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Editorial

From Bretton

1994 is the fiftieth anniversary of the founding of the World Bank at the Bretton Woods Conference in the US state of New Hampshire. During July, 1944, while a world war was raging, 700 delegates from the Allied states met to establish the means for securing global economic growth based on the principles of reconstruction and development. The World Bank and the International Monetary Fund arose from the meeting, designed to provide the means for expanding markets and utilising resources to benefit all countries.

Over the last fifty years, the Bank has focused on capital intensive infrastructural development projects, technical assistance, and more recently, structural adjustment of economies into neo-liberal frameworks. Yet the bulk of this support from the World Bank has benefited primarily the economies of the North, which at times make net gains from the Bank's project work, and elites from the South who benefit for compliance with the stringent demands made by the Bank and the IMF to control their economies. Meanwhile poverty, hunger and dispossession continue unabated. Currently the Bank loans about \$24 billion to 110 countries annually while it is actually owed more in debt from previous loans. This phenomenon is known as 'net negative transfer'.

The rhetoric of the World Bank has changed over the years and its justification for its projects has shifted with the orientation of its Presidents from the open quest for modernisation in the 1950s and 1960s (under Eugene Black and George Woods) to poverty alleviation in the 1970s (under Robert McNamara) to a respect for sustainability, the environment and local participation in the late 1980s and 1990s (under Barber

Conable and the current President, Lewis Preston). Yet, in spite of shifting Bank rhetoric and policy in response to critics, resistance to Bank projects continues unabated.

Particularly vocal in their concern over the World Bank are indigenous peoples. They have suffered from schemes ranging from the paved roads and colonisation of Brazil's Polonoroeste to the massive dam and irrigation project on the Narmada river in India and the enormous Indonesian colonisation programme of transmigration which moved 3.5 million people onto indigenous territories with disastrous consequences. The Bank has taken some initiatives to remedy its errors and repair its damaged reputation and since 1986 has taken environmental and social issues more seriously. Reviews of projects and operational directives providing guidelines for activities dealing with the environment, forest policy, involuntary settlement and indigenous peoples all show that the criticisms which indigenous peoples have been making over the last few decades have had some effect. However these are policy statements and have not had much effect on the implementation of Bank projects.

Numerous projects currently being undertaken by the World Bank and the four regional banks (Inter-American Development Bank, Asian Development Bank, African Development Bank and the European Bank for Reconstruction and Development) continue to cause great concern to indigenous peoples, even those from the Global Environment Facility which is meant to support environmental protection. The Planaflo project in Brazil (attempting to clear up the problems left by the Polonoroeste project), support for privati-

Woods to Indigenous Forests

sation of energy in Ecuador, the effects on forests of structural readjustment in Guyana, the dispossession of hill peoples in Laos, threats to the Pygmies in Central Africa, the Mt. Apo geothermal project in the Philippines, and gas and oil extraction in Siberia are only a few from the enormous list of Multilateral Development Bank projects which threaten indigenous peoples.

Indigenous peoples have found that changes in World Bank guidelines have less effect than strong and co-ordinated resistance by indigenous peoples such as took place against the Chico Dams in the Philippines, the Altamira Dams in Brazil and is currently continuing with the Narmada dam in India. The few cases of successful resistance by indigenous peoples have also benefited from a useful partnership between indigenous and non-indigenous non-governmental organisations which have in some cases (such as in Altamira and the Narmada dams) provided a broad front of opposition to the Bank. Unfortunately the Bank only seems to respond when resistance reaches potentially violent proportions. This is no way to run development work.

The problems facing indigenous peoples from MDB projects will continue until the Banks adhere to strict guidelines throughout the whole project cycle. In spite of the changes which have taken place in the World Bank over the last ten years, threats facing indigenous peoples have not decreased because borrowing countries over-ride the conditions of the loan or credit agreement, often in connivance with Bank staff. No project affecting indigenous peoples should be started until a borrowing state agrees to respect not only the Banks' policy guidelines but international standards for the

rights of indigenous peoples. Furthermore states should prevent and not encourage companies and colonists to force access onto indigenous lands to plunder their resources. This means that no development work should take place on indigenous territories without their consent.

The World Bank provides the easiest target for critics of development because of its visibility and the enormous scale of its projects. The World Bank and the other MDBs have become symbols for the modernising economic based cost-benefit approach to development which has dominated official discourse for the last fifty years. In spite of intentions to take environmental and social concerns into effect through notions such as sustainability, indigenous peoples have seen little evidence of positive practical changes in their favour.

This MBD-centred view of development makes indigenous peoples victims of an inevitable process. Indeed many indigenous peoples are opposed to the concept of development altogether because they see it as fundamentally destructive and a threat to their lives, territories and cultures. However others also argue that they have a right to develop on their own terms by means of an indigenous self-development whereby in addition to providing consent before an external project takes place on their territory, indigenous peoples should be empowered to control their own development.

