo: Pernille Gooch.*

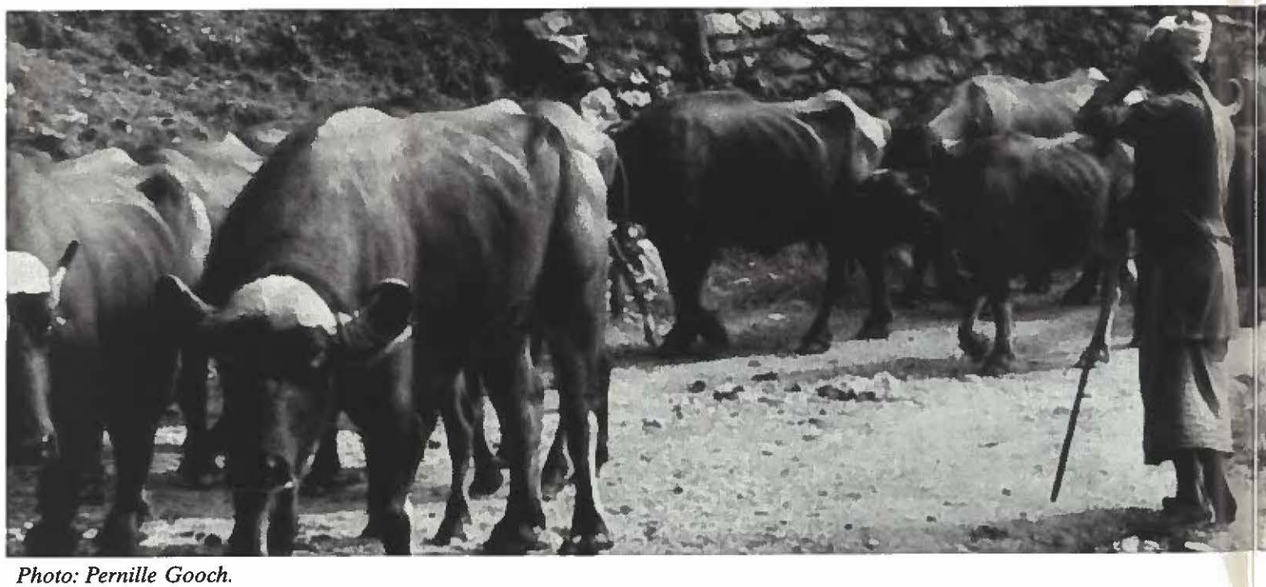

Photo: Pernille Gooch.

guise as it offers the Union Ministry of Environment and Forests its first opportunity to set up the country's first people's national park...All those who talk of the need to conserve the world's biological diversity must understand the importance of protecting the world's cultural diversity (Down to Earth 1993, January 31).

The Forest Department, the Indian Wildlife Research Institute (situated in Dehra Dun) and the part of the environmental movement that adheres to strict notions of conservation are completely against the idea.

An example of the rhetoric used against the Van-Gujjars appeared in an article written shortly after the Van-Gujjar park management proposal was made:

The suggestion that the Gujjars themselves should take on the management of the forest is not only naive but absurd. Forest management is a highly specialised area...An illiterate tribe who are exploiting the forest for their own use can hardly be expected to make good caretakers (Nergis Dalal 1993).

Kamal Nath, the Union Minister for Environment and Forests, responded to the proposal stating that the decision lay, not with his Department, but with the Forest Ministry in the State of Uttar Pradesh.

Since then both sides have been hardening their stands but the Van-Gujjars will need all the outside support they can get in order to be able to stay in the forest on more than the present ad hoc basis. As Mustooq Lambardar said, "Kamal Nath, the Forest Minister, says everything is all right in the forest, but we know that nothing is right".

Teaching the Gujjars to read and fight for their rights

In an attempt to help the Van-Gujjars continue their life in the forest, RLEK has started up some new projects aimed at strengthening and intensifying their specific lifestyle. The most important of these is an innovative literacy campaign under the National Literacy Mission.

The learning material is in the form of three primers called 'Naya Safar' (a new journey). It has been specially designed and is based on a new pedagogical technique which incorporates specific Gujjar vocabulary. The programme uses the Gujjars' knowledge of their environment as the basis of the literacy drive and plans to use this to further enhance their conservation skills. The content and language is built around Gujjar lifestyle and approach to their environment, for example, *Yo hamaro jungle hai, hamne jaan the bhi pyaro hai* ('this is our jungle and it is dearer than life to us'). Naya Safar aims at imparting functional reading skills that the Gujjars can start using in their daily lives after only a short period of learning.

The Gujjars provide an example of a people who need basic literacy skills for their dealings with the outside world in order to counteract the present situation of exploitation. Because they cannot read they have been exploited by middlemen, cheating them over the sale of milk and by corrupt forest officials using arbitrary readings of the forest rules. Another big problem for the Gujjars has been speeding trucks killing their cattle during migration. As they could not decipher the numbers of the trucks they could not get compensation for their losses. These injustices meant that they were already highly motivated to start learning. The main target group is the 15-40 year olds but in reality Gujjars of all ages and both sexes are taking part in the programme.

The teaching is done by more than a hundred voluntary teachers, mainly young non-Gujjars from villages adjoining the forest. It was decided at the beginning that the education should be given in the Gujjars' own surroundings and right at their doorstep. The classes are held in the forest and in most cases the volunteers have to stay with the Gujjars in their deras as the area is vast and the Gujjars live highly dispersed. The volunteers will also follow the Van-Gujjars during transhumance and will stay with them in their summer pastures in the mountains. The Gujjars look after them and provide food and lodging.

The programme, started in November 1993, has been called a 'miracle in the making'. The response of the Gujjars has been enthusiastic and many neo-literates were showing their new skills at a large gathering in Mohand on the 18th of April 1994.

Apart from giving the Gujjars the necessary literacy skills, the projects is also envisaged as a means of "percolation of knowledge, making them aware of the causes of their deprivation and enabling them to move towards amelioration of these conditions" (RLEK).

I visited the Van-Gujjars in the forest in the winter of 1993/94 when the literacy project had just started and there are two episodes that were especially memorable: one was a class of new learners at a Gujjar camp. It was held outside in a clearing with dense forest all around. The pupils, a mixture of men and women, girls and boys, were learning to spell a new word *haque* (right) and the teacher was asking "which right?" The answer came loud and without hesitation, "*jungle ka haque*" (forest right).

Another episode was in another part of the forest where a father was watching a lesson. He was sitting holding a young baby in his arms. The lesson was on one of the chapters in the primer about *hamaro* jungle (our forest), and as the lesson progressed the father kept humming again and again to his child, "hamaro jungle, hamaro jungle, hamaro jungle."

The new awareness that the literacy project is creating among the Gujjars is worrying the Forest Department. People who know their rights are not so easily manipulated and it is feared that this will create a situation where they will never leave the forest. In response to the success of the programme, the Forest Department is creating all kinds of hindrances and obstructions. They have declared the project illegal, volunteers have been hindered from entering the area of the proposed national park (although they have been given formal permission from the State Forest Ministry), they have been harassed and in some cases even arrested and detained on false charges.

A local association 'concerned with the environment of the Doon Valley' is cooperating with the Forest Department in its efforts to get the Gujjars ousted in order that Rajaji can finally be declared a National Park. This association is actively trying to stop the literacy programme in its present form as an innovative project aimed to make a transhumant forest-based community literate. The following letter has been circulated to authorities dealing with the Van-Gujjar literacy issue.

While we welcome the move to educate the Gujjars, we would earnestly request you to ensure the following for the sake of the vanishing forest of the Shiwaliks...Schools can be and should be set up outside the Park boundary...the edu-

cation programme should contain a curriculum which will teach the young Gujjars to rehabilitate themselves within the mainstream of our country's rural life...They should be taught by experts that it is in their interest and important for their survival that they should resettle outside the forest or else both will perish (Information supplied by RLEK workers).

This shows that the idea of Pathri, so disdainful to the Gujjars, is still a very real option in the minds of the opponents to any form of Gujjar development within the forest.

Another project being carried out is a 'mobile veterinary van' donated by the Rajiv Gandhi Foundation through its chairperson, Sonya Gandhi. This is further strengthening the Van-Gujjars own lifestyle; settled populations do not need mobile vans. It is also a significant step that Sonya Gandhi has openly supported the Van-Gujjar case by personally donating the van.

We are Van-Gujjars

An important aim of the ongoing Van-Gujjar movement has been to establish an identity as traditional forest-dwellers and as a tribal, indigenous people. The Gujjars define their identity in relation to and as distinct from the surrounding peoples and have always done so. Their speech is interspersed with sentences such as, "This is Gujjars' world", "Gujjars and Gujjaris (female Gujjars) do like this", "We Gujjars act this way" etc. What is new, however, is that they are consciously using their identity as Gujjars in a creative and strategic way. They have politicised their identity and, like many other marginalized peoples all over the globe they are realising the strength inherent in their identity.

An important aspect of identity creation has been the insistence by Gujjar leaders that they are Van-Gujjars, emphasising the prefix Van- (forest). Previously they have mainly been known simply as Gujjars without any further differentiation. Using their name, Van-Gujjars, is also part of a strategy to seek status as a Scheduled Tribe by clearly distinguishing themselves from the very large group of Gujjar peoples in Northern India. Mustooq Lambardar said, "People were confused and thought we were the rich Gujjars living in Delhi and other places, they did not know that we were actually Van-Gujjars. Now, due to the efforts of Avdesh Kaushal, many journalists have come here and they have now realised that we are in fact Van-Gujjars".

Mustooq has played a major role in identity formation during the mobilisation process and has emerged as the most important leader. He, together with three other Van-Gujjars, went to participate in a Tribal Meet in Bhopal where he met representatives of other indigenous groups from other parts of the globe for the first time. This Meet was very important for the Van-Gujjars as it was the first time they were represented as one of the indigenous peoples of the world. They were able to spread the message that, "Van-Gujjars are being turned out of Rajaji National Park". They also realised that other indigenous groups have similar problems with land rights, exploitation and unsound development projects.

The Van-Gujjars' fight to gain tribal status has now met with success. In a letter dated 11th April, 1994, it states that the State of Uttar Pradesh has recommended to the Government of India that the "Muslim Van-Gujjars living in the forests of Uttar Pradesh" shall be included in the list of Schedule Tribes.

So far the Van-Gujjar movement has been successful in many ways but the problem now is that, as the literacy campaign clearly shows, as the Gujjars gain awareness of their rights the Forest Department will respond with repressive measures. And so the fight for a reasonable future for the Van-Gujjars is still far from won.

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Footnotes

1. In most of Himachal Pradesh all Gujjars, Muslim as well as Hindu, nomadic as well as settled, are declared Scheduled Tribals.
2. The numbers are only approximate as there is no separate census for the Van-Gujjars.
3. A survey by the Indian Institute of Public Administration on national parks and sanctuaries in Indian showed that 80 per cent have people living inside them (Hemal Kaul, *The Saturday Statesman* May 15, 1993).
4. The households which choose this alternative are typically those which, due to illness, childbirth or lack of beasts of burden, are rendered immobile for a season or two.
5. In 1993, the Uttar Pradesh state government, through a Forest Secretary who was sympathetic to the Van-Gujjar case, accepted transhumance as their 'traditional right'. This was one of the first visible results of the pressure and appeal work of the Van-Gujjar movement with the support of RLEK.
6. The colony was left empty for the first couple of years as the families which had been alotted the land went back into the forest and continued their transhumance. They were made to return when the Forest Department cencelled their permits in the forest.

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Indigenous Affairs
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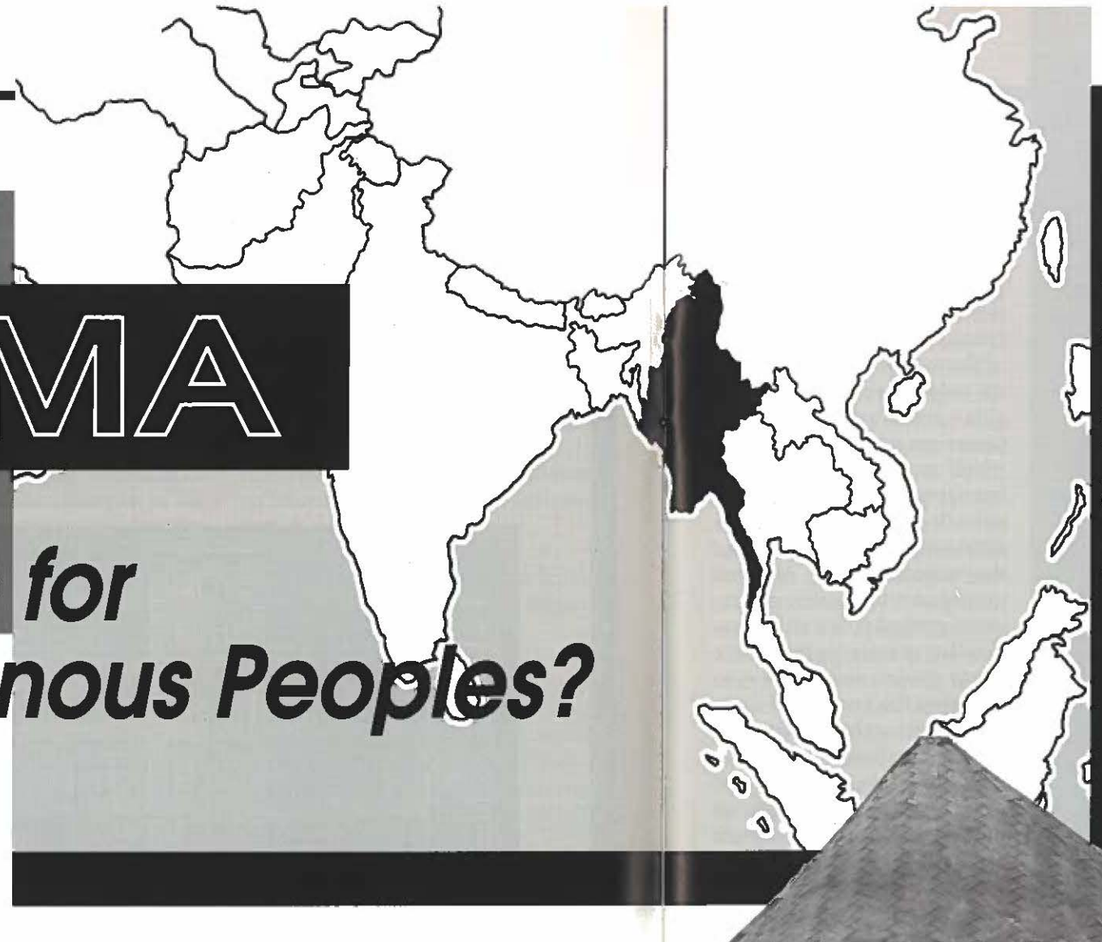
BURMA

Peace for Indigenous Peoples?

by Christian Erni



For more than 40 years there has been war in Burma, a war affecting mainly Burma's indigenous peoples who comprise nearly half of the country's population, a war in which hundreds of thousands of people have already been killed or wounded and tens of thousands forced to flee across the border to Thailand, China or Bangladesh, but a war of which the public hardly ever takes notice.

For decades the indigenous peoples have been locked in a desperate struggle for more autonomy and the right to their land against a regime that has uncompromisingly been seeking a military solution to the 'minority problem'. However, there are signs of changes in the regime's minority policy. Several indigenous resistance organisations have signed ceasefire agreements with the Burmese government, and others have agreed to take part in negotiations this year. Nevertheless, there are many reasons to doubt the Burmese government's sincerity in seeking peace through negotiations. For too long its attitude towards the indigenous peoples has been marked by an ethnocentric and aggressive assimilation policy and for too long brutal force was its only answer to the demands of the resistance movement.

The roots of the conflict

As in many other Third World countries, this conflict is mainly the product of arbitrary borders drawn in the course of decolonisation. Prior to British colonial rule there was never a geographic or political entity similar to today's Burma. What can now be found on maps and in encyclopedias under 'Burma' or, recently, 'Myanmar', has existed only since 1937, when the British disassociated the area from British India and put it under a separate administration.

Within its borders live 67 ethnic groups belonging to four different linguistic families, speaking well over a hundred different languages and diverging widely in their cultures and their sociopolitical organisation. The numerically and politically most important group is the Burmans who, according to official estimates, make up about two thirds of the country's approximately 42 million people. The remaining third comprises the various non-Burman peoples (e.g., the *Kachin, Chin, Shan, Karen, Kayab, Wa, Palaung*, to mention only some) and the few descendants of Chinese and Indian immigrants who remained in Burma following the 1962 military coup. According to indigenous organisations, however, the non-Burman peoples comprise some 60 per cent of the population, while the alleged Burman majority is really only about a third. But reliable statistics do not exist.

Most of Burma's indigenous peoples are further subdivided into regional groups, and the generally known names of the 'ethnic groups' are not so much designations for ethnic units as terms which encompass several linguistically and culturally related, but socio-politically independent groups. The terms Kachin, Chin, Karen or Naga, for example, are not aboriginal indigenous self-designations, but were applied to them by outsiders. It is only relatively recently that these terms were adopted by the indigenous peoples themselves, when the experience of a common threat to their sovereignty created some kind of an encompassing identity.

Photo: Christian Erni.

With respect to their traditional sociopolitical organisations, the indigenous peoples of Burma are also extremely diverse. The Mon people in the Southeast have had their own monarchic state for several centuries, opposing the Burman kingdom until 1757, when they were finally subdued. The Shan have had, and still have, a feudal structure, with some 30 traditionally independent principalities. The Kachin, much like the Shan, consisted of many independent chiefdoms until the creation of the Kachin state in 1947. And with the Chin the spectrum of sociopolitical organisations encompasses the traditional state of the Meithei and the fully autonomous Chin villages in the South, which never accepted any institutionalised form of political leadership. This acephalus segmentary structure also characterises the traditional sociopolitical organisation of other indigenous peoples in Burma such as the Akha and Naga.

Even in pre-colonial times relationships among the various ethnic groups were exceedingly complex and constantly changing as power centres shifted. Although the dominant Burman kingdom repeatedly succeeded in extending its political influence beyond the Irrawaddy Valley into the surrounding mountainous regions, the hill peoples living in those areas managed to retain their autonomy. Relations among the various ethnic groups were by no means exclusively hostile or characterised only by rivalry; a degree of symbiosis also evolved, especially with regard to the production and processing of various goods, which were exchanged in a lively trade among the regions and peoples.

The situation changed fundamentally in 1886, when the British annexed Burma to India following the third Anglo-Burmese War. 'Burma proper', the former Burman kingdom, was put under direct British administration. The king was forced into exile, the traditional elite stripped of their power and even the role of the village headman was changed to serve the British administration. The resulting weakening of the traditional Burman elite, the disintegration of old values, altered property rights and the establishment of a colonial export economy, led to extensive destruction of the

traditional social structure and the loss of Burman identity. In the Frontier Areas, the mountainous regions inhabited by non-Burman indigenous peoples, the British introduced indirect rule in 1922 which permitted traditional leaders to maintain their positions under British sovereignty. The divide-and-rule policy was a political strategy the British had successfully applied in other colonies. Allegedly meant to protect the minority peoples, the division actually led to alienation and tensions between the indigenous peoples and the Burmans, reinforced by the British proclivity for recruiting Chin, Kachin and Karen for their Burmese regiments. So it was also mainly with Karen soldiers that the British crushed the Burman Saya-San-Rebellion in 1930. During World War II, the Burmans initially collaborated with the conquering Japanese against the British, while the Karen and Kachin fought alongside the British from the outset.