Indigenous self-development has been taking place for many years in the form of small local projects supporting organisations or communities. These projects relate clearly to the demand by indigenous peoples for the recognition of their fundamental rights. A principal

theme in discussions of indigenous self-development is the consolidation and recognition of their territories. A precondition of development for indigenous peoples is that development should not take place in a context of colonisation. This means that indigenous territories should be demarcated according to their own needs and desires, not according to the zoning priorities of outsiders. Where colonisation has already taken place, means have to be found to provide the colonists with positive development alternatives elsewhere and indigenous peoples with the capacity to defend and conserve their territories.

Another aspect of development which indigenous peoples frequently discuss is that they do not necessarily have to accumulate and maximise profits, but need to ensure that they have a basic subsistence economy in order to survive. Self-sufficiency involves blending production for internal use and for exchange in external markets. Balancing these two aspects of indigenous economies is difficult but crucial. The dangers of overloading an indigenous economy with exports priorities can lead to dependency on outside interests and an incapacity to devote time to basic production needs. However, indigenous peoples who have a solid economic base can work on a gradual extension of their surplus and seek strategies and support to carve a strong and controlling niche in the local economy.

Parallel with economic self-sufficiency come cultural revitalisation and culturally sensitive health and education strategies. Indigenous peoples want these activities tailored to relate to their own needs and not to the preconceived views of outsiders. Through training based on their own initiatives, indigenous peoples

ANDREW GRAY

can be placed at the centre of their own development.

Increasingly, indigenous peoples, organisations and communities have taken control of a large number of development projects throughout the world with considerable success. From Amazonia, where land demarcation has been undertaken by indigenous organisations in Peru, to the Philippines where a complex web of activities are entirely in the hands of local peoples, indigenous development has been demonstrated to be both beneficial and economical.

However indigenous controlled project work is not without its difficulties either and indigenous peoples are increasingly finding that they have to balance many different forces and interests in order to benefit from outside support. For example, indigenous organisations have to steer a path between the need to satisfy the development needs of their constituent communities and yet receive enough financial support to continue their organisational work. Projects can become the only or main means of income for organisations and communities, causing a culture of 'project-addiction' to arise, forcing indigenous peoples to become dependent exclusively on donor agencies for their future survival. Small-scale projects can do much to support indigenous peoples, but indigenous peoples are realising that their future well-being depends more on the maximisation of long-term self-sufficiency rather than of short-term profit.

A further problem facing indigenous peoples who are aiming to control their own development is that they need collaboration and technical support from outsiders, both indigenous and non-indigenous, in order to prepare projects and ensure that they run smoothly. Fur-

thermore the conditions established by donor agencies also establish constraints on the extent to which an organisation can carry out its work. The difficulty here is between developing an equal partnership with outside institutions on the one hand, and avoiding too much control from the outside, on the other. This problem is the basis of the politics of development in all projects, which becomes even more complicated when looking at the internal relationships between indigenous communities, organisations and peoples as a whole.

Self-development does not necessarily provide the answer for indigenous problems; it also constitutes a risk for indigenous representatives who have to mediate between political and developmental needs, between self-sufficient control and the need for outside expertise, and the problem that donors usually provide support on the basis of conditions with which the indigenous organisation has to comply. All of these difficulties demonstrate clearly that indigenous self-development is not simply a radical rhetoric countering national and international development agencies, but poses genu-

ine dilemmas for indigenous representatives and organisations. Self-development provides its own set of problems which indigenous organisations are taking very seriously and are trying to solve.

Indigenous peoples who enter into development activities will not automatically avoid the pitfalls into which non-indigenous agencies regularly fall. However, with the principles of control and consent, a popular participation linking indigenous peoples, organisations and communities combined with constructive partnerships with outside expertise, a solid basis for indigenous self-development can emerge.

Indigenous self-development is self-determination in practice and indigenous peoples have demonstrated their capacity for turning the tide of development work in their own favour as they increasingly produce successful project work in their communities. Mistakes will inevitably occur, but as indigenous peoples say so often: 'We would rather be responsible for our own mistakes than have the mistakes of others thrust down our throats'.

□

From IWGIAs own world

Jens Dahl who has been with IWGIA since 1989 will be leaving on August 31 after five very active years as an executive director. His leave of absence from the University is up, and Jens will return to his position as a senior lecturer at the Institute of Eskimology. Jens will continue to be an IWGIA board member.

Teresa Aparicio, who has been with IWGIA since 1979, and contributed extensively to the building up of the organisation through the many years she has been here, left IWGIA at the end of April to work as a senior anthropologist in a private company.

By July 15, Inger Sjørsløv will have joined IWGIA as the new Executive Director. Inger, who has been with Copenhagen University and the National Museum of Denmark, is an anthropologist who has specialized in Latin America.