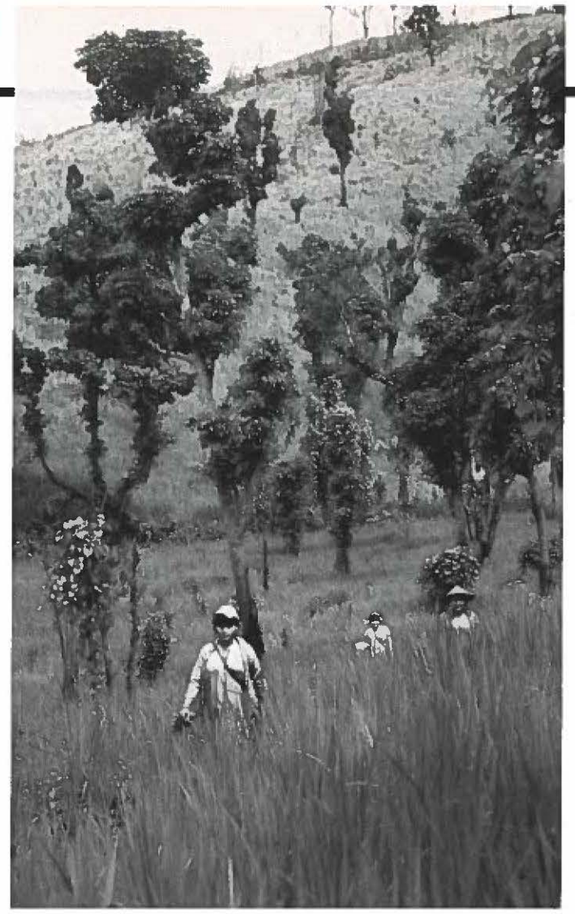


Photo: Christian Erni.

After the war, the accession to power of Britain's Labour Party brought a drastic change in colonial policy. Prime Minister Clement Attlee opened negotiations with a Burman delegation from the AFPFL (Anti-Fascist People's Freedom League), a nationalist liberation movement headed by Aung San (father of the Burman opposition leader and Nobel prize winner Aung San Suu Kyi), to discuss Burma's independence. The minorities question was a leading issue in those talks, with Britain asserting that the minorities should be permitted to decide whether they would be integrated into a Burmese state or remain under British rule. On the 12th February, 1947, an agreement was signed in Panglong, Shan State, between the leaders of the Frontier Areas and the interim Burmese government, which was dominated by the AFPFL after free elections. The treaty guaranteed to the country's 'ethnic minorities' self-determination and autonomy in several respects. And the Shan and Kayah were given the right to leave the Union after 10 years, if they should wish to do so.

But during the preparation of the constitution, on July 19 of that year, Aung San and five of his cabinet members were assassinated. Investigations led to the conviction of U Saw, a politician alleged to have commissioned the murders purely from power motives. Others, and above all the indigenous peoples' representatives, were convinced however that Aung San was murdered by his closest associates (including the first president of independent Burma, U Nu, and General Ne Win, who came to power in 1962 following a military coup), because in their view he had made excessive concessions to the non-Burman peoples.

On the 4th January, 1948, Burma gained independence despite massive opposition from a large part of the population. In theory the constitution of the Union of Burma was federal - but in practice things were different. The U Nu government succeeded in delaying its full implementation until the coup of the 2nd March, 1962, when the military established an exclusively Burman controlled centralised administration.

In the eyes of the country's indigenous peoples, the Burmans simply supplanted the British as colonial rulers. The new regime was characterised by an extremely inflexible and repressive attitude toward the non-Burman peoples. In reaction to the serious loss of Burman identity under British colonial rule, the political elite instituted far-reaching campaigns of 'Burmanisation', which prompted thousands of immigrants from India and China to flee the country. The government's behaviour toward the minorities now revolved around an ethnocentric, aggressively-pushed policy of integration. Top priority for the regime was to create a united nation, so that even the granting of more autonomy for the non-Burman peoples within the Union seemed too dangerous. In the government's view, national unity was constantly in danger of breaking apart, a serious danger to the country's security and also to its economy, since the Frontier Areas are rich in mineral reserves, which the Rangoon regime was not prepared to lose and most of which remain unexploited even today.

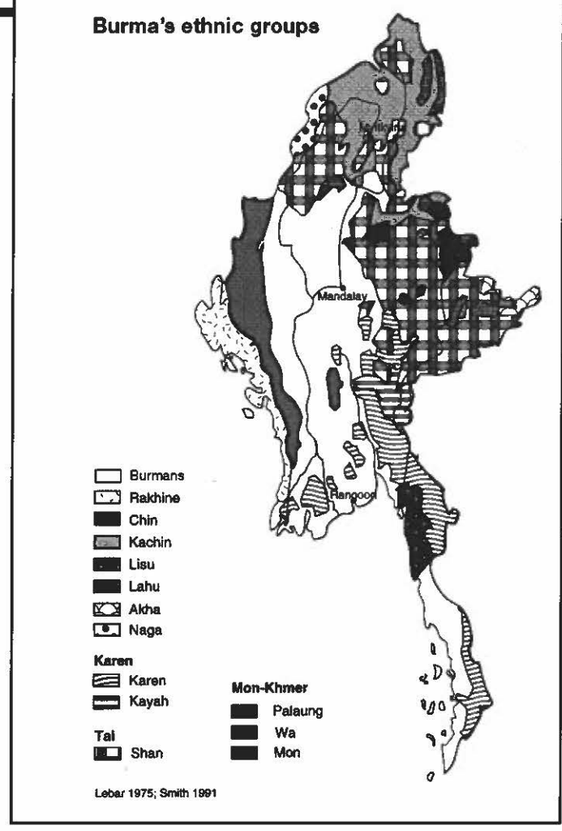
The indigenous resistance

Strictly speaking, despite all its efforts, Burma's central government has never really succeeded in gaining control over the Frontier Areas and their resources. Until the end of the 1980s, the indigenous peoples controlled just under half the country's territory. Today one fourth to one third is still in their hands. Shortly after independence, the Karen, Mon, Pa-O and the Kayah took up the armed struggle against the Burmese regime. By 1963, the Karen had initiated negotiations with the government three times, but the regime refused to consider a political solution to the conflict. With the Kachin, Shan, the Wa, Lahu and the Arakanese it took a few years longer until their resistance movement took up the armed struggle. In February 1962, the Shan, having unsuccessfully attempted

to carry through their demands for political participation and a more just distribution of state revenues, discussed with the Kayah the possibility of calling on their right to secession, as guaranteed in the constitution. Headed by Ne Win, Burma's military immediately reacted to the spread of the armed resistance and the threatening secessionist movement with the coup of March 1962, which sealed the dominance of the ethnic Burmans in the country's political and economic life for the next 30 years. The Shan took up the arms as well, and the Burmese government found itself enmeshed in armed conflicts with the indigenous peoples all over the Frontier Areas. In addition to the ethnic resistance movements, bands of the inter-ethnic Burmese Communist Party were active in those inaccessible regions until 1989 when it broke apart along ethnic lines. During all these years 190,000 government troops fought against some 25-30,000 guerilla fighters.

After the bloody crushing of the revolt in 1988, members of the Burmese democratic movement - most of them Burman students - took refuge in the eastern and northern border areas controlled by the indigenous resistance armies, who provided them with protection and military training. Eventually, the Democratic Alliance of Burma (DAB) was founded, consisting of more than ten indigenous member organisations of the National Democratic Front and about ten Burman opposition groups. By 1993 some 25 armed resistance bands numbering about 33,000 troops were fighting against 286,000 Burman soldiers. Today the Burmese army numbers about 360,000 soldiers, and the government is reportedly planning to further enlarge the armed forces to about 500,000 troops.

Although the war against the insurgents has put a heavy strain on the state's financial resources, it has never really brought the regime under pressure. On the contrary, the continuing fighting was presented as the sole reason for the country's steady economic decline, and above all it was used by the regime to legitimise the continuation of military rule. The recent discovery of new oil and gas deposits and an increasing trade with its Asian neighbours helped to consolidate the power of the State Law and Order Restoration Council (SLORC), the government which was installed by the military after the coup of 1988.



The regime's new strategy

With the increased militarisation and massive offensives of the recent past the SLORC has been trying to gain total control over the territories held by the indigenous resistance movements and commiting the severest human rights violations. In 1989 and 1990 alone more than 800 villages among the Karen, Kachin, Shan, Palaung and Kayah were destroyed and the people forcibly resettled. It is estimated that since 1988 half a million to one million people, both indigenous people and Burmans, have been resettled for political reasons.

But despite military successes, the more than 40 year-old war against the indigenous resistance movement has not yet brought the final break through. Now the regime has apparently changed its policy and at least gives the impression of seeking a political solution to the long standing conflict. In 1989, the SLORC offered a cease-fire to the indigenous organisations which have disassociated themselves from the Burmese Communist Party. In return for renouncing any further military campaigns against the government, they were offered the right to keep their weapons, to self-administration and to economic control within their territories. An additional, and probably crucial, aspect may have been the SLORC's promise to launch government programmes in order to improve the infrastructure and the general living conditions in the respective areas. A promise which - at least until now - has been kept only partially. Political issues, however, have not been discussed during the cease-fire negotiations and were postponed until the planned creation of a new government.

In spring 1991, the Pa-O National Organisation (PNO) and the Palaung State Liberation Army (PSLA) declared their withdrawal from the National Democratic Front and the Democratic Alliance of Burma and their willingness to co-operate with the government. By the end of 1993, the government succeeded in concluding cease-fire agreements with 10 indigenous resistance organisations, among them the largest armed organisation, the Kachin Independence Army (KIA). This success however is mainly the result of a strategy of attrition which the Burmese army has applied against the large resistance organisations during recent years and in which massive military operations were combined with unscrupulous action against the civilians including terrorisation, expulsion, forced resettlement and concentration in military camps.

The Kachin Independence Army was initially heavily criticised by the Democratic Alliance of Burma because of its separate negotiations with the SLORC.

But in spite of its earlier affirmations, last December the DAB also declared its readiness to negotiate with the regime. And it retained only one of its previous provisions: that the SLORC should not continue to have separate negotiations with the DAB's member organisations. However, the SLORC did not respond to the DAB's offer for negotiations in Rangoon and continued with individual negotiations. By November 1993, the New Mon State Party (NMSP) had agreed to take up negotiations with the SLORC, and representatives of the NMSP and the SLORC for the first time met in March this year. As with the Kachin, the increasing military pressure and the people's weariness of the incessant suffering have played a decisive role. Mon representatives themselves speak of a 'forced cease-fire'. A crucial factor in the realisation of the cease-fire was the dubious role that the Thai government played. During the last few months the majority of the 8,000 Mon refugees living in Thailand were forcibly resettled to a camp situated only 12 km away from a Burmese military post. According to Thai officials the camp still lies on the Thai side of the border, whereas international maps show the contrary.

The Mon refugees, completely at the mercy of the Thai administration, which is keen on maintaining good relationships with the Burmese regime, became the means by which the NMSP was forced to give into the demands of the SLORC. Thailand's commitment to the cease-fire initiative however, is not disinterested: there are ample reasons for suspecting that the forced 'pacification' of Mon territory is related to the planned construction of a gas pipeline from the partially newly discovered off-shore gas-fields in southern Burma across the border to Thailand.

The Karen National Union (KNU), which so far has supported the demands for exclusive negotiations with the DAB, found itself increasingly isolated in a gradually dissolving alliance. In addition to that, its headquarters in Manerplaw at the Thai-Burmese border was besieged by 30 battalions of the Burmese army and the civilians suffered increasingly from the massive military offensives. Furthermore, the military success of the Burmese army on Karen territory near the Thai border has severely weakened the economic basis of the KNU, as it found itself deprived of important revenues from trade and tolls. But above all they were also put under pressure by the Thai government's declaration that any further anti-Burmese actions would not be tolerated on Thai territory - which means a complete cut-off of any further supplies of weapons and ammunition for the Karen resistance movement. Therefore, in January this year the KNU was forced to enter into cease-fire negotiations with the SLORC, with the formal approval of the DAB.

The only large resistance movement which continues to fight the Burmese government is the Mong Tai Army of the Shan State National Congress under Khun Sa. With reference to the right for secession guaranteed to the Shan and Kayah in the constitution of 1948, the Shan declared independence in December last year. The Burmese army reacted by launching a heavy offensive in April this year. But the Burmans are confronted with a very well equipped and roughly 20,000 troop-strong resistance army.

Prospects for peace?

No doubt, the new strategy is proving to be quite successful for the regime. With the combination of military pressure and the offers of autonomy and infrastructure programmes they not only draw upon the well tried method of the carrot and the stick but the success of the new policy is as much the result of historically and well tried divide-and-rule tactics. By leading separate negotiations with the different indigenous organisations, the SLORC succeeded in provoking the break-up of the DAB and consequently a general weakening of the resistance movement.

The SLORC is interested in a rapid stabilisation of the internal political situation in order to be able to sustain the country's development which has gained momentum since the economic opening up of 1992. A military solution to the conflict - this should by now be clear even to the SLORC - cannot be the appropriate means. Only by honestly complying with the legitimate demands of Burma's indigenous peoples in a federalistic state will true peace be possible. However the seriousness of the Burmese regime may be doubted.

Although comparably far-reaching concessions are made in the new constitution, which is in preparation, these are still quite remote from the demands made by Burma's indigenous peoples. To a large extent the cease-fire agreements were accomplished forcefully, and the SLORC is well aware that its stronger bargaining position is due to its military success in the recent past. This will definitely determine the SLORC's readiness for making compromises. Some indigenous representatives, as well as the more critical observers of the recent developments in Burmese politics, seriously doubt that the SLORC really intends to seek a political solution to the long standing conflict. They see the cease-fire talks as just a tactical means in a strategy basically still aimed at a military solution. In view of their past experiences with the Burman regime, there is little reason for Burma's indigenous peoples to be more optimistic.

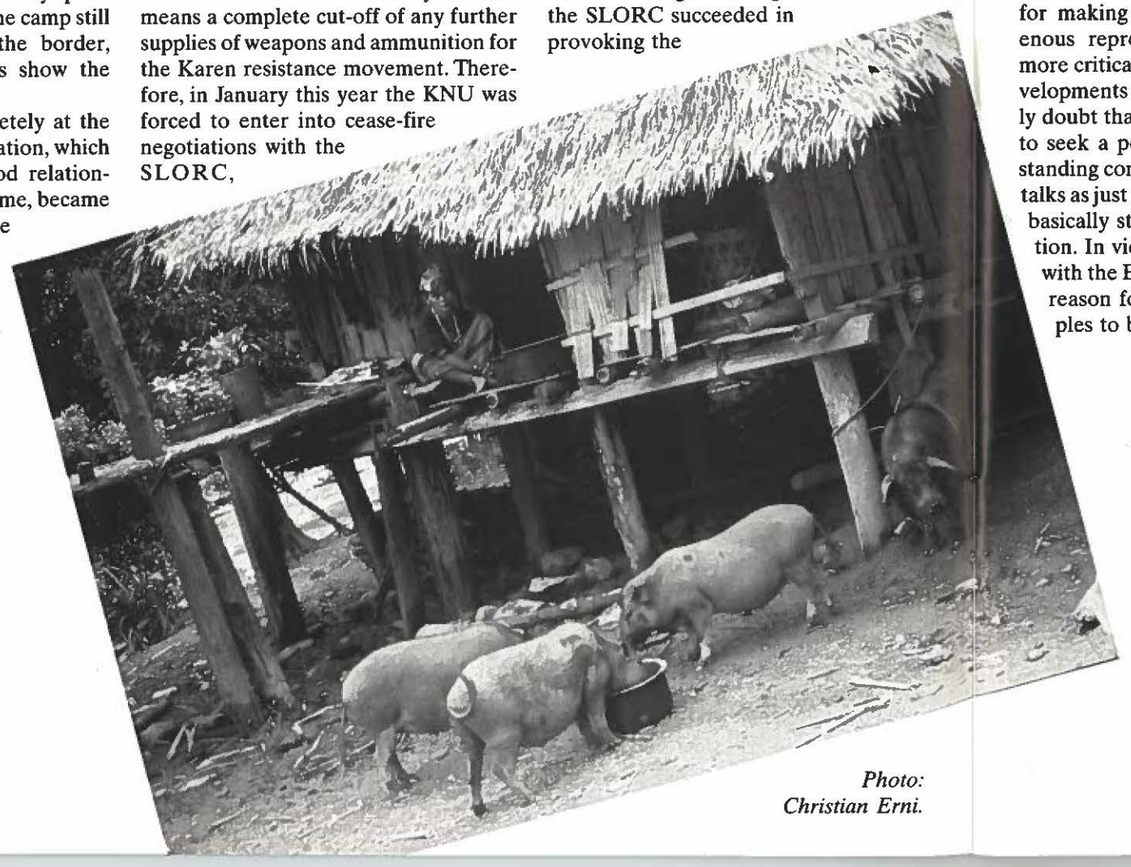


Photo: Christian Erni.

Books received

Peter Elsass:
Strategies for Survival.
The Psychology of Cultural Resilience in Ethnic Minorities.
New York Press, 1992.

Known for his film, The Earth is our Mother, Elsass addresses here the question of the survival of cultures exposed to white civilization. From a psychological perspective, he compares the development of five indigenous communities in Latin America and attempts to draw up a theoretical framework to encompass the general characteristics in the struggle for cultural survival. The book includes an essay by Kirsten Hastrup on the problems which the anthropologist faces in relation to the culture under investigation with her/his concrete role as advocate of their cause.

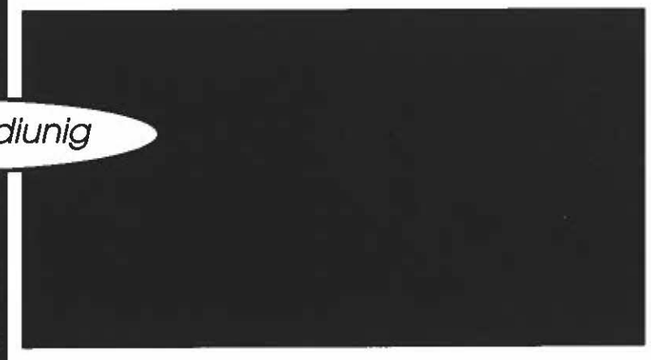
Eyassu Gayim:
the UN Draft Declaration on Indigenous Peoples. Juridica Lapponica 13, 1994.
Published by the Northern Institute for Environmental and Minority law. Rovaniemi, Finland.

Subtitled 'Assessment of the Draft Prepared by the Working Group on Indigenous Population', in the main section of the book the author analyses the content of the Draft Declaration as adopted by the UN Working Group in 1993. One chapter is devoted to relating the Draft to international human rights instruments, while another chapter takes up the issue of self-determination and indigenous peoples' rights to land. In the final chapter the author gives his view on the strong and weak features of the Draft Declaration.

The Yunnan indigenous peoples

between integration and assimilation

by Tina Wodiunig



Yunnan is the sixth largest province in China. It is situated in the southeast and inhabited by 24 of the 55 national minorities which at present have official recognition. The Chinese consider the ethnic minorities as a problem which in the long term can be overcome. Nevertheless, the present situation in Yunnan, including the human rights situation, is relatively tranquil.

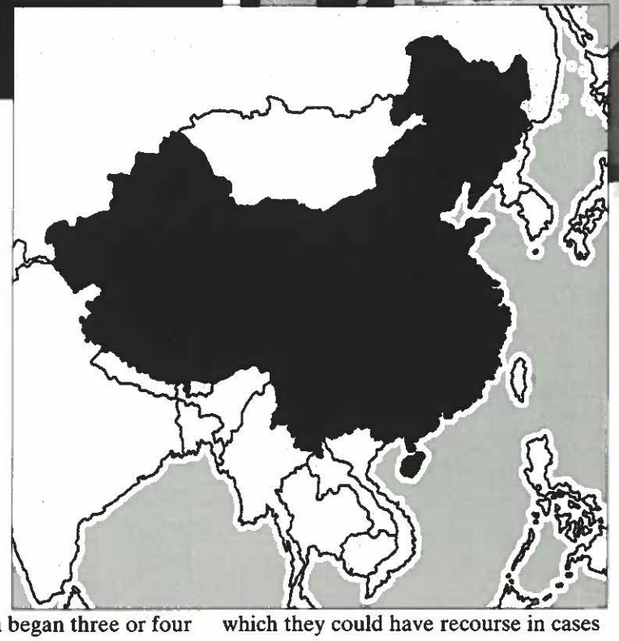
The reason for this may relate to historical developments and to the present policy towards national minorities which is based not on confrontation but on persuasion. This policy is being carried out by, among others, institutions for minorities, that is universities specifically for members of the ethnic minorities.

The province of Yunnan lies in one of the ethnically and culturally richest and varied regions in Eastern Asia. The frontier region between China, Tibet, Burma, Laos and Vietnam is superimposed upon three great cultural zones: the Tibetan, Chinese and Southeast Asian. For this reason it is surprising that there are almost no reports of conflicts in this part of China. How can this relative tranquillity be explained? Has integration perhaps been achieved in Yunnan?

Despite this tranquillity, there is an appreciable potential for conflict in Yunnan between the majority *Han* and the indigenous population. The 24 ethnic groups officially recognised as national minorities because of their linguistic, cultural and psychological characteristics represent 34 per cent of the population of the province. Nevertheless, it is very likely that this percentage is considerably higher given that in the census carried out in the 1950s by the Chinese government more than 240 ethnic groups were registered in Yunnan province alone.

Official recognition as a national minority brings with it the right to a seat in the National Popular Congress, the Chinese parliament, and the exercise of 'autonomous rights' established in the 1984 autonomous legislation. However, the recent past has demonstrated that these rights are not sufficient to defend the interests of the minority groups.

During the Cultural Revolution these groups came under enormous pressure to assimilate. They were forbidden to use their language in public, to wear their distinctive dress and to celebrate their traditions. Many of the autonomous regions created in the 1950s were dissolved and the traditional elites disappeared as a consequence of great 'wave of cleansing'.



Nevertheless, the conflicts in Yunnan have still not exploded. In contrast to Xingjiang, Tibet and Mongolia, Yunnan has not suffered from military invasion or occupation in recent periods and has not been the focus of a large immigration by the majority Han people. The process of integration in the region, which began three or four centuries B.C., comprised many different phases and still continues today. However, as we discuss below, the '*tusi* system' is modifying the traditional social structure.

Chinese policy towards the Yunnan 'savages' and 'barbarians' has been based for centuries on the need first of all to protect merchants and travellers who moved around the southeast and, later, the increasing immigrant Han population. This policy was not aimed at establishing feudal relationships or domination but, rather, at setting up alliances with the indigenous peoples, to which they could have recourse in cases of emergency.

The tusi system[1], which is typical in the southeast, adapted itself perfectly to the achievement of this policy: carefully selected indigenous leaders were recruited by conferring titles on them, as well as the right to use a Chinese name and the right to autonomously administer their respective areas. These tusi were in turn compromised through gifts into accepting the symbolic leadership of the Chinese emperor and to be his allies in time of conflict.

This system may be called a 'soft' form of integration given that it was based on indirect domination. Nevertheless, it had enormous consequences for the indigenous peoples. On the one hand, it separated the integrated peoples from the remaining groups, further accentuating their already existing geographical isolation and confounding any possibility of solidarity between the different ethnic groups. On the other hand, it created dominant families in that the titles given were hereditary.

The tribute system also led to an intolerable exploitation of the population because the power and prestige of the tusi at the imperial court depended on the size of their tribute. An extreme example was the case of the tusi of the *Naxi* people who exploited his people to such an extent that they chose voluntary integration into the Chinese Empire in 1723.

The real integration and domination of large regions began under the Ming dynasty (1368-1644) when a large number of Han colonists occupied the fertile plains in the central and eastern parts of Yunnan which were suitable for rice cultivation. The indigenous population which did not accept forced assimilation and feudalism were forced to migrate to the mountains and marginal areas which were poorly suited to agriculture. Finally, in the 19th century, there were sporadic confrontations when the Quing government (1644-1912) tried to convert the tusi zones into areas of direct administration.

The most serious conflict in the history of Yunnan took place in 1855 in the town of Dali over a disagreement between Chinese and Muslim miners, and quickly developed into an uprising against the Quing government. The *Hui*, a Muslim people led by their mullahs, declared the Dali area the Independent Empire of Pingnang. After twenty years of struggle, this uprising was bloodily put down by the Quing army. The massacre of the Hui population and the subsequent epidemics cost the lives of half (or, according to other sources, two thirds) the population of Yunnan. The town of Dali, the symbol of an independent Yunnan, was totally destroyed.

The last massacre of which there is any information took place during the Cultural Revolution. The popular liberation army massacred all the inhabitants of a Hui village situated some 200 km south of Kunming who, like their compatriots some 100 years previously, had declared independence.

Han and Hui

The potential conflict between the Han and the Hui is particularly delicate. The ancestors of the Hui were sailors and merchants who arrived in China during the Tang dynasty (618-907) from Persia. The beginnings of what can be called a real Hui culture took place during the Yuan Mongol dynasty (1279-1368) due to the isolation of the Hui from their original culture because of the conquest of a large part of the Arab world by the Mongols. As the conquerors of China, the Mongols distrusted the Han and employed a large percentage of Hui as civil servants. Since then there has been a high degree of competition between these two peoples for power, money and position and, given that since their arrival the Hui have depended on Han women to ensure their biological continuity, for women.

The 7.2 million Hui today are the second largest officially recognised national minority in China, surpassed only by the *Zhuang*. In spite of their apparent integration and the fact that they live side by side with the Han, they are discriminated against and the prejudices towards them are greater than against other minorities. It is said of them that they eat

small children and the Han, who eat pork, wrinkle up their noses when they pass by a Hui restaurant, saying that they 'trample beef underfoot'[2], which is an allusion to the reputation which the Hui districts have of being dirty.

The Hui are a Muslim minority at the centre of the religious taboos of the majority Han, whose suspicions and prejudices from time to time develop into uncontrolled acts of violence.

Chinese as a 'Lingua Franca'

All the indications are that until the forced transformation of the tusi directly-administered areas at the end of the Quing dynasty (1644-1912), relations between the Han and the indigenous population of Yunnan were relatively calm. Chinese domination was already a political and social reality long before the creation of the Popular Republic (1949), in that Yunnan lost its independence in the XIII century after the Mongols. For centuries, Chinese culture has been a unifying element in the face of linguistic and cultural differences. The Chinese language is the lingua franca of the region.

The *Yi* (*Lolo*) people controlled a large part of the southeast in the period of the Nanzhao empire (ca. 629-937)[3] and their admiration for the Chinese culture was transformed into dependency. The strong influence of the Chinese officials employed by the court of the Nanzhao empire resulted in a growing estrangement between the Chinese speaking elite and the rest of the population, which was finally overthrown. Moreover, the integration into Chinese culture was utilised by some as a means of differentiation and to increase their social status.

Nevertheless, the great majority of the indigenous Yunnan peoples avoided Chinese influence until the beginning of the 1950s because they inhabited marginal areas with little economic interest or because they had a social structure which was incompatible with that of the Han.

The *Wa,* who live in the tropical southeast region, probably avoided integration because of their custom of head hunting. Similarly, the Han could not involve themselves too much in the mountainous region of Liangshan, to the north of Yunnan, if they wanted to avoid being enslaved by its inhabitants, the *Yi.*

But in the 1950s, the young People's Republic felt obliged to secure its frontiers because of repeated attacks by the Kuomingtang and this signified the integration and military occupation of the remaining areas. Today the frontier areas of this region are still considered security zones, because of the increase in drug trafficking in the 'golden triangle'[4].

In addition to this structural integration of the minorities, preceded by a system of more or less voluntary assimilation, the forced integration of the Cultural Revolution continues, from which no one escapes.

This is one of ten national institutes which have been established since the foundation of the People's Republic to educate personnel indispensable for carrying out the party's nationality policies. These institutes are today creating a new ethnic elite which, in contrast to the traditional elites, have mastered the language of the dominant system.

Since 1977, the Kunming Institute for Minorities has had the status of a university especially for ethnic minorities. All the young people who are accepted there have been through the Chinese education system. The teachers not only transmit Chinese values and norms but also an implicit depreciation of their own culture. From childhood they learn that as *Drung (Dulong), Wa, Yi* or *Lahu* they are backward and that the only road to a better future is the abandonment of their own norms and values and the adoption of those which the dominant culture offers them.

Moso women on the market in Lijiang. *Photos: Tina Wodiunif*

Furtive Assimilation through a Monopoly on Education

Pressure to assimilate the minorities based in oppression and direct force has decreased considerably. The autonomous zones are administered, at least in the cultural sphere, with a certain pluralism. Nevertheless, the assimilation continues as before but through more subtle methods such as, for example, regulated access to education and the mechanisms for ascending the social scale. The inclusion of minorities in the Chinese education system since the end of the 1970s has brought with it the diffusion of Han values and norms. The domination of these values and norms is impressive, especially amongst the educated class, such as can be seen in the Institute for Minorities in Kunming, the capital of Yunnan.

This consciencisation is reinforced scientifically through an evolutionary development scheme for Chinese history. This scheme is divided into five stages, from prehistoric communism to modern socialism, and it puts the ethnic minorities in an inferior position to the Han on the developmental scale.

The new elite's hopes of enjoying some of the benefits of modern society are held at bay until the end of their studies and then the state allocates them jobs such as teachers, police or administrative officials in one of the remote areas inhabited by the ethnic minorities. In carrying out their jobs there they contribute to the diffusion of the dominant system. Only a few manage to overcome their minority status and remain in the urban centres, and there their struggle against conflicts of loyalty and personal frustration obscures an enormous conflictive potential because, in spite of their university education, vis-à-vis the Han they have no chance for any social advancement or recognition of their merits. Only time will tell how the ethnic groups and individuals affected by this subtle assimilation policy will overcome it.

Footnotes

1. The word *tusi* is comprised of 'tu' = earth/soil and 'si' = administer/guide and is used to denominate both a system of official offices of indigenous leader as well as the leaders themselves.
2. 'Trample beef underfoot' is an expression often used in China which expresses a prejudice towards the Hui and can be used in many other contexts.
3. The Nanzhao empire was established about 629 with the union of 6 kings. It was the most powerful reign in the history of Yunnan, with its territory extending west to the Irrawaddy valley in present day Burma, to the south to Assam in present day India, to the east to Hunan and to the north to Chengdu. Its periodical alliances with Tibet made it a serious threat to China.
4. On the Burmese side, some ethnic groups are involved which are also represented in Yunnan, such as the *Wa, Jungpo* (a subgroup of the Burmese *Kachin*) and the *Dai* (a subgroup of the Burmese *Shan*). They do not earn large amounts of money, unlike the Chinese merchants who export the product. On the Burmese side, the minorities have permitted an increase in the cultivation of opium poppies and they finance at least part of the armed resistance against the central government with taxes on the opium caravans which cross their territory. To what extent their ethnic relations on the Chinese side of the border participate in the armed struggle and the drug trafficking is difficult to elucidate but, nevertheless, it can be supposed that the relations between them go beyond those of simple family ties. ❑

Population Census for the 25 Nationalities in Yunnan

North and Northwest:
Mountainous zone, temperate climate.
Dulong (Drung)*: 4,500 (5,816) / Nu*: 23,000 (27,123)
Lisu*: 467,000 (574,856) / Naxi*: 236,000 (278,009)
Pumi*: 24,000 (26,657) / Yi (Lolo): 3,350,000
Tibetans: 96,000

Central and East:
Plains, subtropical climate.
Bai (Minchia)*: 1,120,000 (1,594,827) / Hui: 438,000
Miao: 752,000 / Shui: 4,000 / Buyi (Bouyei): 4,900
Mongols: 6,200 / Han: 22,000,000

South and Southwest:
Hill zone, tropical climate.
Jingpo*: 93,000 (119,209) / Achang*: 20,000 (27,708)
Deang (Beglong)*: 12,000 (15,462) / Wa: 298,000 (351,974)
Lahu (Kucong)*: 300,000 (411,476) / Zhuang: 894,000
Bulang (Blang)*: 58,000 (82,280) /Dai*: 836,000
Hani*: 1,706,000 (1,253,952) / Jinuo*: 12,000 (18,021)
Yao: 147,000

All the statistics are from 1990: Tina Wodiunig

This table of the 25 nationalities of Yunnan (including the Han) is organised according to regional and cultural distribution.

The Yi, Han, Hui and Miao live in all three above-mentioned zones.

The statistics are from 1988 except those in brackets which are from the 13.11.1990 census.

Both statistics include only members of the national minorities resident in Yunnan.

The nationalities marked with * live only in the province of Yunnan (and also in bordering countries).

The names in brackets were used in 1949 (when the People's Republic of China was created).

LOGGING AT GUN POINT

The continuinig onslaught on Indigenous Peoples' Forests

by Christian Erni and Danilo Geiger

PHILIPPINES

When the Spaniards set foot on the Philippine islands in the early 16th century, about 90 per cent of the archipelago's 300,000 square kilometres were covered with lush forests. By 1900, agricultural expansion in the wake of steady population growth had reduced this to around 70 per cent. The forest cover was still extensive, providing the mountainous interiors with protection from erosion and the lowlands from heavy floods in a country recurrently ravaged by typhoons. It ensured the people reliable supplies of water for irrigation, wood for construction and a rich variety of other useful products. But today, only about 6.1 million hectares - barely 20 per cent of the land surface - are covered with forests. Almost two thirds of the forests which existed around 1900 have been destroyed over the last 50 years. Ecologists estimate that at least 40 per cent of the land surface should be under mature forest cover in order to maintain the country's ecological balance in the long term. The severe floods and droughts of recent years have alarmed the public and led to greater awareness of pending ecological disaster.

The first to suffer from the rapid deforestation were, and still are, the indigenous peoples of the Philippines. Their relationship with the forests is very intimate and many depend on the forests for their livelihood based on a combination of swidden agriculture, hunting and gathering. However, the indigenous peoples' swidden agriculture is often considered to be one of the main causes of the rapid disappearance of the Philippine forests. Nevertheless, recent studies have shown that the driving force in the deforestation process consists of a combination of uncontrolled logging and the subsequent settling of the opened-up areas by migrant farmers from the lowlands. The indigenous peoples' impact on the forests becomes critical only when their forests are reduced to an area no longer sufficient for maintaining the traditional sustainable swidden cycles.

A proposed new forestry code, aiming at a 'sustainable development' of the forests and thereby allowing 'selective logging' within secondary forests, has been not only heavily criticised by environmental groups but also opposed by members of Congress. 110 of the 206 members of the House called for a total logging ban early this year. However, the proposed bill seeking to protect the remaining 6.1 million hectares of forest through a country-wide logging ban is still being debated. But even if the bill is passed, experiences in the provinces where commercial logging has already been banned, reveal the government's obvious failure to enforce the law. Deforestation has accelerated rapidly. Rampant corruption and lack of finance have prevented the Department of Environment and Natural Resources (DENR) from effectively counteracting illegal logging, land speculation by influential businessmen and the massive influx of landless peasants onto forest lands ever since. The increased pressure on the uplands has led to violent disputes over land occupancy and above all to the harassment and displacement of the indigenous people.

While politicians continue their discussions, deforestation goes on at the alarming rate of 100,000 hectares per year, which is one third of the annual rate in the late 1960s when logging for export was at its height. Environment Secretary Alcala recently announced that for the first time the reforestation rate is exceeding deforestation. But aside from the fact that government forest statistics, especially those concerning reforestation, have rarely proved to be worth more than the paper on which they are written, reforestation in most cases means the establishing of wood plantations for commercial logging. There are numerous cases where indigenous peoples have been deprived of their ancestral lands to establish commercial timber plantations. Moreover, these forests cannot be compared with the natural forest in terms of their ecological function and their benefits to the local people, even if there was access to them.

A test of the central government's sincerity in protecting the country's remaining natural forests is Palawan, the Philippines' 'last frontier'. Despite the total logging ban imposed on the island in 1992, logging continued unabated during 1993, albeit illegally and, as environmentalists claim, with the covert support of the Palawan Council for Sustainable Development (PCSD). The PCSD proves to be the main obstacle in enforcing the forestry law on Palawan, as it is composed of influential local politicians, members of governmental development agencies and representatives of the private sector who have strong interests in the continuation of logging the remaining 800,000 hectares of forest. However, Palawan's ancient forests are almost exclusively located on the ancestral lands of the island's indigenous peoples, the *Batak*, *Palaw'an* and *Tagbanwa*, whose livelihoods are based on a complex utilisation of the forest and whose physical and cultural survival therefore depends on the maintenance of this ecosystem.

Nevertheless, wood has become scarce in the Philippines, prices have risen and therefore profits in the logging sector are very promising. And with 'Philippine 2000', the Ramos administration's ambitious new development strategy which seeks to raise the Philippines to the status of a NIC (Newly Industrialised Country) by the turn of the millennium, environmental concerns and indigenous peoples' rights are not likely to be given equal standing with or even preference over economic interests.

In addition to the rampant corruption and chronic lack of financial resources, there is an additional factor which has prevented the DENR and its predecessors from exerting effective control over the forestry sector: the close partnership between the logging companies and the military. For decades there has been a definite and strong link between the military and both legal and illegal logging activities. With the election of President Ramos, Chief of the Philippine Police under Marcos, Chief of Staff and later Minister of Defense under Aquino, it is no surprise that nothing has changed. Recent events in different parts of the country, and mostly on indigenous ancestral lands, bear witness to this.

In the first quarter of 1994, activities of the La Villa Resources Corporation (LVRC) with the DENR and the Armed Forces of the Philippines (AFP) strongly indicate that logging operations will soon resume in Zinundungan valley, part of the ancestral lands of the *Aggay* and *Isneg* in Northeastern Luzon. Aerial and ground surveys conducted early this year indicate that the LVRC target is the forest between Lasam and Rizal. As earlier experiences show, such surveys signal the start of the logging season. In fact, a quantity of LVRC logging equipment is already in the area. The ground has already been well prepared. Task Force Zebra of the 502nd Brigade conducted military operations during the second half of 1993 to clear and secure the cutting areas of San Juan Norte, San Juan Sur and Masi in the Zinundungan valley as well as Sicalao, Cabaggaoan, Bulo and West Cabatacan. Earlier military operations in the 1980s have already decimated the indigenous population of the Paco Valley. Although the Zinundungan valley is the main target, the Paco Valley is also in danger as logging companies often extend their operations beyond the permitted area. The construction of a logging road near the Tawit river in Paco Valley points to such a possibility. Military manoeuvres have already driven out most of the 200 Aggay and Isneg families that used to inhabit the heavily forested valley. Today, of the original seven large communities, only one small settlement remains.