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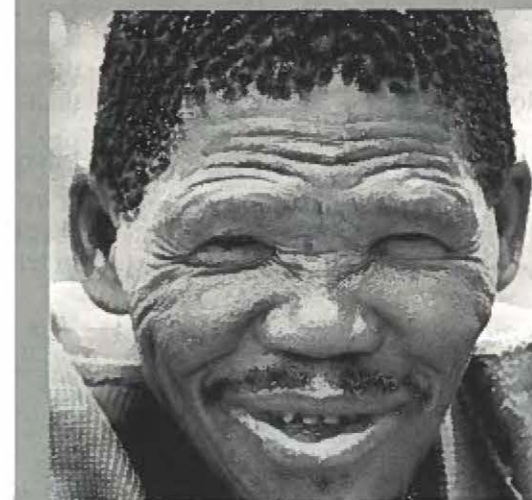
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Hunter in Botswana

Gatherers and the Land Issue



Foreword

Remote Area Dwellers (RADS) is the name the Botswana Government gives to people living in small, scattered communities throughout the Kalahari, usually without cattle or maize fields and normally of hunter-gatherer (*San, Bushmen, Basarwa*), not *Tswana* agro-pastoral, origin. Although remoteness (from services) is normally presented by the government as the most important feature of their categorization, the RAD community is today more pertinently singled out by its extreme poverty, landlessness, and dependence upon the state and wealthier citizens for often even basic subsistence. Discrimination and abuse of personal human rights continue as problems facing this 'poorest of the poor' sector of Botswana society. Apathy and drunkenness are frequent manifestations of the demoralization that pervades many RAD communities.

RADS number anywhere from 50,000 to 120,000 depending upon the definition used or up to around ten percent of the total population. The majority at RADS identify themselves as Basarwa (Bushmen or San), and increasingly consider their loss of traditional lands for hunting and gathering through displacement by the cattle-owning *Tswana* majority to be the main cause of their impoverishment. Today, RADS live vari-

ously as landless squatters on the edge of villages, on cattle-ranches or cattle-posts owned by other citizens, or in settlement schemes started under the Remote Area Development Programme since the seventies. As the Kalahari has been steadily taken over for livestock development, a decreasing proportion are still able to live in more or less independent, traditional groups, on land held by their forefathers. Nonetheless, hunting and gathering has proved a remarkably resistant mode of production, with most RADS practising at least some amount of hunting and especially gathering of wild foods.

The **Remote Area Development Programme (RADP)** is a continuing programme of the Ministry of Local Government, Lands and Housing (MLGL&H), targeted to RADS. The programme began as a Bushmen Development Programme in 1974, was re-named the Basarwa Development Programme in 1975, Extra-Rural Development Programme in 1976 and Remote Area Development Programme in 1978. The change in name reflected growing reluctance by the Government of Botswana to single out a sector of rural society on ethnic grounds. In 1988 the RADP became the Accelerated Remote Area Development Programme (ARADP). From the outset, the programme enjoyed foreign donor support, with the

Norwegian Government (NORAD) meeting the majority of the capital costs of the ARADP (1988-1994). The programme has not been especially significant in financial terms, with foreign investment probably not exceeding US\$ 10 million since 1974.

Nonetheless, the programme has enjoyed/suffered a high profile in Botswana, given its focus upon an indigenous hunter-gatherer minority (their designation as RADS notwithstanding) and the fact that the programme has, from time to time, actively sought land and water access for this group, in a country where competition over resources has become increasingly acute.

The stated and implicit objectives of the RADP/ARADP have changed in important ways over the twenty years of the programme's existence. In the seventies, the prime concern was to secure land and water rights for the Basarwa (Bushmen, San, Remote Area Dwellers) in those areas where they were still living independently and to secure alternative land for those who had already lost their land to livestock developments (ranches, cattle-posts). The nervousness with which such a 'radical' strategy was perceived at the time in government and political circles led to the pursuance of this objective through a more acceptable 'settlement strategy'; boreholes and services would be provided to groups of

Basarwa (but in their own traditional territories). The establishment of water rights through the drilling of boreholes would, by default, provide the community with land rights.

Over the eighties the settlement strategy of RADP was slowly but surely reinterpreted into one more in line with state and popular desire to sedentise, civilise and villagize Basarwa and 'settlements' ceased to mean the bringing of water and services to remote communities but their aggregation and relocation in villages. Settlements are now designed first and foremost as potential villages. Since the late eighties, the provision of education and health services has become the major thrust of the programme, with some attention being paid to the development of income-generating opportunities in the sixty or so 'settlements'. As this article will show, overall, Basarwa/RADS remain as landless today as they were when the programme began.