The Asosasyon Dagiti Mannalon Ti Zinundungan Valley (ADMZV) voiced its concern and opposition to the impending logging operations to the local government and the DENR, and has sent a petition and collected signatures in the hope of preventing the LVRC from starting logging operations.

Further north, in the Marag valley, another move has been arousing suspi-

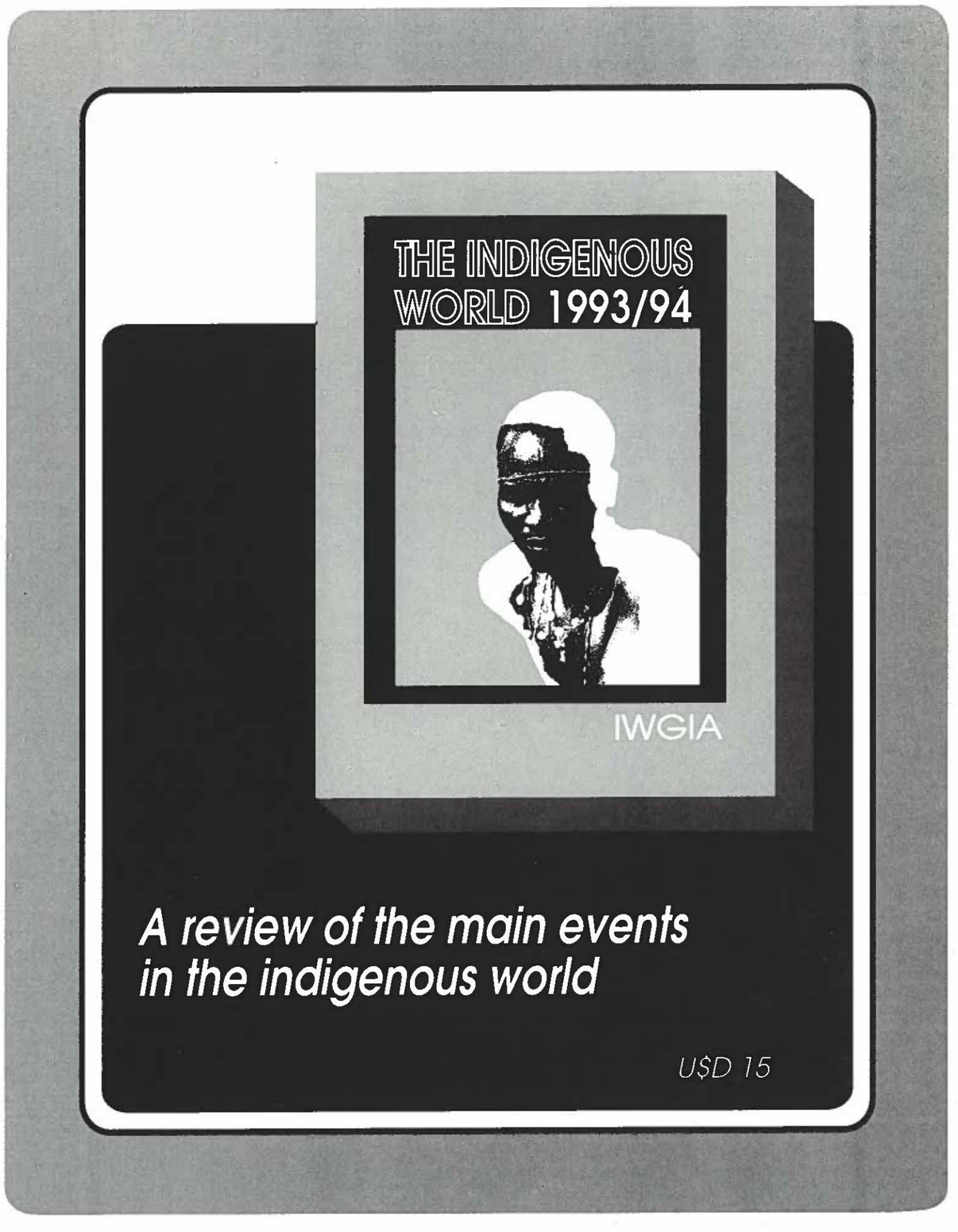
cion. The Department of National Defense and the Tribal Farmers Affairs Group of Abrino Aydinan have proposed to the Department of Agrarian Reform that 5,000 hectares of property in Marag valley be set aside for an agrarian reform community. This must be taken as an indication that, in addition to the logging companies known to be already present in the area, the *Aydinan* group and other individual loggers will soon strike in the Marag valley.

Events on the ancestral lands of the Banwaon of San Luis, Agusan del Sur, Northeastern Mindanao, parallel those in Zinundungan, Paco and Marag. While in the early 1980s the 23,000-strong Banwaon were able to stop commercial logging on their ancestral domain, they have now appealed for outside help in the face of the resumption of logging operations. The Banwaon territories at the boundary of Agusan and Bukidnon provinces are among the last areas in Mindanao which still retain significant primary forest cover. Although accustomed to annual military campaigns since 1984 the Banwaon now feel seriously threatened by the simultaneous granting of large timber plantation concessions and systematic military operations. The Industrial Forest Management Agreement (IFMA) which was issued covers most of Banwaon farming and hunting grounds. With rebel activities by the NPA (New People's Army) at an all-time low in the area, the setting up of checkpoints and the imposition of a food blockade against hinterland communities begun in September 1993 seems to be for the sole purpose of intimidating the population and discouraging opposition to the resumed logging operations. The military and the loggers have resorted to branding one of the most influential *datus* (community leader) as an NPA commander, while at the same time creating fake datus who are not native to the area and who publicly endorse the logging activities. The Banwaon are demanding an end to all logging on their lands and the recognition of their rights to their ancestral domain.

The situation of the Ata-Manobo of Davao del Norte (also in Mindanao) is also similar. Their already logged-over lands have been included in a reforestation scheme under the same programme invoked in the case of the Banwaon, the IFMA. Purporting to serve the re-greening of denuded forest areas, the programme in fact allows logging firms all over the country to retain or even expand their areas of operation by the large-scale planting of fast-growing tree species which can later be lumbered. In the case of the Ata-Manobo, the concessionaire, Alcantara and Sons, Inc., is intending to convert more than 12,000 hectares of prime agricultural land on Ata-Manobo territory into plantations of falcata and mangium. With no consultation whatsoever by Alcantara and Sons, Ata-Manobo fruit trees and crops were cut down and the owners prohibited from further planting in the area. Company officials threatened the Lumad with bombing their communities and killing their leaders. Military patrols by regular army units are reinforcing the pressure on the villages in the target area.

Sources: Cagayan and Kalinga Apayao Updates, Features and Commentaries; TABAK.

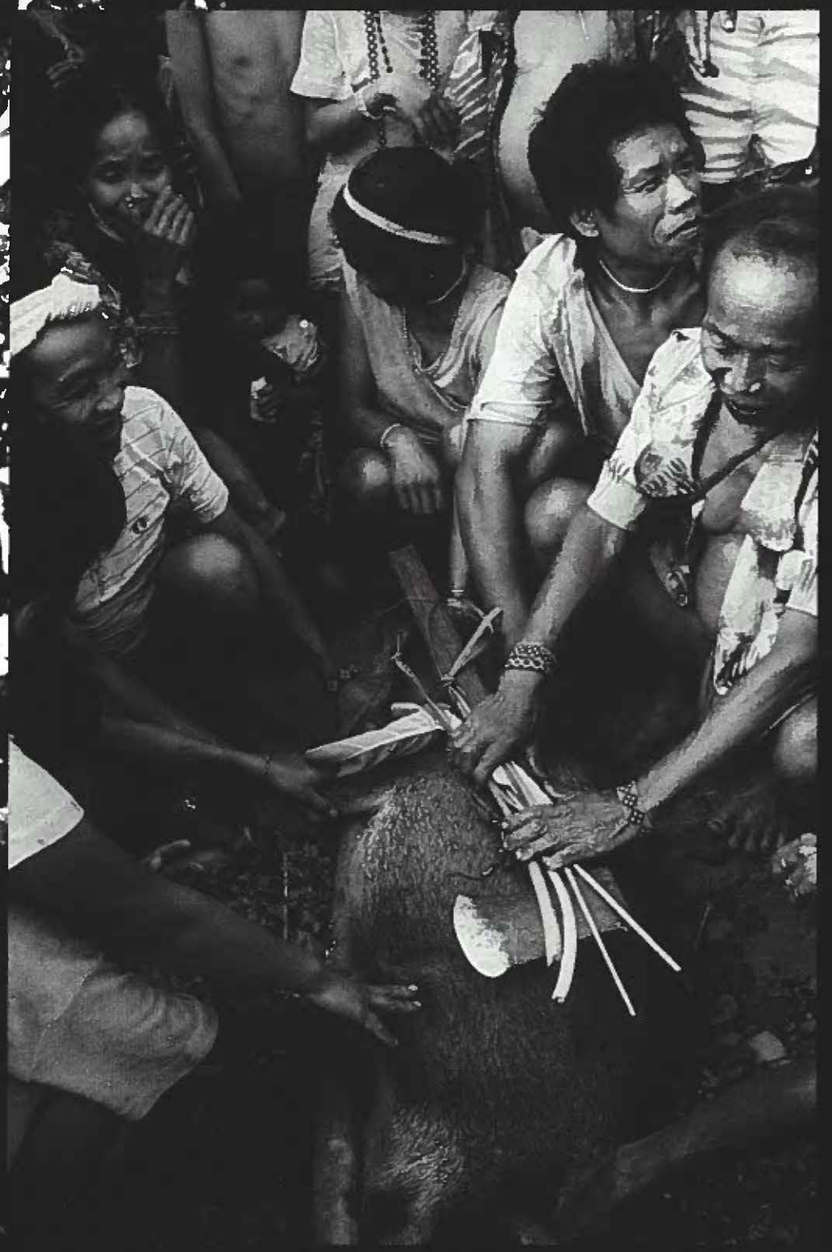
Photo: Christian Erni.

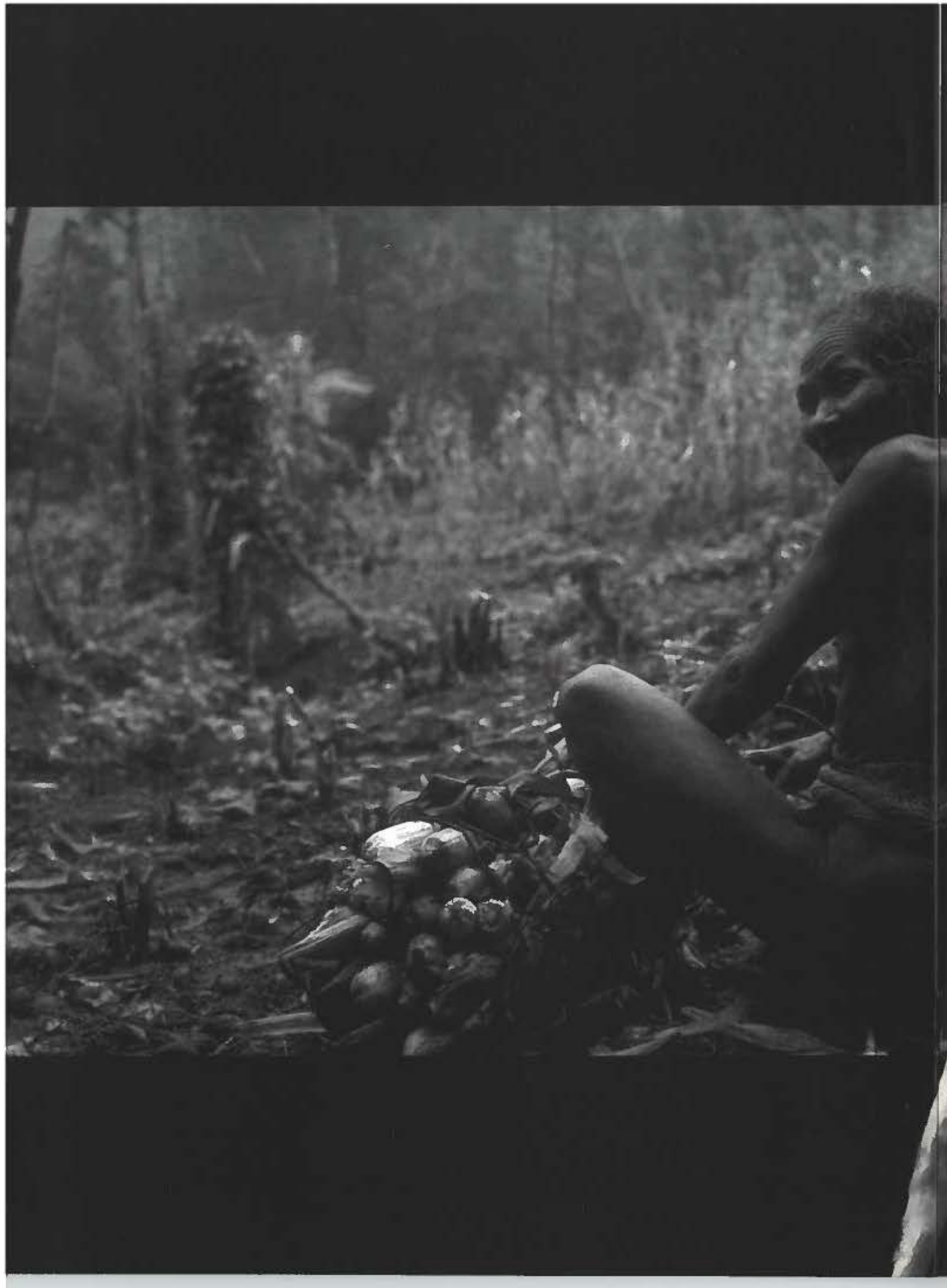


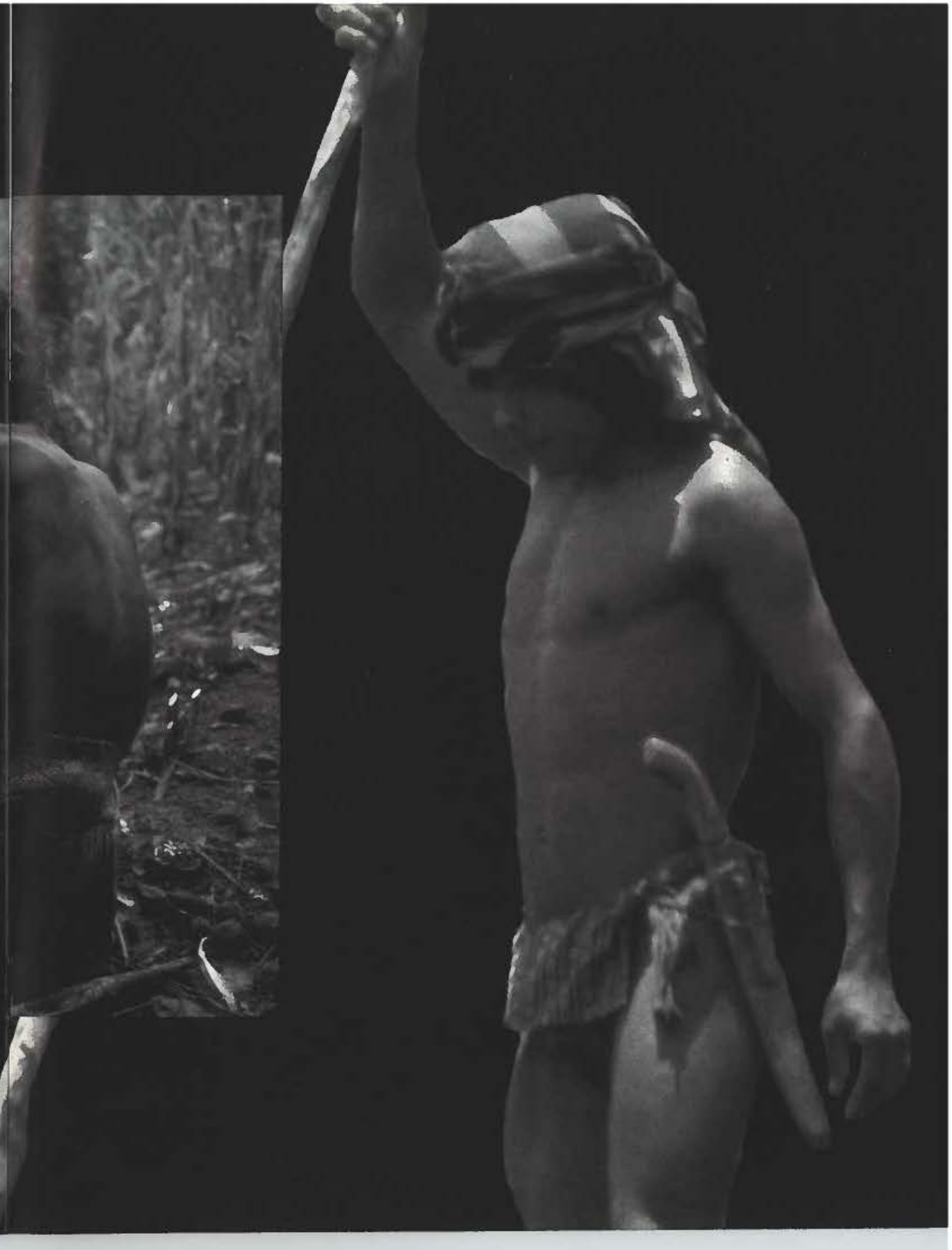
photos Christian Erni

PHILIPPINES

The Buhid from Mindoro







Politics and Performance

Reflections of the UN Working Group on Indigenous Populations

by Inger Sjørslev

Everything about human history is rooted in the earth, which has meant that we have planned to have more territory and therefore must do something about its indigenous residents", says Edward Said in his book *Culture and Imperialism*. Imperialism has shaped the social and cultural landscape of today's world in ways which have pushed some of its residents off the global political map. The situation of these residents is contained in the term indigenous, and a key element in the process of decolonization is land. Land was the desire of the imperialists, and land is the need and claim of the indigenous peoples who now combat the effects of imperialism. "At some very basic level," Edward Said goes on, "imperialism means thinking about, settling on, controlling land that you do not possess, that is distant, that is lived on and owned by others. For all kinds of reasons, it attracts some people and often involves untold misery for others." Indeed hardly a hundred years have passed since the period when Europe held about 85 per cent of the world as a dominion or protectorate.

But today something is happening to address the problems of the earth's indigenous residents. Meetings are being held, claims are being made, claims on land among others, and statements are being made on self-determination and the need to undo the harms caused by that imperialist urge for territory to which Said refers. At this particular time in history, the site of such politics is Geneva. This year marks the 12th time. It is year one after the UN indigenous year, and this is the year the Decade begins. Years and numbers - commemorations and symbols. How much do they mean in the dogged proces of rectifying the evils of colonization and imperialism?

What strikes a newcomer to the meetings in the UN Working Group on Indigenous Populations - which had 790 participants this year, of which 44 were government representatives, 88 NGOs, and 160 delegations of indigenous peoples - is the mixture of overt politics and range of underlying symbolic significance. There is the obvious significance of the event itself. There is the fact that all these people have come together and united forces, although with some conflicting interests. The mere fact that so many have made such an effort to travel to this particular place is impressive - a place which is no mere coincidental physical spot, but a significant spot in the centre of Europe, and a spot embodying the ideology of equality, albeit the equality of nations more than that of peoples.

What goes on in Geneva is politics, but the meeting is also a performance, an event set aside from daily life. It is a celebration of the new visibility of peoples who for too long have been ignored, culturally and politically downtrodden or just overlooked. The event in itself signifies an acceptance of these groups as equal partners in the modern world.

Just as the suppression of culture can and often does take bodily forms - from physical violence to prohibitions of such bodily manifestations of culture as clothing or songs, its opposite force, the building up of dignity and acceptance, also employs bodily means. Wearing Sami or Masai clothing is an embodiment of culture, which in the context of the United Nations carries a deep significance as a conscious cultural choice; in the same way the Sami or Masai person who the next day wears a suit or a European dress manifests an ability and willingness to play by the common rules, knowing well that these are rules set up by the dominant Western culture, a culture of those imperialists who created the world situation which made this meeting necessary.

As much as the UN is a forum where oral speeches and presentations are *the* medium of expression, the non-verbal elements of the performance in the meetings carry an additional or different meaning to the actual words spoken. While harsher means are undoubtedly required to change the course of history, the event in itself and its symbolic expression contribute to setting in motion a historical wave that hopefully can not be stopped. To acquire influence, however, the political rules of the system have to be learned because while democracy of speech may be a good thing, it does not in itself ensure that democratic rights are carried out. No human being is born with the ability to practice these, and just as anything else, this event is a learning proces. For some, it is the learning of basics in the exercising of democratic rights, for others it is an exercise in the loftier rules of lobbying and political influence.

Globalisation

It took the West a few hundred years to carry out their process of colonization. No one knows how long it will take to undo the harm. But as Edward Said says: "One of imperialism's achievements was to bring the world closer together and, although in the process the separation between Europeans and natives was an insidious and fundamentally unjust one, most of us now regard the historical experience of empire as a common one. The task then is to describe it as pertaining to Indians *and* British, Algerians *and* French, Westerners *and* African, Asians, Latin Americans and Australians, despite the horrors, the bloodshed and the vengeful bitterness."

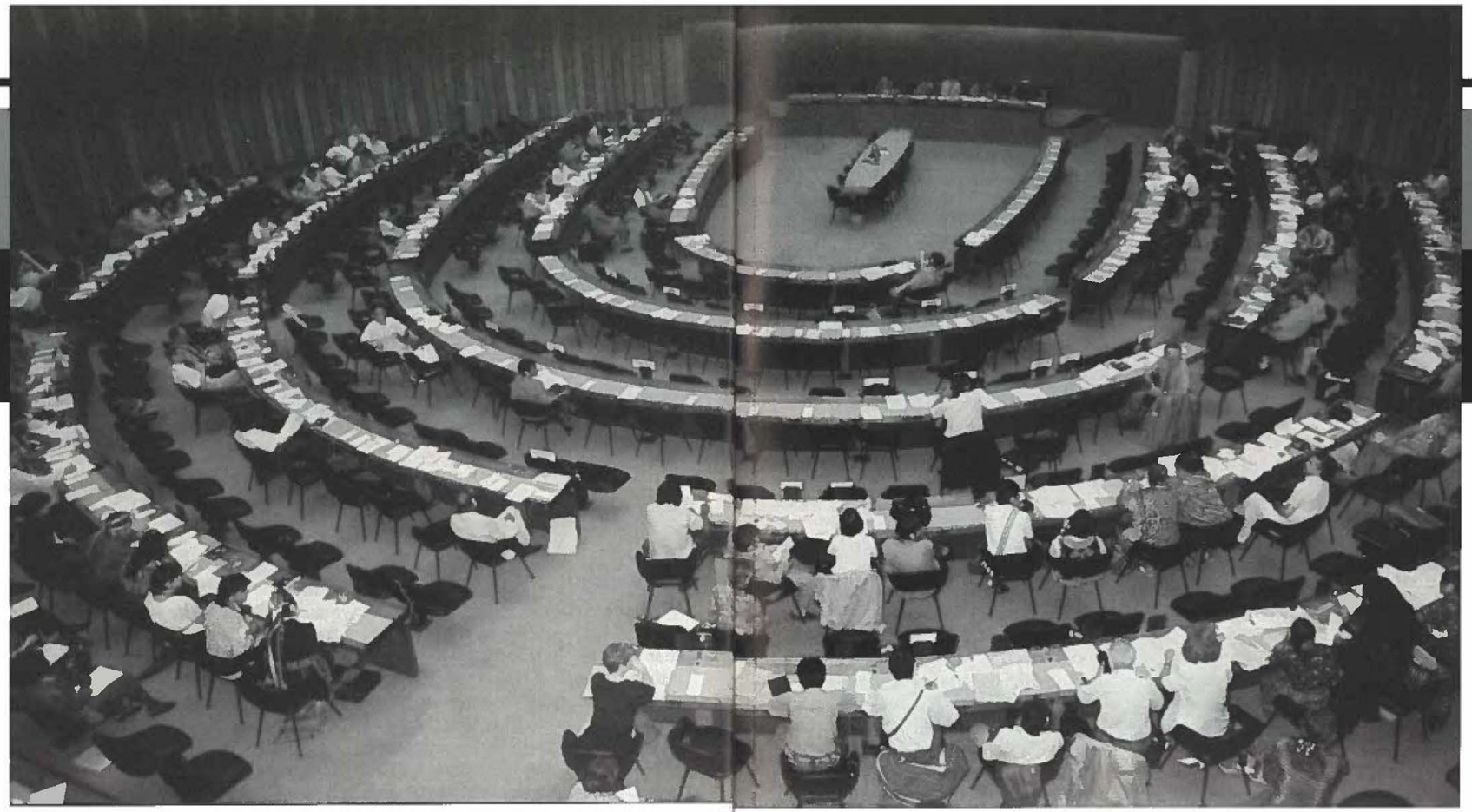
In the world of today people travel and migrate, some are fleeing political persecution, war and poverty, while others interact peacefully and creatively across borders in numerous ways. Consequently, in contemporary social thought much emphasis has been placed on globalisation, hybridisation and the social interaction and mutual influence of cultural elements via media, communications, migration, travel and physical contact.

Yet, in spite of this, nation states cement their powers and guard their territories. Some people are being squeezed because they are refugees or migrants forced by war, poverty, cultural deprivation or physical expulsion from their land. Others are being squeezed within the states. Not because they are static and necessarily outside the process of cultural globalisation, but because they want the right to be in control of their own way of living, a right they were deprived of in the selfsame process of modernisation that brought better lives to some and marginalisation to others. Indigenous peoples have rarely benefited from the modernisation process, but they are all somehow affected by it.

This is a world where all cultures are increasingly becoming involved in one another and where it is difficult to identify what is centre and what is periphery. Yet, a specific characteristic of many indigenous cultures is their non-involvement with the outside world - for some, because of an overt and conscious resistance, for a few because of physical inaccessibility. There are very few, however, who have not been touched by imperialism and the modern world that came after it.

Indigenous peoples' cultures are not born 'marginal' by way of any special characteristics but are treated and created marginal by modernisation, the spread of capitalism and the imposition of so-called progress. But although some people and peoples appear marginalised from a central perspective, they challenge this by asserting their right to be treated as peoples within one global world, thereby breaking down the imperial patterns of dominions and possessions. Edward Said says: "Electronic communications, the global extent of trade, of availability of resources, of travel of information about weather patterns and ecological change have joined together even the most distant corners of the world. And this set of patterns was first established and made possible by the modern empires"[1]. Indigenous peoples are part of this global world, and when they are marginalised it is more in the sense of not being in control of their own destiny than in any cultural or even physical sense. The number of peoples who live in remote, inaccessible areas is small, and many indigenous peoples live in conditions of high interaction with outsiders.

Westerners and indigenous, domineering and dominated, intruder and intruded upon, we are all bound up in the historical fate of imperialism, but for indigenous peoples its consequences have been considerably more fatal. One common consequence of imperialism has been the universal interaction between cultures on a global level, and the fall from cultural innocence and the creation of a world where there is no escape from seeing culture and tradition as a choice. A political, if not an existential one, but in any case a choice with political consequences. Somehow, we are all globalised creatures, who must each exercise our right to be local. For those in industrialised societies, for example Danes, who by historical coincidence belong to a small local culture and language area that coincides with an independent nation state, it is fairly easy. For others arriving at self-determination, is a hard and long taks.



Performance

When looking at the Geneva meeting for the first time one cannot help feeling like a spectator viewing a global social drama. *Social drama* is the anthropologist Victor Turner's concept for a unit of "aharmonic" or disharmonic process, arising in a conflict situation. A social drama typically follows certain phases - a breach in the social order, a crisis, redressive actions to limit the spread of crisis, and finally the *reintegration* of the disturbed social group or of the social recognition and legitimisation of irreparable schism between the contesting parties[2].

Turner developed his concept on the basis of his studies of political conflicts in Ndembu, a traditional African society, whose inner structure and rules have little to do with the Geneva political scene. Yet, when taken in a broad historical and global perspective, the coming together of people for this special event of the Working Group may be seen as a result of a global rupture and an ensuing crisis, which is now in the process of being repaired through the reintegration of the offended and marginalised groups into the world political system.

When looking at the actual scene, however, it is neither marginalisation nor isolation of cultures that strikes the eye, but conversely the ability for peoples of so many parts of the world to interact, to 'play' within common rules and speak one 'language' in spite of different mother tongues. And then, as in all social dramas, there are layers beyond. The common acceptance of rules is the surface level, but underneath there are other meanings, as well as conflicts and alternative models of reality.

On the official agenda are items like the International Decade of the World's Indigenous Peoples, the future role of the Working Group, the consideration of a permanent forum for indigenous peoples, and "Review of development pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations". Human rights and fundamental freedoms: words of beauty - almost as if trying to exorcise the harsh reality that is revealed during the many hours taken up by this agenda point. What is heard in the presentations are fleeting reality bites, behind which lie fatality and tragedy in even the smallest piece of information given in one statement among hundreds. As in the fact that there are 7,000 indigenous political prisoners in Mexico, in the problems of the 4,000 Bushmen in South African refugee camps, or the destiny of the Twa people in the massacres in Rwanda. More indirect ways of destroying indigenous peoples are also revealed, "through the subtleties and nuances of law and semantics" as expressed by the representative of the Confederation of Autonomous Chapters of the American Indian Movement.

Within the framework of the Working Group there is freedom of speech, and each speaker gets - in theory - the same time for his or her statement. All are equal under the rules of this performing event. But the underlying political rules are quite different as was made clear at the end of the Technical Meeting. The Brazilian government representative was given the word to speak on minor details in the wording of a statement. Meanwhile indigenous representatives had requested the word and the end of the meeting was near. A non-verbal protest, first from indigenous peoples and later also from non-indigenous NGOs and others forced the chairman to give the word to the Latin American indigenous representative. In the end, all indigenous representatives and many representatives of NGO support groups stood up behind the person whose right to speak had been threatened. This dramatic episode thus became a silent demonstration of not only the power of States but also of the solidarity among non-governmental participants.

This event, like other political events, utilised non-verbal expressions and symbols. In this and other senses, it has relations to a ritual. Rituals are mostly thought of in religious contexts, and often in the context of traditional societies and societies without writing. And rightly so, because ritual obviously defines authority and power hierarchy. But it would be a mistake to exclude the role and importance of ritual in modern political systems like the UN. There is often no sharp distinction between ritual and politics; in politics as in ritual, symbols are employed and manipulated to certain effects, just as ritual can be a weapon in a political struggle, both by those trying to protect privilege and the whole metasystem, and by those fighting to change the situation and combat existing power relations.

Politics

Politics is a never ending process, the value of which within a democratic system lies in the right of each person to speak and the possibility of dialogue. No wonder that in the weekend between the Technical Meeting and the Working Group in Geneva intensive debates were held among the indigenous representatives on the strategy for dealing with the declaration. Arguments for and against opening up the declaration for further discussions were given. There were fears that if the draft declaration was opened up for further discussion, it could result in a weakening of its wording by those states who are concerned that its influence is too far reaching. Much discussion took place on the rules of the UN system and the fact that the whole process is founded upon rules created by the colonisers. When indigenous peoples were asked if their wish was to change the whole UN system their answer was a clear and loud Yes! They were in general agreement, however, about the importance of working for acquiring indigenous representation and right to speak further up the UN system, i.e. in the Subcommission and the Human Rights Commission.

On the one hand, much is expected from the United Nations, both by indigenous peoples and the public in general. The United Nations is the only system the world possesses for promoting global democracy and human rights, and, with all its faults and shortcomings, it provides the best forum so far for strengthening the international community and providing a common foundation of legitimacy. On the other hand, neither this nor any other political body should be expected to be *the* place for setting things right. The general public expects the UN to make the world one harmonious whole where democracy and universal rights rule, but this is not only naive it can also be dangerous. No system can and should make everything right. Any attempt to work for Good in any absolute sense should be looked upon with suspicion, as any will to 'goodness' so easily leads to totalitarianism and homogenisation.

As far away as such abstract thoughts may seem from the actual discussions that went on within and outside the Working Group, one cannot help thinking about the value of the politics that are going on here. The Declaration on indigenous peoples' rights, which has been worked upon by so many people for so many years, consists of a series of affirmative statements about rights and justice.

Over and above the content of these statements and claims for the rights to self-determination, the value of the work on the declaration seems to be in the process as much as in the actual result. But this does not mean that the process of accepting the declaration in the Working Group should go on forever. It means that the political dialogue, the learning process in facing the representatives of power, the exercises in using to its widest extent the instrument of verbal expression, all of this continues in the further dealing with the declaration within the higher bodies of the UN system.

It may seem a paradox, but if so, it is the kind of paradox the world is in need of: that the recognition of some common ground rules and values - like democracy - provide the best platform for expanding the individual and collective rights to be different. The real value of the politics that take place in the UN Working Group is in the never-ending process itself as much as in the beautiful words of any declaration, no matter how good it is.

The declaration has now been accepted in the Subcommission and will be presented in the Human Rights Commission at the beginning of 1995. From there it will go to the General Assembly. Its formal route is certain, its destiny in confronting the interests of nation states is, however, most uncertain. But whatever happens, the affected people should rightfully take part in the whole political process.

Performance and politics

But what has the political process in the UN Working Group to do with performance? The concept of performance is related to theatre, and who would go so far as to call the Geneva meeting a piece of theatre? Few would, I suppose, but for my own part, I would still look upon it as a performance. Victor Turner says, "A performance is a dialectic of 'flow', that is, spontaneous movement in which action and awareness are one, and 'reflexivity' in which the central meanings, values and goals of a culture are seen 'in action' as they shape and explain behaviour. A performance is declarative of our shared humanity, yet it utters the uniqueness of particular cultures. We will know one another better by entering one another's performances and learning their grammars and vocabularies"[3]. Flow? Spontaneity within the airconditioned premises of the UN? Hardly. And yet, when everybody stood up for one person's right to speak there was a brief feeling of 'communitas', a slight and flickering sense of being part of a common body, of common interest and immediate understanding expressed through non-verbal communication. Thus for a moment, the event could be seen as a performance of global politics and common values, a celebration of cultural differences and aimed at a reconciliation after the breaches caused by imperialism. It is ultimately concerned with returning to the land, with both its concrete and symbolic significance. Giving the land back to the earth's indigenous peoples would certainly be a strong symbol of reconciliation and doing it on the basis of a declaration created within the universal rules of the UN system would surely be a victory to global culture's ability to be reflexive in the sense of seeing the central goals and values of that part of the global culture which emphasises democratic processes as fundamental.

Whether it will be possible to arrive at this via the concrete politics that go on within the framework of the UN system is, however, another story.

In closing, a last quote from Said's book: "We live in one global environment with a huge number of ecological, economic, social and political pressures tearing at its only dimly perceived, basically uninterpreted and uncomprehended fabric. Anyone with even a vague consciousness of this whole is alarmed at how such remorselessly selfish and narrow interests - patriotism, chauvinism, ethnic, religious and racial hatreds - can in fact lead to mass destructiveness. The world simply cannot afford this many more times". It certainly cannot. So, hopefully the Geneva meeting can be seen as an expression of the most constructive lessons learned from imperialism and colonialism in the historic course set in motion by itself. Hopefully it is a celebration of global cultures' ability to be multiple and interactive and, at the same time, an acknowledgement of the importance of land to those from whom it was so obviously taken away in the name of an idea and thirst for riches.

1. All quotations by Said are from *Culture and Imperialism,* London 1994, Vintage.
2. Victor Turner *Dramas, Fields, and Metaphors. Symbolic Action in Human Society* New York 1974, p.41.
3. In Richard Schechner and Willa Appel (eds.): *By Means of Performance* New York, 1990.

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UN: WORKING GROUP ON INDIGENOUS POPULATIONS

LAND OF THE CHIN

LAND OF THE CHIN

by John Khaw Kim Thang
President of the Chin National Front

Statement by the Chin National Front

Madame Chairperson,

I want to thank you for this opportunity to speak before this august body and to address agenda item number 5. My name is John Khaw Kim Thang. I am attending this conference as the president of Chin National Front which represents the *Chin* people in their struggle for self-determination.

First, I want to highlight the brief history of Chinland. Wedged between India and Burma, the whole Chinland is roughly about 91,000 sq. miles with a population of about 4 million in 1993.

The Chins, also known as *Mizo/ Zomi*, are a tribe of mongoloid hillmen. The Chins, from time immemorial lived in complete independence without foreign interference whatsoever from any quarter. Chiefs of different clans ruled separate hills and valleys with supreme authority. Their territory or any part thereof had never been conquered or subjugated by their neighbouring states. However, the British came and put Chinland under its political control in 1895. Subsequently, Chinland was divided into three separate regions and placed under three administrative units of Burma, India and Bangladesh for administrative convenience against the expressed wishes of the Chin people to whom Chinland has been their inseparable homeland for hundreds of years.

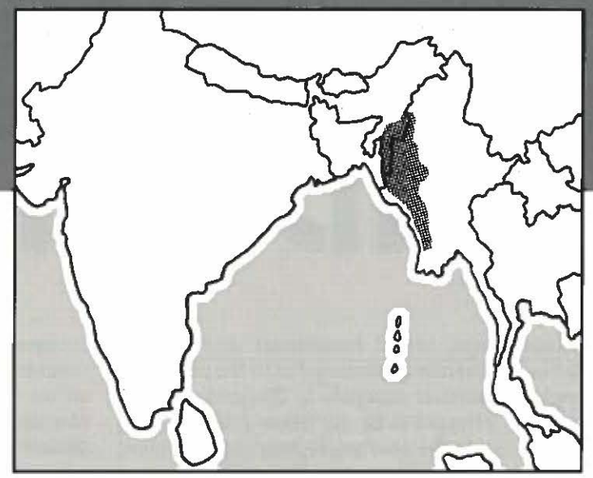
Since no part of Chin territory was ever subjugated under Burmese, Indian, and Bangladesh governments and the Chins enjoyed their self-determination before the British annexation, they had legitimate right to be free again, after the British left the country. But when India, Burma and Pakistan (now Bangladesh) achieved independence, Chin country was divided and annexed to India, Burma, and East Pakistan (now Bangladesh) without obtaining the will and consent of the Chin people.