In recent years the Basarwa land issue has nonetheless begun to slowly force itself upon the consciousness of the nation. Several groups of San, most notably those who endured early displacement from their lands along the Ghanzi Ridge in the far west of the country, are becoming more vociferous over the rights and wrongs of their circumstances. The Government of Botswana is itself 'reviewing'

by LIZ WILY

photos ARTHUR KRASILNIKOFF

its policies, mainly as a result of first world donor pressure. Although initially reluctant, it responded favourably to requests to sponsor a second regional San conference in 1993, an occasion which provided both officials and San an opportunity to hear each others views. There is a small but growing number of senior officials who believe the RADP has lost its way over recent years and who are ready to 're-think' the objectives and strategies of the programme. With donor assistance, a review process of the RADP is planned.

most urgent need at this point is simply for the state to recognize, once and for all, that contrary to local opinion, Basarwa/RADS did *own* land through their own customary land tenure system and that it is this, and not the customs of the majority, agro-pastoral people, which should form the basis of prompt registration - and in some cases, retrieval - of their right to land.

Introduction

Issues of land tenure are inevitably socio-political and subject therefore to widely and strongly-held opinions, often

land once owned exclusively by themselves, the need to clarify and support their use rights over those lands (perhaps in tandem with the cattle-post owner) remains a focal issue. A future Remote Area Development Programme will, in my view, only have validity for as long as it directly serves to secure land for RADS.

Were the land rights of RADS not so thoroughly threatened, and were dispossession not so thoroughly underway, I would advocate as the prime action required, programmes to conscientise RADS as to the forces of change facing

land issue requires advocacy and RAD lands, *some interim protection*.

In today's world such steps are referred to as 'affirmative action', not paternalism, and have given rise to policies and programmes manifest in such documents as the ILO Convention on Indigenous and Tribal Peoples. The trend is appropriate, for the vast majority of remote area dwellers in Botswana are of Basarwa and/or hunter-gatherer origin and it is the nature of their hunter-gatherer past and present which, more than anything, continues to deprive them of land security.

tion the importance of land access to RADS. To introduce this article, I therefore briefly illuminate the conceptual issues of current concern.

How important is the land issue?

The conventional argument has been that Basarwa/RADS don't *need* land, 'because they just hunt and gather'. Even now it is said they don't have much need for land 'because they only have a few animals and don't like to farm (cultivate)'. If the matter of ownership comes up, it is assumed that Basarwa/RADS

ing. The question of 'how important is the land issue' is therefore important in itself. Below, some points on the subject are made.

RADS as workers, not farmers

Of course education, and skill training can only grow in influence in patterning the livelihood and indeed whereabouts of the Basarwa/RAD population. Off-farm employment and self-employment will be the reality for a number and the aspiration of many more.

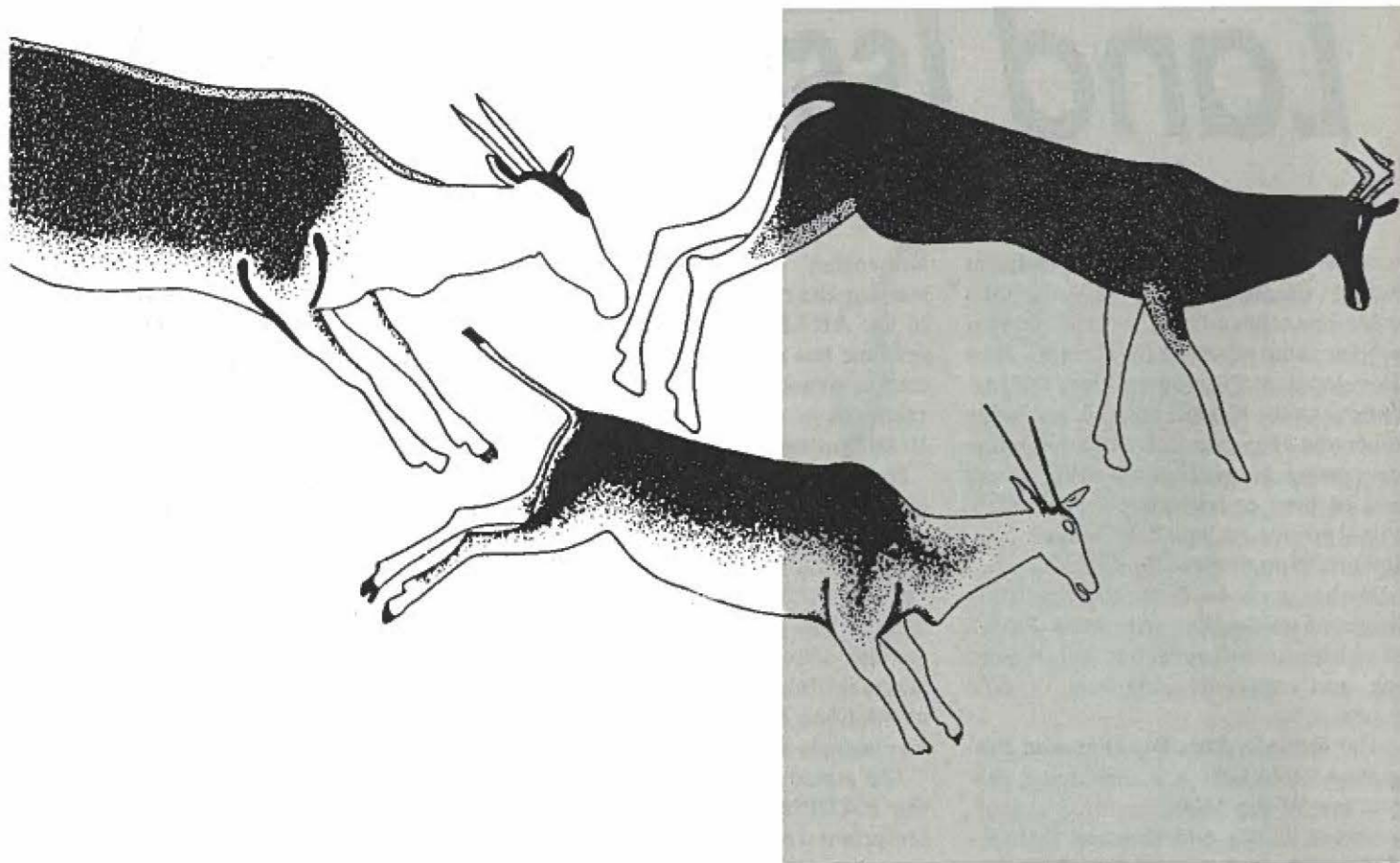
Rising rates of unemployment in Botswana suggest it is unrealistic however, to think that the majority of citizens will lose the need for land-based subsistence. On what basis, may it be assumed that 'the poorest of the poor', the least advantaged in every way - RADS - will succeed where the majority have failed? The RAD 'tanners and teachers' will exist, but they will represent a small minority.

Looking ahead, if major industrialization were to take place in Botswana then it could be argued that RADS would be part of the resulting proletarianization and their interests and need for land would diminish significantly. Again, such a scenario is hardly realistic. Firstly, there is not a lot of evidence that industrialization on a significant scale will take place in Botswana, nor any evidence at all that such a process would mirror that which occurred in Europe in the last century. Secondly, the place of RADS, and especially Basarwa in Botswana society again suggests they would be the last to benefit from proletarianization, and such processes would consolidate their place as not society's workers but society's destitutes, both landless and jobless.

It is far more likely, in any event, that Botswana will remain an agricultural society, first and foremost, with the majority of households reaping a livelihood from the land, even with dwindling returns. In these circumstances, *access to land*, already an outstanding issue for the majority, will only grow in importance over time, and security of access (tenure) with it.

RADS don't need land because they have few animals

Much (but not all) of the RAD population is livestockless and evidently not

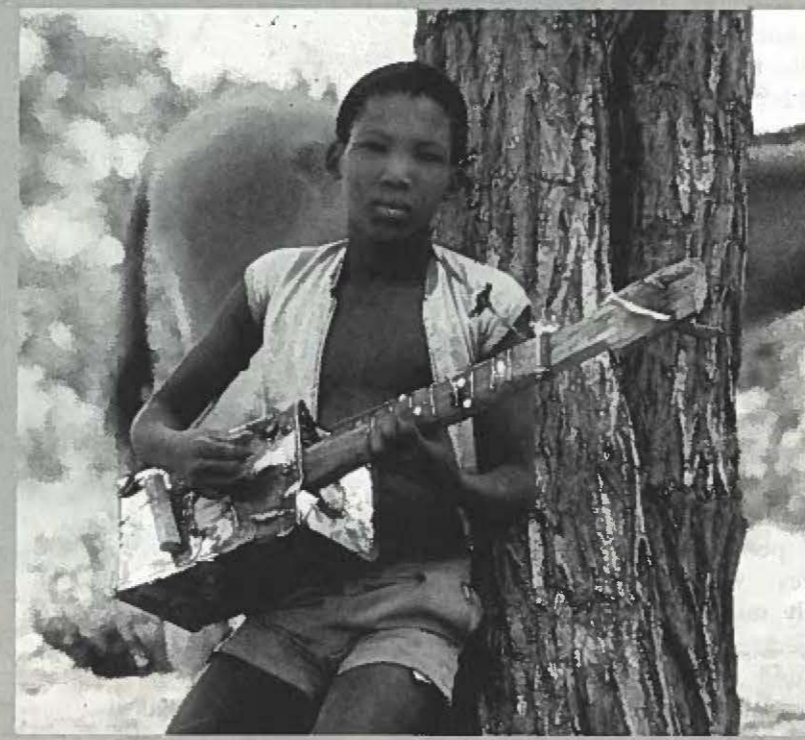


This article aims to contribute to this process. It is written by Liz Wily who initiated the original Bushmen Development Programme twenty years ago. She uses that experience to inform her assessment of the way in which the land issue has been handled in the intervening years. She points out the changes in policy and circumstances which make it more imperative than ever - and more possible than it was twenty years ago - to directly and forcefully address Basarwa/RADS land rights. She argues that the