Though scattered as they are divided, the Chins are inseparably knitted together by their strong bond of tradition, custom, culture, language social life and religion. The Chin stood as a separate nation even before the advent of the British government having a nationality distinct and separate from that of Burma, India and Bangladesh. In a nutshell, they are a distinct nation, created, moulded and nurtured by God and Nature.

Having described a brief history of the Chins in general, let me report to you the happenings **in East Chinland which is still occupied by the Burmese army**. The consequence of this forced occupation is that while the Burmans, for more than forty years of independence with freedom which is partial only in their favour, the Chins had been neglected too much and given no chance other than the step-motherly treatment as second class citizens, to enjoy such right irrespective of their fundamental rights. Half of East Chinland was arbitrarily carved out and named Chin state by the Burmans and the rest is parcelled out to their territory (called Sagaing and Magwe divisions). Even this so-called statehood of Chin is only in name without any right, any privilege whatsoever.

Now rail road construction is going on between Monywa Pakoku-Kaleymeyo to finally link in with the Indian border. For this project, thousands of Chins are being forced to build the rail road without receiving a single penny or food. As a result, the people are starving and suffering from malnutrition and sickness. The army personnel who supervise this project mistreated the forced labours to such an extend that several people died. The Burmese army is strengthening its stronghold in Chinland. Villagers are being forced to work on their military bases, roads and bridges. Fully occupied by this forced labour, the people do not have time to earn their living.

There is no freedom of expression with regard to politics, nationalism, religion, social welfare, education etc. Any important decisions on Chin affairs are arbitrarily made by the Rangoon government without consulting the Chin first or accepting their opinions. Any slight utterance of nationalism or even constructive criticism of the government is constructed as a revolt against the country and met with imprisonment. In education, the Chins are not allowed to study in the Chin language although the Chins have a very rich literature of their own. A Chin student has to study in Burmese once he is admitted to a school. Ninety per cent of Chin people are Christians. Knowing this fact and in order to turn Chinland into a Buddhist state, the Burmese government (who are Buddhists themselves) is insidiously trying to proselytise the Chins by first offering money, food, etc. to poor Chin Christian children and then confining them to Buddhist monasteries where their heads are shaved and Buddhist teaching is taught. All kinds of foreign churches and organisations' assistance to poor Christian families were first cut off. Buddhist shrines called pagodas (white colour) are being built on every prominent hill and mountain top all over Chinland. In certain cases the cross built on hill tops are forcibly removed and replaced by pagodas. Publishing of Christian literature is restricted. Preaching and teachings on Christianity are censored. No Chin national, though he or she is well qualified and educated, can become a high ranking officer or get a good job in the government unless he or she embraces Buddhism first. Moreover, there is no college (let alone university), no airstrip, no state bus transport and no rail road in the whole Chin state. Living in such wretched conditions and poverty for years, thousands of Chin people fled the country and sought refuge in India. Currently, there are more than one hundred thousand Chins in Mezereum state (West-Chinland) of India alone.



Naturally, under these conditions, the Chins of East-Chinland cannot feel at home with the Burmans. They refused to occupy a place within Burma as they consider it to be unworthy of their national dignity and harmful to the interest of their prosperity. Now that political consciousness has inspired nationalism and patriotism in the minds of the people, the cry for political self-determination is the only wish and dream of the Chins.

However, despite all these miseries, we still hope that a Burmese leader like Nobel laureate Daw Aungsan Suu Kyi will be committed to the freedom and self-determination of all nations, large or small, and to the promotion of Fundamental Human Rights. The Chin people firmly believe that once Daw Aungsan Suu Kyi is released and becomes the leader of Burma, she will remain true to her late father General Aungsan's policy and shall take into practice what her father advocated, and become a blessing to the Chin people, together with other indigenous peoples in Burma, with their aspiration for equality, freedom and independence by the principle that no one is good enough to govern another man without that man's consent.

Lastly, with regard to Burma as a whole, contrary to popular belief, we believe that instead of trade sanctions, if the outside world assist Burma economically the existing poor and middle class will be benefited. This will result in more self-sufficient and more educated people who will have enough courage and self-confidence to challenge the oppressive well-to-do Army of Burma. This confrontation, we believe, can change Burma's political scenario in the near future.

Thank you.

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UN: WORKING GROUP ON INDIGENOUS POPULATIONS

BANGLADESH

BANGLADESH

Statement of the Chittagong Hill Tracts Women

Thank you Madam Chair. Greetings to you and to all the participants on behalf of the *Jumma* indigenous peoples of the CHT, Bangladesh and my organization, CHT Hill Women's Federation. I also congratulate you and your colleagues on your election.

I wish to acknowledge the sponsorship of the UN Voluntary Fund without which my participation in this meeting would be impossible.

I take the opportunity to briefly report on the situation of indigenous Jumma peoples of the CHT who are not yet acknowledged by the Government of Bangladesh as indigenous: 'There is no indigenous people in Bangladesh. There are some nomadic people from beyond and as such they are tribal people. Hence there is no necessity to celebrate the International Year 1993 of the World's Indigenous People in Bangladesh.' This contradicts the CHT Regulation 1900, the main legal instrument for the administration of the CHT, which is still in force and identified the Jummas as indigenous. This is reinformed by other government regulations and administrative provisions including the Income Tax Act 1922, No.4(6) kas-5/77/589 which begins 'Indigenous Hillmen residing in CHT'.

Jumma women are discriminated against on the basis of race and gender. They are targeted for being Jummas, indigenous to the CHT, and subjected to rape, sexual harassment and physical and mental torture due to the prevailing political situation in the area which is referred to by my fellow Jumma.

In the absence of their male partners, due to arrest, detention, and death etc., Jumma women also have to carry the burden of feeding and nurturing the entire family including children and elders. Yet the food system is under stress due to a number of factors:

1. Scarcity of agricultural land in the hilly region of CHT is further aggravated by the construction of the Kaptai hydro-electric dam in 1959-63 which submerged 40 per cent of the total cultivable plough land in the area. It also submerged 10 per cent of the total land of the CHT evicting thousands of Jummas from their homes and lands;
2. Restriction imposed on the traditional jum cultivation in order to use the traditional Jumma land for state forestry activities for commercial purposes;
3. Influx of non-indigenous settlers brought in by the government under the policy of population transfer;
4. The relocation of the Jummas in the cluster villages under strict surveillance of the state authorities which has resulted in a virtual standstill in agriculture. In this process of relocation Jummas are dispossessed and uprooted from their homes and agricultural lands.

We also express our concern for the forced repatriation of the Jumma refugees from the camps in the Tripura State of India. Since 1986, over 56,000 Jummas were forced to leave their homeland and take shelter in the refugee camps in Tripura. Based on a 'Memorandum of Understanding' by the Government of Bangladesh and India the first batch of 1841 Jumma refugees (i.e. 2.3 per cent of the total refugees) have returned home in February 1994. The majority of these refugees could not resettle on their lands, as was promised, and it is reported that most of their homes and lands are still occupied by the Bengali migrants who settled in the CHT under the population transfer policy of the said government. I would like to add that restitution of their traditional lands was a precondition of the repatriation articulated in a thirteen point charter of demands of the refugees. I would also like to submit a report on the present state of the repatriated first batch refugees by Hill Watch Human Rights Forum of 1 June 1994 to the Working Group. I will attach it with my statement. Another demand, guarantees of security by demilitarization of the area has also not been met. Under such conditions the majority of the refugees have refused to return home and have staged a hunger strike as of 6:00 to 18:00 hrs on 21 July 1994, the day of the second repatriation, including complaints against inadequate food supply in the camps. The refugee camps also do not have adequate basic facilities including health, sanitation and education.

In this context, Jummas, including the CHT Hill Women's Federation, desire a violence-free CHT. They look forward to leading a life where they have freedom of life, liberty and action. They urge the world community, indigenous and non-indigenous representatives to support the struggle of the Jumma peoples by demanding the following:

1. Immediate demilitarization of the CHT;
2. Removal of the Bengali Settlers from the CHT who are occupying the lands of the Jummas;
3. Repatriation of the refugees under international auspices, such as the UNHCR and the ICRC;
4. Recognition of the sustainability and ecologically viable traditional agricultural practices of the Jummas, including forest and water management;
5. Secure, full and meaningful participation of the Jummas in devising their own development priorities.

Thank you for your kind attention.

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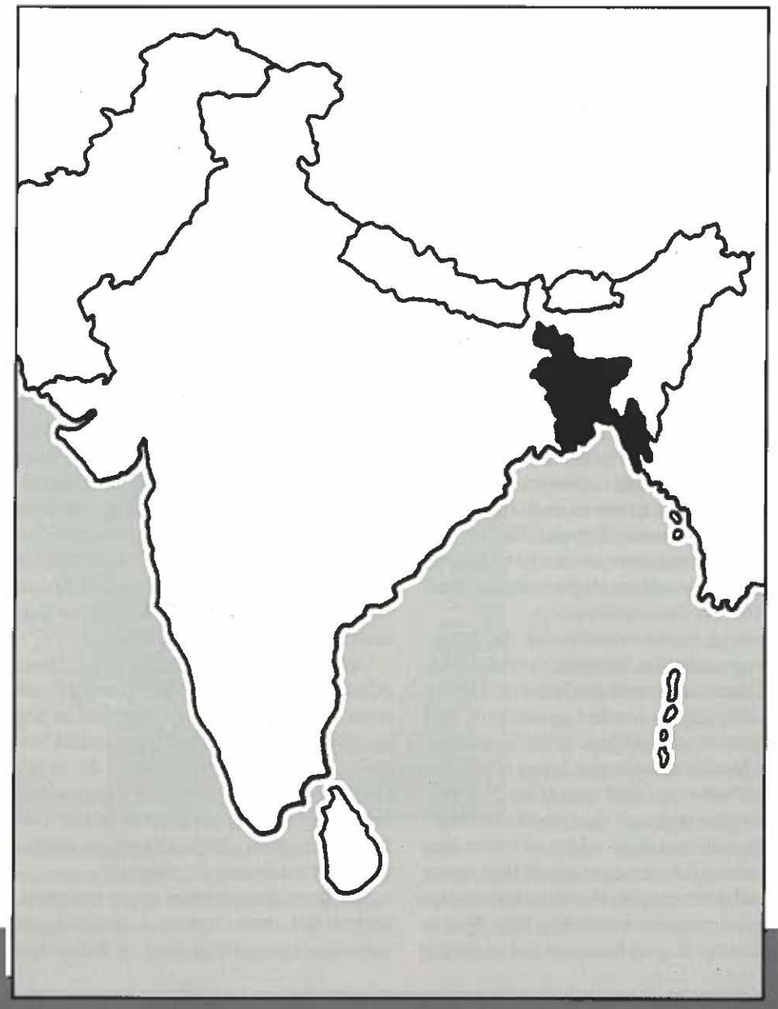


UN: WORKING GROUP ON INDIGENOUS POPULATIONS

SARAWAK SARAWAK

Statement of Sahabat Alam Malaysia

by Raymond Abin

My greetings to honourable Chairperson, distinguished members of the Working Group, Indigenous Brothers and Sisters.

Thank you very much for giving me the opportunity to address this International Forum. I am a member of the *Dayak* Community, the indigenous peoples of the State of Sarawak, Malaysia. I represent Sahabat Alam Malaysia, a national NGO which is committed to environmental protection, sustainable development and advocating indigenous peoples' rights to self-determination. I am here to bring to the attention of the Working Group the situation and plight of our people in Sarawak.

Sarawak is about 12.3 million sq. km., located on the north-western part of Borneo Island. Sarawak has a population of 1.7 million people. Of this, around 80 per cent lives in the rural areas, who are mostly Dayaks. The majority of our people are subsistence farmers and for generations depending on land and forests for survival.

Coming to the situation of the indigenous peoples in Sarawak, I seek to attract the attention of the Working Group and this forum for the protection and recognition of the rights of the Dayaks to their Native Customary Land (NCL).

The Sarawak Land Law (Cap. 81), recognises the rights of the Dayaks to NCL, which were established by virtue of our customary laws and practices. Our rights to land were established long before the nation state came into being. Our Native Customary Rights land was not only recognised in principle but well established, defined, demarcated and mapped. The maps that show the extent of our NCL is kept in the Government District Offices. However, in practice the rights of our people have been largely ignored by the Sarawak State Government.

At present, our indigenous and customary rights to land and resources continue to be violated, ignored and further threatened by numerous development activities in Sarawak such as logging, plantations, hydro dam, establishment of forest reserves, national parks and resorts, mining and quarry activities. In most cases, the state government extinguished our rights and alienated our land to private companies and/or to State development agencies, without our consent. As a result, many of our Dayak communities have innocently suffered loss of rights to large areas of their NCL.

Due to time constraint, I am limiting myself to addressing this august house on one of the development issues and activities, that is LOGGING.

Under Sarawak Forest Ordinance (Cap. 126), the State government can issue timber licences or permits to log stateland forest including protected forest and forest reserved land. In many cases, logging licences and concessions are found overlapping areas of our Native Customary Rights land or within our land boundary territories.

The provisions within these timber licences did state that such licences are subjected to our NCR land, or it does not extinguish our rights. However, the logging companies have simply ignored and violated our people's rights. The State Government also in the extreme ignored our rights. The complaints by our people to the authorities on devastation to our NCL, gardens and crops, pollution of our rivers, exploitation of our resources and even desecration of burial grounds are not entertained and are often simply ignored.

As a result of the negative response of the government to our repeated complaints and representations and further, being faced with ultimate destruction of our lands and properties by logging companies, our people are forced to restrain or stop the companies from continuous trespassing, occupying and devastating our ancestral lands, forests and properties by forming human blockades or erecting wooden barricades on the logging roads. These actions of our people are perfectly legal as these were done within the confines of our own land boundary and NCL.

In response to such peaceful protests, the authorities sent contingents of police, the army and Forestry officials to the blockade sites and arrested our people. Up to date, not less than 500 people have been arrested, remanded and charged in court as criminals for timber blockades for defending their land rights. There are also people being sentenced to jail. This year alone, about 15 Dayaks were arrested, detained and charged in court for defending their NCR lands. Since 1987, our people have been going in and out of the courts, but these judicial processes failed to solve our problems, as the root causes of the ongoing problems are the conflicting claims of rights over land and forest between the Dayak communities and logging companies.

The members of our community who try to highlight our problems and any others who express support or give assistance to us in defending our NCRs are always being harassed in many ways and forbidden to travel abroad.

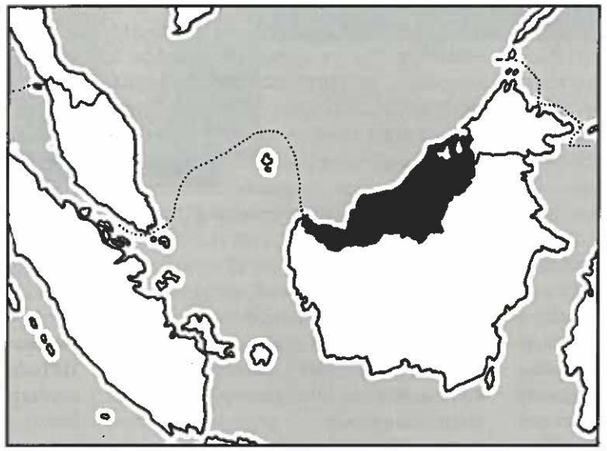
In 1987, the Sarawak Government amended the Forest Ordinance to make it a criminal offence for the natives to restrain the logging companies in any way from carrying out their logging activities, even within our NCL.

And further in 1993 (last year), a further amendment was made to the Ordinance, whereby any native found near any form of barricades set to block any logging roads, is presumed to be guilty of putting up the blockade.

The rapid amendment to the Sarawak Forest Ordinance particularly Section 90B was purportedly done to safeguard the interest of, and prevent the logging companies from destroying our lands and forest, but it has further exploited our resources and violated our rights. This clearly shows the State Government has vested interests in the logging industry in Sarawak. The government has not put out any initiative to protect our NCR lands, despite our repeated calls for legal protection and recognition of our NCL.

Sarawak is a major exporter of tropical hardwood timber. Logging is still going on at a ferocious pace in Borneo's rainforest. According to a World Bank Report, logging is practised at about four times beyond which sustainable yield can be maintained. In 1993, Sarawak log production was 23.4 million cubic metres (16.5 million cubic metres were exported and 6.9 million cubic metres for local mills).

By the end of the decade, there will be very little intact forest area left in Sarawak as logging has been intensively and extensively carried out in the last few years, and log productions have now gradually declined. This has recently led to the Sarawak government alienating a vast tract of land, which also largely includes the NCL of our people, to private companies (without our consent), which are either State owned or those owned by the same people who were granted the logging licences and concessions to develop these land areas into plantations, mainly oil palm schemes. This concept of development policies practices by our government has extinguished our NCRs, and gradually deprived our people of more land. Consequently, it has uprooted our people from our traditional land.



Honourable Chairperson, our people appeal to this august house for meaningful protection and recognition of our NCR land. We invite an independent commission to investigate and resolve the conflicts of interest and rights to land and forests between our Dayak communities, private companies and State development agencies, and to constitute a standard declaration on our NCR land. We call for suspension of logging and freezing concessions that affected or covered our customary lands. And our peoples must be properly consulted and informed regarding any development projects affecting our NCL and our decision should be respected. Our people also urge the consumer nations of tropical timber to change their lifestyle and consumption habits. ❑

URGENT ACTION

GUYANA

Action needed to enforce logging concession freeze

Urgent appeals by Guyanese and international non-government organisations in early 1994 were spectacularly successful and led to a temporary freeze on the hand out of timber concessions in Guyana. Nearly four million hectares of forests were saved from uncontrollable logging as international aid agencies, alerted by public appeals, urged the Guyanese Government to ensure the prudent management of its forests. Now, under heavy pressure from Malaysian investors, Government assurances not to hand out more forests to foreign companies until it has the capacity to oversee the operations look like being swept aside. Guyanese NGOs have asked for international support to stem this assault.

Please send letters and faxes to the Guyanese Government to support this appeal.

Background

Guyana's forests were until recently some of the most secure in the tropics. However, largely as a result of the strong pressure from creditor nations, the heavily indebted country has been opened up to foreign investment. The package of debt rescheduling, structural adjustment, political and economic liberalisation and the promotion of 'foreign direct investment' has been pushed though with scant consideration for the social and environmental consequences.

One result has been a massive increase in logging activities, which threaten serious environmental damage and a disruption of the lives of the indigenous peoples who make up the majority of the population in the interior.

In 1989 only some 2.4 million hectares of Guyana's 14 million hectares of loggable forests were under exploitation, yet today contracts for more that 8 million hactares have been signed and a further 4 million hectares are in the pipeline. The Guyana Forestry Commission is patently unable to control this massive expansion of logging. Presently, it has only some 5 trained foresters and a tiny budget. Not only is it weak but politically captured. The World Bank's own studies agree that the Commission is in fact controlled by the industry that it is supposed to regulate. As a recent World Bank study has concluded: *the agency is clearly unable to perform its functions... is largely unable to collect the fees it is due and is unable to enforce planning requirements and environmental safeguards.*

The majority of the new investors are Asian companies - mainly Malaysian and Korean - who, having exhausted the forests of South East Asia, are moving west. They bring with them their capital, second hand machinery, labour force and marketing connections.

In line with donor prescriptions on the need to offer fiscal incentives to encourage foreign investment, these companies have been able to secure extraordinarily beneficial contracts, which include tax holidays, minimal royalty payments and the right to export unprocessed timbers. These contracts need to be renegotiated if Guyana is to benefit adequately from the exploitation of these resources.