underlaid by acute economic interests. It is as well to be direct as to the view which prompts this article. It is this writer's view that the land issue is central, not incidental to any consideration of remote area dweller development. Further, I consider entitlement to be the prime action required to secure RADS at least an opportunity for a not-too-demoralised future. Even in those situations (possibly involving the greatest number of people) where RADS are today workers or 'squatters' on cattle-posts installed on

them and to help them slowly take control of their own future and development. Through this process they would, *in due course*, almost certainly act to secure their traditional lands.

Conscientising processes remain critical and must be part of any future assistance programme. However, if land is to be secured prior to total dispossession, it is too late to await RAD action. Even now, probably less than a third of RADS will be in a position to secure *exclusive* title. As a matter of priority the RAD



Entitlement is not the end of the matter. Land on its own will not secure a sound future for RADS. It will however provide a framework within which a wider range of choices may be made by them.

For many, the importance of continued access to land by RADS - most of whom are Basarwa with long-standing connections to particular tracts of land - is taken for granted and needs no explication. In Botswana itself, recent trends, local popular opinion, and national policy, ques-

'never owned land' - why? - 'because they were never in one place, they just moved around (*nomadic*)'.

A more modern version considers land-based activity to not be the way forward for this impoverished group of society anyway and emphasis is increasingly placed upon providing not land, but opportunities for education and skill training, to help RADS *move off* the land into 'productive employment'.

Both views have currency in local opinion, political views and official think-

seriously interested in cultivation. It is on this basis that many Batswana consider the land needs of RADS, most of whom are of Basarwa hunter-gatherer origin, to be slight. A narrow view of viable land use continues in Botswana, with the consumptive uses of cultivation and grazing still the only uses of land recognised as 'productive'.

Too little account is taken of the enormous value of subsistence from the land, particularly from hunting and gathering. Further, too little account is taken of the adaptations that are being made, and will continue to be made, in that mode of production. In 1994 hunting and gathering is a transitional mode of production in its own right. One need only look to the significant role hunting, and wild food gathering (for subsistence and sale) has in the lives of rural Tswana themselves to recognise this.

The fact is that large numbers of people can - and do - survive off the land, even without livestock or fields. The importance of hunting/gathering to RAD survival has been repeatedly, forcefully and painfully demonstrated over the last decade as RADS are deprived of these sources of survival through relocation and villagisation. And yet there is a virtual 'refusal' to acknowledge or accept the economic validity of such subsistence. This is most unfortunate for the obvious trend in polarization in Botswana society, with the poor both becoming poorer and more numerous suggests that such forms of subsistence will become *more important*, not less important, and the importance of an available land base accordingly.

Future land use

A number of RADS already own livestock and could well derive most of their livelihood from stock-raising in future decades - if the land is available. Land in any event has an important option value and future land uses, undeveloped at this point, should not be excluded as possibilities. The gradual move towards more commercial uses of wildlife are a good example of this.

Socio-Cultural Utility

Even if the economic arguments were not important, there are social implications to land loss which should not be ignored. Most RADS are Basarwa and

Basarwa society is founded upon a land-based socio-economy and culture. Without land, their society will disintegrate - and to a very large extent this has occurred. Unfortunately, there is no evidence to suggest such disintegration is positive, even in the eyes of those who seek the eventual disappearance of Basarwa through assimilation into the dominant Tswana society. For the processes which take place leave Basarwa as ethnically-identified as ever, indeed no longer characterised by their traditions but by their demoralisation, destitution and drunkenness - hardly the basis for satisfactory integration.

The Right to Land

On principle alone, the issue of land will not disappear - the use to which that land is put, notwithstanding. RADS will, ultimately, not let it disappear.

Basarwa RADS have an extremely long history of tenure in the Kalahari. The current refusal of the Government to recognise Basarwa as an indigenous people has little to do with the stand the people themselves will most likely take on that subject. Examples abound in recent years of previously 'unaware' indigenous groups gaining identity and cohesion and without exception, focussing upon the loss of original lands.

Eventually, and probably sooner rather than later, Basarwa resentment of land dispossession will lead to claims for the return of their lands, especially those lost in 'their own time' (current generations) and they may well not rest until that is achieved. Experience around the world shows that this is a much **more likely scenario today**, than might have been considered possible twenty years ago. The provision of land now, for at least a significant proportion, would be a strategically sound (and cost-

effective) position for the Government of Botswana to take at this point. In short, an (indigenous) land rights principle is at stake, and will ultimately, need to be recognised as such.

Development Processes, dependency and choice

In today's world

choice is a luxury, especially for the poor, and in any event, is rarely genuine choice. Still, there is a view held by many who have worked with Basarwa that the single most important 'need' is for an environment in which they may choose, rather than be forced, when, and through what processes to

abandon hunting and gathering, abandon their culture and social forms associated with that ancient way of life. 'Time to choose' means stability in the socio-spatial environment; for those still with access to their (traditional) territory, to retain that access.

As suggested ear-

ed impoverishment and signalled a movement from independence into dependence. That dependence lies heavily at the door of the state. Quite aside from issues of human dignity, the process is not cost-effective and on this basis alone, the government would do well to avoid accepting continued processes of RAD dispossession, through its own making or otherwise. It is extremely unlikely, for example, that the value achievable from turning the lands of one Basarwa band into cattle-posts or TGLP ranches could ever reach the real and hidden costs to the government of supporting that same group of people.

land where traditional RAD/Basarwa land tenure has been displaced by the customary or statutorily allocated rights of Tswana to establish cattle-posts. However, RAD communities still reside on the land and continue to use the land, albeit in usually decreasingly traditional ways. Whilst exclusivity is obviously desirable, resolution could be pursued through the adoption of dual rights of occupancy and land use, either through mutually exclusive estates in land (rights to use) or shared rights over the same resources.

Land redemption may well be acceptable

Even five years ago, the spectre of land redemption seemed appalling and 'impossible' in Botswana and many will still argue that it is so. However, as land rights are increasingly articulated and demanded, land return programmes may of necessity become a reality and even an acceptable strategy, in certain instances, and through certain forms. The least controversial mechanism would of course be where the government reserves to itself the right of first refusal on lands offered for sale or available for transfer, and reallocates or resells to chosen buyers accordingly. It is precisely this strategy, for example, which the Namibian Government has recently agreed to follow in regard to the many freehold-owned farms.

The land is useless - for what?

'The land is now useless'; indeed this is normally so, at least for traditional hunting and gathering, but not necessarily so for stock grazing or other current or future land uses. Moreover, these of 'degradation', much debated recently, suggest a more nuanced approach to irreversible veld damage is required.

Politicians will not allow

This is the heart of the matter, and will be repeatedly touched upon throughout this article. Political will is by its very nature not immutable however. And circumstances change. One does well to recall that even the government's recent acknowledgement of land as a RAD issue was not conceivable a decade ago.

Is it too late?

It is often argued that for many RADS/Basarwa the question of land rights is irrelevant in the sense that they have lost their land already, lands which will be 'impossible' to retrieve, and that, in any event, regained lands would by now be so degraded as to be useless. Each argument has validity - in certain respects.

Not all land is lost

To take the first, 'they have lost their lands'; without

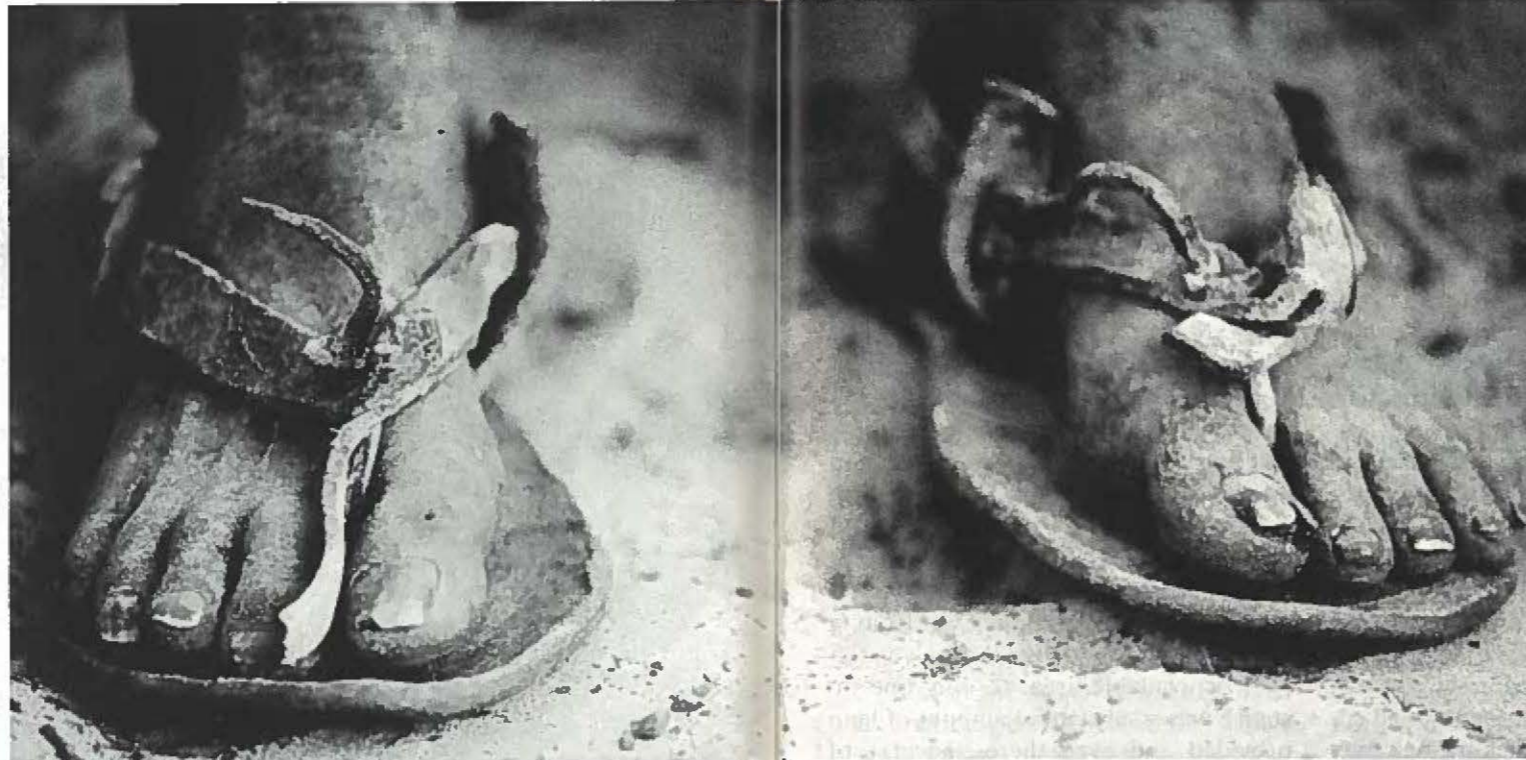
lie, there is little doubt that Basarwa RADS will over time, abandon, modify, supplement or commercialise their hunting and gathering skills and make significant modifications in their social organization. Loss of lands pre-empt opportunities to make workable adaptations.