But Guyana stands to lose more from these deals than just a fair financial return. There are already indications that the kind of social and environmental impact witnessed in South East Asia will be repeated in Guyana - alienation of indigenous peoples from their lands, unsustainable logging, destroyed or degraded habitats. Many of the companies moving into Guyana are the very same ones in conflict with indigenous peoples in Sarawak, Papua New Guinea, Vanuatu and the Solomon Islands. Perhaps most worrying, Guyana's tentative steps towards a more liberal political order threaten to be derailed by the cronyism and corruption endemic in the logging industry.

Logging concessions have been handed out without due regard for the rights of the Amerindian communities. In some areas, uncontrolled logging is undermining community life. For example, according to recent reports, residents of the community of Kwebanna, which has been severely affected by logging, are fleeing their ancestral village and are taking refuge in neighbouring Venezuela. Despite a well-publicised commitment by the Minister for Amerindian Affairs to constitute a Commission of Enquiry to look into the grievances of Amerindians affected by the 1.6 million hectares concession of the Malaysian/Korean consortium, the Barama Company Limited, nine months later still nothing has been done to comply with this promise.

Concession Freeze

Guyanese NGOs, including the Amerindian Peoples Association, the Guyana Human Rights Association, the Guyana Council of Churches as well as Trades Unions, backed by international human rights and environmental organisations, called for a freeze on the handing out of logging concessions at a meeting of international development assistance agencies in Georgetown in January 1994 and this call has also been echoed by Guyana's Forest Products Association, which represents the domestic timber industry. Many of the main aid agencies active in Guyana have repeated the same demand and most of the staff of the Guyana Forestry Commission are also in favour of a concession freeze.

In response to this concerted pressure, the Guyanese President Cheddi Jagan has given public assurances that no more concessions would be handed out. However, there is clear evidence that foreign interests continue to press for new concessions. Malaysian billionaire, Vincent Tan, the head of Berjaya Sdn. Bhd. has repeatedly visited Guyana in the past few weeks and has met with the World Bank to discuss his interests in Guyana. His company is known to be seeking a 400,000 - 600,000 hectare concession in the Upper Berbice/New River region and has offered to invest US$100 million to secure the deal.

The Berjaya group already has operations in the Solomon Islands, where rampant logging has spiralled completely out of control. Last month one of Berjaya's senior executives was forced to leave the Solomons for trying to bribe a senior government official in order to get a concession. The official noted that the incident

only highlighted the endemic corruption which surrounds the timber industry in the Solomon Islands. Sadly, this problem has only gotten out of control in the last five or six years, a period which coincides with the big influx of foreign timber companies.

Notwithstanding the record of such companies, the present Chairman of the Board of the Guyana Forestry Commission, Mr David Persram, has made clear and repeated statements to the press that he does not agree with the freeze of forestry concessions. According to these press accounts, the Chairman also intends to grant a new concession of 600,000 hectares in the Middle Mazaruni to a consortium of Singaporean, Indonesian and PNG companies. The companies, incorporated as Mazaruni Forest Industries Ltd. (MFIL), secured a 3 year exploration license last year but have already put together a proposal for the exploitation of this forest and have now filed for a concession agreement. Presidential adviser on the environment, science and technology, Navin Chandarpal, has also admitted to the press his intention to sign an agreement with Berjaya, before the end of the year. Overall, foreign companies are presently negotiating for some 4 million hectares of forests most of which lie outside the present extent of 'State Forests'.

Previous Government assurances that no new concessions would be handed out until the Guyana Forestry Commis-

sion has been 'strengthened' have now been toned down. Forestry officials admit that beefing up the Commission will take several years and will require long term foreign assistance. In contrast, Chandarpal now talks of the need to 'streamline' the Commission, a task he hopes to complete 'by year end'.

Action

In a press release dated 28 July the Amerindian Peoples Association and the Guyana Human Rights Association condemn the Government's intention "to hitch the fortunes of this country to Asian conglomerates" as "reckless and short-sighted".

The APA and GHRA are renewing their call for widespread action by indigenous and environmental organisations to pressure bilateral and multilateral donors not to support any further initiatives to develop the interior of Guyana until an effective institutional and policy framework is in place to control the logging industry. The immediate need is to regulate extractive industries in both timber and mining and to secure the rights of local communities.

Recipients of this urgent Action Alert are therefore requested to write letters or send faxes to the Guyanese President - if possible with copies to the relevant bilateral and multilateral aid agencies.

Letters should be polite in tone and make the following points:

Appreciate the relatively good condition of Guyana's forests but note with concern that logging concessions have already expanded in the last five years to include most of the country's State Forests.

Note with approval the President's recent widely reported assurances that his Government will not hand out further concessions until the Guyana Forestry Commission is strengthened so as to be able to effectively regulate the timber industry.

Emphasise that in many other countries where controls have been inadequate such as Malaysia, Papua New Guinea, the Solomon Islands and Vanuatu, the timber industry has recklessly overexploited forests creating severe political, social and environmental problems.

Express concern that many of the same companies responsible for destructive logging and illegal business practices in these countries are now seeking concessions in Guyana.

Express alarm at the recent press statements that suggest that senior Government officials, quite contrary to the President's recent public statements, plan to hand out further logging concessions after a token 'streamlining' of the Forestry Commission.

Urge that an unambiguous commitment is made that no further logging concessions will be handed out until the Guyana Forestry Commission is properly strengthened and able to oversee new regulations that ensure sound forest management. Insist that priority is given to the land rights of Amerindian communities.

Address your letter to:

The Hon. Cheddi Jagan
President of the Cooperative Republic of Guyana
Office of the President
Vlissengen Road
Georgetown - Guyana

Fax: + 592 2 269969

Please send copies of your letters and replies you receive to:

Amerindian Peoples Association
71 Quamina Street
Georgetown
Guyana

For further information contact the World Rainforest Movement
fax: +44 1608 676743 tel: 01608 676691
email: wrm@gn.apc.org

Source: World Rainforest Movement

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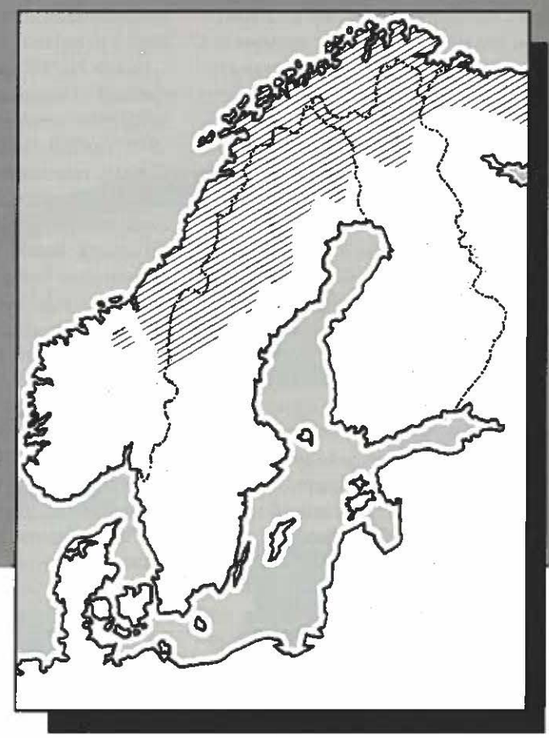
Sami Legal Rights Cleansing in Scandinavia

by Tomas Cranér



For the 65,000 *Sami* in Norway (40,000), Sweden (17,000), Finland (4,000) and Russia (4,000) their most essential concern is the right of ownership to land and water (All-Sami Resolution 1968). In the present day world, rights to land and culture are not respected seriously, only rightful ownership.

Court cases with independent judges are all-important for the land and water rights issue for indigenous peoples. For the Sami, the Altevatn case (the Norwegian Court of Appeal 1965 and Supreme Court 1968) and the Skattefjäll case (the Swedish Supreme Court 1981) both confirm their civil rights (not 'privileges') since time immemorial. The 1979 Varfjell judgement in the Norwegian Supreme Court confirms the colonial character of the Norwegian attitude to the Sami and the revolutionary importance of the Altevatn case.

The really independent judges, however, are the Australian High Court judges who, in the Mabo case in 1992, combined Common Law with Human Rights and reversed the former colonial approach. These judges are not bound politically by preparatory studies.

Like the situation in Mabo 1992, the situation in Samiland is a typically colonial one. The Sami - as with the population in the Torres Strait Islands - have had no politically decisive influence. The Sami have been victims in the hands of political forces of exploitation. The state has been/is the all-powerful adversary which has taken all it wanted of the riches of the land and all the decision-making power from the original population in spite of the fact that the land was not *terra nullius* (see the vote in the Hague and Mabo), but in Sami possession.

The Scandinavian countries have ratified the UN Convention of 1966 on Civil and Political Rights (especially the very important article No.27 cf. Ivan Kitok Sami case in 1988) and the European Convention of 1950 (Strasbourg). Nevertheless, the 'Pang Group', a group of Swedish bureaucrats influential both inside and outwith the state department, lobbied politicians to support a Swedish Act of Parliament, on December 15, 1992, which infringes Sami rights (Sami Blue Book 1994, ed. Swedish Sami Parliament, Cramér in Ordfront 1/1994).

As a result of the Act, the Swedish Sami now have two cases of litigation at the UN Human Rights Committee in Geneva, by individuals (only individuals have application rights), based on the Sami White Book (SVB 1966-1993, 25 vol. ed Cramér) concerning: a) individual immemorial exclusive civil rights according to Swedish written law of 1734 and recently confirmed by Swedish statute; and b) the confiscation without due process of law and just compensation of the Sami civil immemorial exclusive (monopoly) hunting and fishing rights.

The Sami have certain rights guaranteed in the Swedish Constitution (1:2, and also 2:15 and 2:18), but the Courts rule that they can only be implemented in obvious cases of constitutional infringement (11:14, see Bengtsson J. in the Skattefjäll case.

This situation is illustrated in the Norwegian Government Report, NOU 1993 (cf. p. 34,619), especially in the discussions by K.C. Otto Jebens and Professor Gudmund Sandvik. NOU 1993:34 is the result of work carried out by the Rettsgruppe (the legal committee) appointed by the Samerettsutvalg (the general committee on Sami matters on Norway). The Rettsgruppe is divided into three groups on matters of principle: 1. Falch, Owe, Sandvik, 2. Falkanger, Austenå, Dragsten and 3. Jebens.

The main aim of a judicial committee must, of course, be to try to establish the historical and legal situation of the rights in question, in this case Sami collective

and individual rights to land and water and their rights to subsist by a combination of different economic and other means to ensure their continuance in the regions in which they belong. It is important that the directives given to bodies such as the Samerettsutvalg and Rettsgruppe are not presented or interpreted in a narrow way. If the written mandate or directives for committee work are too restricted and are followed to the letter, then it is hard and perhaps impossible for the outcome of the committee work to satisfy all parties. Furthermore, the issue may be manipulated by political and bureaucratic forces to the detriment of the Sami. The large NOU Report 1993 is a case in question and careful scrutiny of the committee's mandate shows it to be more or less limiting the work of its members. Clearly, Jebens has felt free to investigate the matter in more depth than the others. This has to do with the fact that Jebens has personally acted as a judge in the North, in Finnmark Fylke, and has personal experience of the region. For example, he worked there at a time when travel to Courthouses was by reindeer and the report states in many places (passim) that road building and other means of communication have radically altered the situation for the Sami.

The Swedish committee which corresponds to the Norwegian Samerettsutvalg was also heavily bound by directives. The written mandate said that the Sami should be regarded as the indigenous people of the Swedish North. By obeying oral directives from the Minister of Justice, however, the Swedish committee was not able to corroborate this through their investigations. The discussions by the members of the Rettsgruppe, Group 1 and Group 2, and the time spent on interpreting the mandate instead of trying to investigate the situation in depth, raise questions about the value of democracy when, as in this case, it does not seriously protect its minorities.

While the Altevatn and Skattefjäll cases were landmarks in the fight against colonialism, the extractive exploitation of Sami regions and the negation of any decision making power on the part of the Sami over those regions, many influential and powerful bureaucrats still actively work to limit Sami rights to land and water. Ministers and politicians, who are often not very competent and well-informed in Sami matters, are in the hands of the civil servants who still have a colonial approach. Furthermore, pressures from other non-Sami constituencies can often be pervasive and in the political arena the rights of the indigenous peoples can be forgotten.

In the NOU 1993 Report, Jebens understates the colonial issue, put forward by the Norwegian Supreme Court in the 1979 Varfjell judgement, and omits the Court's reference to the Altevatn case with judgements in 1965 and 1968. Jebens stresses the importance of Inner Finnmark having been under Swedish jurisdiction before 1751 but otherwise seems to rely on Norwegian material, whereas the scientific research behind the Altevatn case in Norway and the Skattefjäll case in Sweden is extremely rich (see Cramér in Samernas Vita Bok 1966-1993 25 volumes). It is, of course, important that Sami rights are judged according to Swedish rights because the period between 1971 and the present is too short for the Norwegian state to acquire any ownership rights to land and water in Kautokeino, Karasjokk, Polmak and other districts which formerly came under Swedish jurisdiction. Jebens also notes the importance for the Sami to get their income from diverse sources, and not only from reindeer breeding and other traditional industries. He concludes that only through full ownership rights have the Sami any possibility of meeting changing conditions and, at the same time, preserving their culture.

This was the argument with which the Swedish Sami secured immemorial civil (not privilege) rights in the Skattefjäll case in the Supreme Court in 1981 according to written Swedish law of 1734. In the Norwegian Report it is stressed that fixed borderlines are very important for establishing Sami rights to land and water. The Swedish Supreme Court in 1981 missed this very important point and stressed the fact that the land survey in the 1850s had defined the borderlines of the Sami Skattefjäll before vulgar Darwinism penetrated Swedish general legal thinking in Sami matters in the 1880s. However, the Court nevertheless spoke up for the importance of strong Sami ownership rights possibilities in the North, i.e. in regions such as Kautokeino, Karasjokk and Polmak.

While it seems that Jebens has given too little weight to the scientific work done in Sweden and the result in the Skattefjäll judgement 1981, Cramér and a co-author have published Studier in Renbeteslagstiftning 1970 which deals with Sami rights in Norway. Professor Gudmund Sandvik, on the other hand, refers to historical information, but his scope is too narrowly Norwegian, and he too misses the colonial angle described by the Norwegian Supreme Court in the 1979 Varfjell judgement.

Professor Carsten Smith, now Chief Justice, played a leading role in the report by the Samerettsutvalg NOU 1984:18. Smith has sharply criticised earlier Sami politics in Norway but not Peder Kjerschow who played a part in the ill-famed Norwegian report of 1904 on Sami matters. In that report, Kjerschow wanted to prohibit both Norwegian and Swedish Sami from taking their land and water rights problems to the Norwegian courts of law. According to Kjerschow, the Landbrugsdepartemanget (Department of Agriculture) should have the final right to decide these questions and in this report he went a long way to try to annihilate Sami rights to land and water. It is to be deplored that the Swedish Parliament decision of December 15, 1992, which in practice confiscates the civil exclusive right of the Swedish Sami to hunt and fish within boundaries fixed by the land survey, is an expression of Kjerschow's vulgar-Darwinist and racist anti-Sami opinion.

A speech by professor J.J. Norström in the first chamber of the Swedish Parliament in 1871 has the same firm pro-Sami tone as the Swedish Supreme Court and its declaration in 1868 (Carleson, Cramér et al). Both this and the declaration of 1871 display a typical anti-Darwinian attitude, although Professor Gustaf von Düben was an early exponent of this attitude towards the Sami in 1872 and 1873. Nevertheless, it took another decade to penetrate the then important educated classes in Scandinavia.

The tone of the Report, NOU 1993, is such that the colonial leanings in both Norwegian and Swedish Sami politics since the middle of the 1880s is not apparent and Sweden and Norway do not seem to be out of phase with the international development of the rights of indigenous peoples. Jebens refers to ILO Convention 169, ratified by Norway but not by Sweden, but not in terms of the Peder Kjerschow type of extremely negative attitude towards the Sami.

An incident in 1965 illustrates the attitude of Scandinavian bureaucrats and politicians towards the Sami. At a meeting of the Sami Reindeer Association, NRL, in Karasjokk, a young Norwegian Sami, Odd Kappfjell, tabled a motion to reserve the fishing rights in Sami districts for the Sami living there. When the voting began, those in favour of Odd Kappfjell's motion rose and Karen-Anna Logje-Gaup, a member of the Resolution Committee, rose. However, as she did this, the Lapp bailiff, Pleym, gestured to her with his fist, as a result of which Karen-Anna changed her vote and sat down. The Minister for Agriculture and Sami Affairs, Granli, seated next to Pleym, was a silent witness to this event. Swedish Sami approached Cramér afterwards and said: „Did you see Pleym? Now I understand what a Swedish Reindeer Association (SSR) means for Swedish Sami rights" (eye witnesses Nik Stenberg, SSR president, Emanuel Stenberg and Odd Kappfjell).

However, the 1965 Altevatn judgement (see the 1969 Swedish Sami Program) gave the Sami more courage to face the Swedish Lapp bailiffs who too acted like colonial officers in the North, backed by so-called experts in the Norwegian and Swedish state departments and agencies. This bureaucratic colonial tradition is still very powerful in practice but is obscured in the carefully chosen language of official reports such as NOU 1993:34 and NOU 1984:18. For the Sami in Scandinavia, however, these very active bureaucratic traditions have severe effects on them as the Sami Blue Book edited by the Swedish Sami Parliament attests (particularly apposite are the descriptions by Hugh Beach, March 17, 1994, which have had worldwide reverberations).

Samiland, Sami *ätnam*, is a cohesive region and should be treated as such. However, as in many other parts of the world, it has experienced centuries of colonialism and cleptocracy (extractive exploitation). Moreover, this colonisation by different states has produced divisions of the Sami into 'Swedish Sami', 'Finnish Sami', etc. which is an obstacle to creating a working region. The so-called Barent's Region in the North, for example, is dominated by local influential bureaucrats and politicians. It is necessary for the Sami in Scandinavia to get together in regional conferences to discuss the legal issues in a frank way and present the truth about the situation, irrespective of government directives and mandates.

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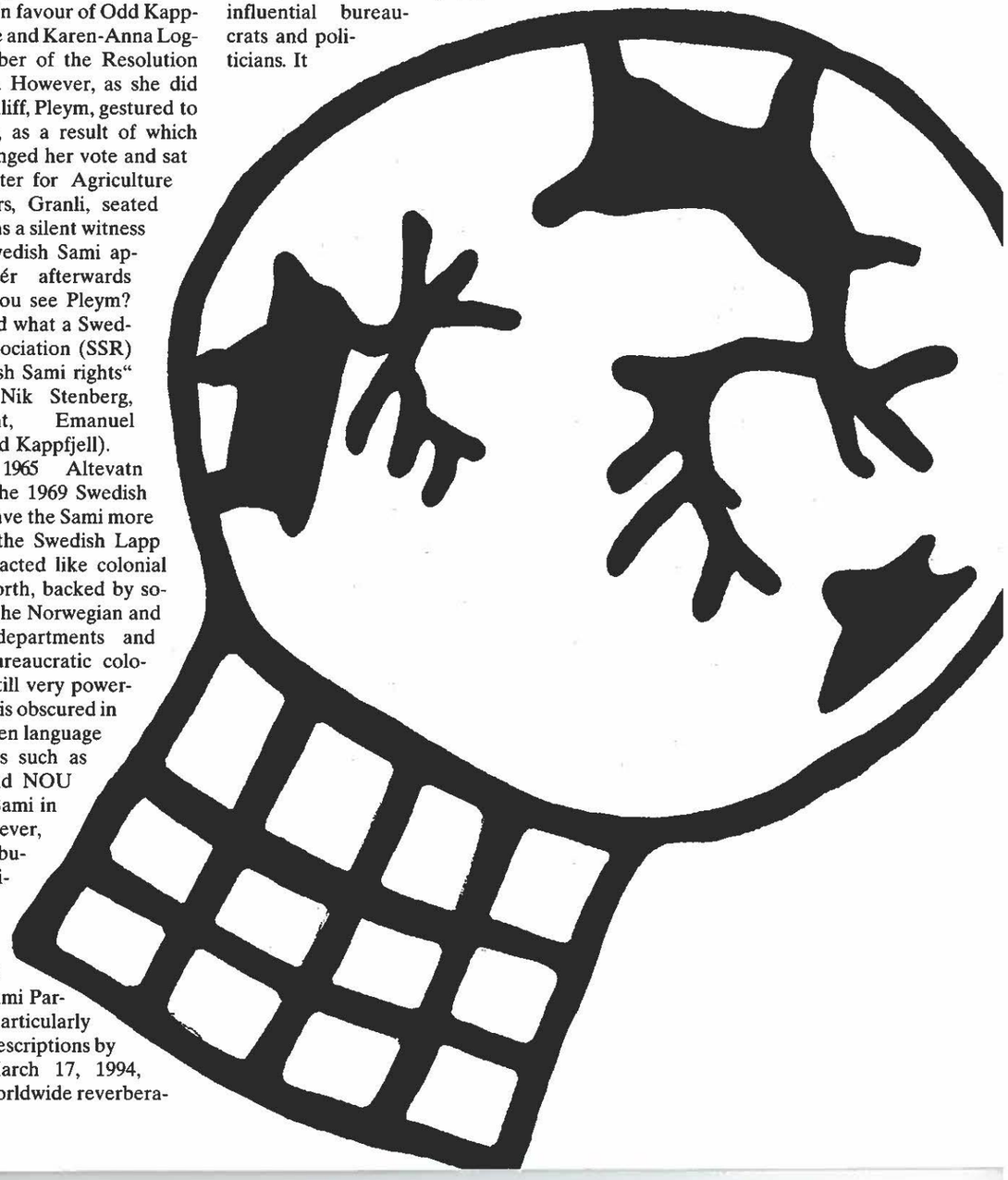

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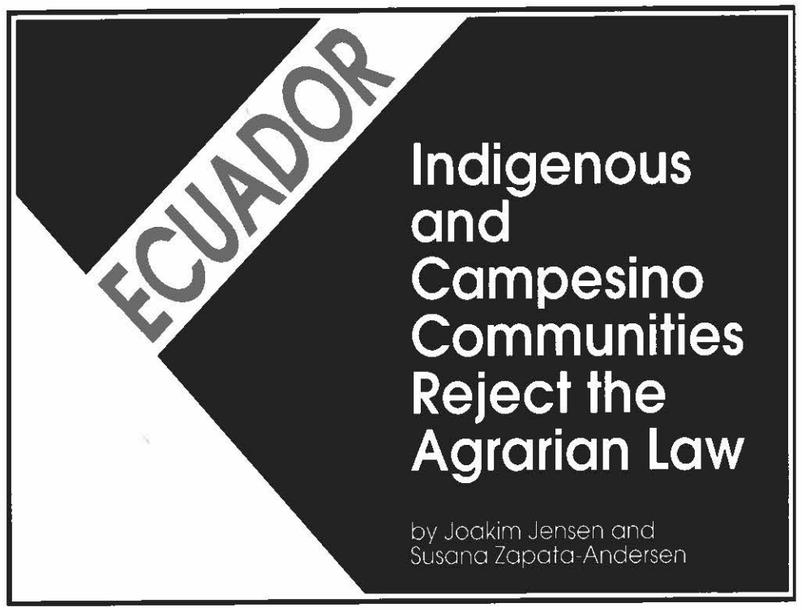

Indigenous and Campesino Communities Reject the Agrarian Law

by Joakim Jensen and Susana Zapata-Andersen

The agrarian reform process, which was initiated in Ecuador 30 years ago to improve the situation of the indigenous peoples, suffered a setback in May with the government's proposed Agrarian Organisation Law. Although presented by the President of Ecuador, the proposed law was rejected by Congress in the context of strong opposition from grassroots organisations and a few days later and quite unexpectedly, Congress approved a new proposal called the Agrarian Development Law. This Law incorporated elements of the first proposal and aspects of a proposal drawn up by the Christian Socialist Party, and ignored the demands of the indigenous peoples and campesinos.

The indigenous communities immediately mobilised, initially to try to establish a dialogue with the government but, after the President refused to veto the law, they launched a protest campaign called the 'Great Mobilisation for Life'. The protests, which demonstrated a high level of coordination between different indigenous organisations, consisted mainly of blocking provincial and inter-provincial roads. These measures caused various disturbances, among them the impossibility of transporting agricultural produce to urban centres, which in turn led to shortages in the markets. Indigenous organisations reported that this situation was being used by some landowner sectors to set the population against the protesters, which led to some serious incidents. The more serious of these took place in the southern province of Cañar, where a mob attacked some indigenous people and burned the Campesino House. The Confederation of Indigenous Nationalities of Ecuador (CONAIE) also called attention to the killing of three campesinos by paramilitary forces.

In response to the mobilisation, President Sixto Durán Ballén promulgated a General Mobilisation Decree and ordered that the blocked roads be cleared. Radio Latacunga in the province of Cotopaxi, which belongs to the Catholic Church, was put off the air, as well as the Chimborazo Radio School and Radio Ingapirca in Cañar.

In the light of the perseverance of the indigenous protests, and the verdict given by the Constitutional Guarantees Tribunal which declared the new law illegal, the government gave in to talks and the formation of a commission to reform the Agrarian Development Law, with the participation of government representatives, the Catholic Church, the agrarian sector and indigenous communities. The indigenous organisations insisted that the law must be annulled before the negotiations begin.

Indigenous Objections to the Agrarian Development Law

The new agrarian law replaces a body of laws which were made 30 years ago and which promoted the agrarian reform process and the end of indigenous servility on the large haciendas inherited from the colonial period. The agrarian reform, which was based above all on the laws passed in 1964 and 1973, handed over land to the indigenous peoples for the first time.

For the landowners and the government, the new law is a mark of the 'process of modernisation' in Ecuador and they are looking to open up land for sale to sustain agricultural industry, its increased mechanisation and trade of its products in the international market. With these objectives, the new law is extending the free market to rural areas and legally strengthening land ownership. For their part, the indigenous peoples are claiming the land as a basic element of their communal way of life. Over and above being a monetary asset, the land is fundamental for their lives and it guarantees their cultural reproduction. "They have threatened communal land ownership which is an attack on the most profound indigenous cultural traditions" stated Carmen Yamberla, President of the Indigenous and Campesino Federation of Imbabura, and she warned of the risk that large numbers of impoverished campesino peasants will become unemployed and forced to join the already swollen ranks of migrants in the urban regions.

Advances and setbacks in indigenous mobilisation

The indigenous-campesino movement in Ecuador has already demonstrated its capacity to resist threats from the governmental and private sectors. The proof was in the national uprising which paralysed agricultural production in the highlands in June 1990, the occupation of the Congressional buildings in May 1991 and the historic march from the Amazon to Quito in April 1992. During the government of the former president, Rodrigo Borja (1988-1992), the indigenous peoples maintained a direct dialogue with the authorities which allowed them to achieve some of their goals. They were successful, for example, in legalising ownership of land in Amazonia, in distributing land titles, in solving various conflicts with ranchowners and consolidating an ambitious bilingual education project (Spanish-Quechua), which today, indigenous leaders say, has been paralysed.

The indigenous peoples of Ecuador are demanding the recognition of their rights to territorial and political autonomy in order to develop their languages, medicine and forms of social organisation, as well as the declaration of Ecuador as a 'plurinational' and 'pluricultural' country.

In spite of the increase in organisation among the distinct indigenous groupings in Ecuador, governmental projects have highlighed the vulnerability of their achievements and the need to reaffirm the principles of the Agrarian Reform.

Source: Alai Servicio Informative, IPS.

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Aboriginal children removed from their families

The President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, has announced his support for the proposal by the Minister for Aboriginal and Torres Strait islander Affairs, Robert Tickner, to establish the first comprehensive study into the former practice of removing Aboriginal children from their families.

"Although the Australian Government had acknowledged that the policy regarding the care of Aboriginal children had been a serious mistake, it had never acknowledge its full implications or provided an adequate response for the people who were affected by it," Sir Ronald said.

He pointed out that the now discredited policy of transferring. Aboriginal children from their own families, to non-Aboriginal families or institutions, may well constitute genocide under the provisions of **the International Convention on Genocide**, signed and ratified by Australia in 1949.

Genocide - "forcibly transferring children of the group to another group ... with the intention to destroy, in whole or in part, a national, ethnic, racial or religious group", according to the convention - was declared by the 1948 General Assembly of the United Nations to be a crime under international law.

"Although the policy of removing Aboriginal children from their families was abandoned in the late 1960s, its consequences are still being felt by its victims and families today. Of the 99 people whose deaths were investigated by the Royal Commission into Aboriginal Deaths in Custody, 43 had been forcibly removed from their families," Sir Ronald said.

"The costs paid by Aboriginal people for the breakdown of traditional family structures, in terms of damage to physical and mental health, emotional suffering and loss of cultural identity, need to be fully understood if Aboriginal people are to be given the same opportunities as other Australians. A thorough investigation is an important first step toward social justice."

Sir Ronald also linked the policies of forced removal with the problems in the juvenile justice system today.

"Australia-wide, Aboriginal children are being locked up at 25 times the rate of non-Aboriginal children. These children have not had the opportunity to develop the sense of identity and values that a family can provide," he said.

"Under the **International Convention in the Rights of the Child**, ratified by Australia in 1990, indigenous children are guaranteed the right to enjoy their own culture.

"Yet many indigenous children today, like those removed in the past, are being denied access to their cultural heritage," Sir Ronald said.

Source: Human Rights Australia, October 1994

One year ago, Brazilian miners killed sixteen *Yanomami* Indians on Venezuelan territory, close to the border with Brazil. The massacre shocked the world, but those who committed it are still at large. The Federal Police do not know where they are and some people deny that the massacre ever took place.

The Federal Police reached the conclusion that it was genocide, since the miners intended to kill not one person, but a whole community. Of the 23 miners involved in the massacre, only two were arrested and released shortly after. The Federal Court in Roraima, the State where a large part of Yanomami territory is located, determined that all miners accused of the massacre were to be arrested, but the Federal Police could not find them. The crime of genocide lapses after a period of 20 years, and the penalty varies from between 12 to 30 years in prison.

Many articles were published in Brazilian newspapers arguing that there was no genocide since no bodies were found, except the skeleton of an Indian woman. This argument is supported by the miners' lawyer. However, 14 bodies were cremated by the Yanomami, according to their tradition, and the ashes were stored to be consumed in a funerary ritual; the female skeleton had not been burned.

According to the Attorney General's Office in Roraima, which was following up the case, the evidence raised so far confirms that there was indeed a massacre: the female Indian skeleton, the deposition of the Indians who survived, the Indians huts that were burned by the miners and the anthropological report of the deaths. The Attorney General did not request an examination of the ashes because he considered that this would violate Yanomami traditional customs.

It is estimated that there are 1,000-1,500 miners inside the Yanomami area. Although mining activities are forbidden in this territory, miners often broadcast local radio messages saying that this prohibition has been lifted, with the aim of attracting more miners into the area. The Federal Police and FUNAI (National Indian Foundation) are still without funds to remove the miners from the area.

Source: CIMI-Indianist Missionary Council July 28, 1994.

In the last two weeks reports from the Yanomami area have described the terrible results of the renewed invasion of goldminers: deaths, prostitution, disease and "profound social and cultural degradation". FUNAI president Dinarte Madeiro said the situation is one of "day by day genocide" and admitted that government action no longer intimidates the garimpeiros. With many garimpeiro leaders standing as candidates in the October 3rd elections, the political will to stop the invasion and save the Yanomami is almost non- existent.

The survival of the Yanomami is now threatened as never before.

Chronicle of the Death of a People

On 18th August the head of the Funai post at Surucucu, Walter Nicanor Fontoura Blos, sent this report:

During a visit to the Parafuri Indigenous Post between 13th and 16th August I learned of the depth of the social and cultural degradation provoked by the gold diggers among the Yanomami.

Jorge, a Yanomami from Pe na Cova (Foot in the Grave, a name given by the garimpeiros) village spoke naturally of how he had given his wife to the garimpeiros for sexual relations in exchange for food and ammunition. He himself had had relations with a white prostitute lent by the garimpeiros as though she were his wife. He said that after a while he had begun to urinate pus.

Juliana, a Yanomami from Jacare village, arrived at the Post with a thick vaginal discharge and swollen genitals. Her 2 year old daughter also had swollen genitals which Dr Moises of the Yanomami Health Authority said could have been caused by the transmission of an infectious disease from her mother.

Other Yanomami said that Juliana had had sexual relations with many garimpeiros in exchange for presents. Juliana is not alone in this; there are other Yanomami women who have sex with garimpeiros. Husbands simply exchange their wives for food, ammunition and/or rifles, or are under the influence of *cachaca* (Brazilian firewater, made from sugar cane).

The villages which are in contact with the goldmining camps are adding cachaca to their own beverage, *cachiri*, made from fermented cassava during tribal feasts. The consequences are tragic: last week there was a tribal conflict between the Xiriana, the Pe na Cova and the Konkain when at least 4 Yanomami died, 2 of them leaders. The conflicts between the 3 villages will continue because of these deaths.

I believe in the possibility that the garimpeiros are 'investing' in these conflicts, the prostitution of women and the introduction of venereal diseases among the Yanomami. It is an indirect form of exterminating them and eliminating them from their place of work.

The Federal Government must take urgent action to stop the social and cultural degradation of this people, caused by the disorganised and inhuman presence of the garimpeiros in the region. Besides removing the garimpeiros, health and agricultural assistance is needed.

Some of the villages along the Parima River have simply abandoned their most basic agricultural activities. They depend on rice and flour from the miners. They receive medicines from untrained garimpeiros, possibly causing serious problems for future generations.

An example of the negative garimpeiro influence can be found in the Mucajai River region. There it is easy to see culturally degraded Yanomami. Their houses ... look more like caboclo houses in the interior. Their women use skirts and blouses of any shape or size. They no longer cut their hair according to Yanomami fashion and they mix cachaca with cachiri during feasts. Fights are common. Some men and women have venereal diseases, some of them in an advanced state.

The Yanomami of the Mucajai region have not been integrated into our society, but instead begging, prostitution and drunkenness have been introduced into their society.

Source: CCPY

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Introduction

The *Piaroa* people are aware of their historical situation, of being a testimonial Amazon culture, of their rights as an original people and of being part of the patrimony of distinct cultures of the world. From this millenarian position we are worried about the process of accelerating deterioration we see in our original Amazon cultures, abandoned to a unequal situation of interaction with the moneyed culture which is waging an uncontrolled exploitation of our natural resources. Today we are on the verge of disappearing as a culture.

Faced with this situation, we do not want to die as a culture or to let our ecological environment be destroyed. For thousands of years we have been the guardians of our Amazon as a specific ethnic group and we want to continue to be so. Moreover, we ought to develop ourselves entirely in harmony with the Amazon environment, according to our understanding of its fragility and in a brotherly relationship with Venezuelan society and generous towards the world's peoples.

Over the past few years we have suffered aggressive attacks from individuals, institutions and government sectors, for example: timber exploitation in the Suapure Sector by the Licaima Company with exclusively financial objectives; pressure on the Calín mines in the Parhuaza area, an avalanche of invasions by tourists whose assualt on our territory leads to its deterioration and, among many other examples, the invasion of our plains in the Guanay Valley. Delay tactics have meant that even 10 years after the end of the conflict, the national government has still not handed over the land titles to the Piaroa people.

In 1993 in the recently established State of Amazonas the political and territorial division of this State was carried out without the inclusion of the indigenous peoples who comprise the majority living there. This is a further expression of the habitual disrespecful attitude towards the indigenous cultures and their territoriality.

This deteriorating situation has forced us to take a stand and create new forms of modern organisation which are in accordance with our oral culture and the universal characteristics of representative democracies. We believe that the Piaroa Parliament which we have constituted meets these requirements which are embedded and sustained in Article 77 of the Constitution of the Republic of Venezuela - seen more as an 'exceptional regime' according to the right to be different, which fits with the perspective of the very powerful western culture which sees indigenous peoples as underendowed - and in the UN Draft Universal Declaration on the Rights of Indigenous Peoples. We are peoples and original cultures with primary rights.

The Declaration of the Piaroa People

The here present 10 senators and 24 deputies (34 Piaroa Members of Parliament) elected through democratic consensus, and representing all the communities and river basins which we call CATANIAPO (the river basins of the Cataniapo and Parahueña and adjacent river basins); SIPAPO (the river basins of Cuao, Autana and Guayapo); PARHUAZA (Parhuaza river basin); MEDIO ORINOCO (the middle and lower basin of the Ventuari); MANAPIARE (the river basins of the Manaiare and Marieta) and SUAPURE (Suapure and Alto Guaniamo river basins) endorse this Constitutional charter which expresses our decision to organise ourselves through a parliament with the legitimate representation of the Piaroa people and seeing ourselves part of the international community declare:

The Piaroa People are free and equal with respect to dignity and rights in conformation with international norms and we also recognise the right of all individuals and groups to be different and to be respected as such.

The Piaroa People freely determine their relations with the Venezuelan state in which they live and recognise the pluricultural and multiethnic character of the country in its laws, and also freely determine their relations with the Republic of Colombia in which they live as a minority in a spirit of co-existence with other citizens and free to pursue their own economic, social, cultural and spiritual development in conditions of liberty and dignity.

The Piaroa People have the right to complete and effective enjoyment of all their rights and fundamental liberties recognised in the charter of the United Nations and in other international human rights instruments.

The Piaroa People have the collective and individual right to maintain and develop their own ethnic and cultural characteristics and identities, including the right to their own identification.

The Piaroa People have the right to revive, develop, promote and transmit to future generations their own language, systems of writing and literature, to name their own communities, places and individuals and to maintain their original names. The Venezuelan state will adopt the means so that the Piaroa People can understand and make themselves understood in political, legal and administrative activities, providing translation services and other effective measures for this when necessary.

The Piaroa People have the right to maintain their characteristic and profound relations with their land, territory and resources, including the totality of water, air and land which they have traditionally occupied or otherwise utilised. This includes the right to complete recognition of their own organisation, customs, land tenure systems and institutions for managing their resources, and the right whereby effective state measures are adopted to impede all interference or usurpation of these rights.

The Piaroa People have the collective right to autonomy in all measures relating to their own internal and local affairs, including education, information, means of mass communication, culture, religion, health, housing, social welfare and traditional and economic activities and other types of measures, administration of land and resources and the environment.

IWGIA *Indigenous Affairs* INTERNATIONAL WORK GROUP

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