To date, dispossession has equal-

doubt large areas of land traditionally owned by Basarwa (and in many cases, quite recently so) have indeed been taken over by other occupants, largely through state-directed grazing expansion. In many areas the original Basarwa owners have been dispossessed in terms of the law, and often physically displaced. Of such 'loss of land' there is no doubt.

However, by no means all RADS have been physically and/or tenurially displaced as yet and the **opportunity** to secure such lands for themselves still potentially exists, given political will and administrative action.

There are additionally, vast areas of



The status of RAD landholding

There is a need to be clear as to what land RADS/Basarwa actually hold. First, there is a need to be clear as to what is meant by landholding. Insecurity of land access in rural Botswana is so acute for the poor that a distinction must be made between land over which RADS have *access* at this point in time and land over which RADS have *rights*. Care must be taken to avoid confusing land *zoned* for RADS and land *directly allocated* to them, and over which they have inalienable *rights of occupancy*, recognised by the administering land boards and upholdable in courts of law.

With the above distinctions in mind, it is apparent that RADS/Basarwa in fact *own* extremely little land, probably less than a few thousand hectares in a country of many millions of hectares. These owned lands are small fields for cultivation, houseplots and in possibly a few cases, the land on which small shops stand.

Settlements which have improved land access

For particular groups of Basarwa, the establishment of settlements over the last fifteen or so years has definitely improved at least their *access* to land and in this sense the settlements have been positive. I refer here mainly to the three schemes designed to make land available to the *totally landless* Ghanzi farm squatters. However, contrary to the original intention of these 'land and water schemes' the title to the land has *not* been given to the settlers themselves, and the exclusivity of the settlement areas has not been provided for.

Moreover the amount of land earmarked for those schemes is a tenth of that originally intended. Several hundreds of people are today expected to gain a living from an area equivalent to that available to four or five family-owned Tswana cattle-posts. In some respects the settlements already resemble labour reserves for nearby freehold farms and this trend will continue with population growth. Land access - not to mention security - will in any event diminish rapidly as the open-bounded nature of the settlements as population centres evolves, as discussed below.

There are other areas where the ear-



marking of land as '*spheres of RAD influence*' has been a positive step towards recognising the occupancy of RADS. This has occurred in Kgalagadi District. Whilst such zoning recognises the right of those people to continue living there, it does not recognise their exclusive right of occupancy. Already these 'settlements' are, like those of Ghanzi, becoming villages, albeit slowly so.

This trend arises simply from the fact that a zoning rather than allocatory strategy has been adopted in regard to RAD settlements. National settlement policy further undermines individual or group tenure by designating a community of 500 or more persons as a 'village'. In traditional Tswana and now modern land law, a village is an open-ended socio-spatial entity, to which no one may be excluded. A 1993 amendment to the Tribal Land Act, deleting all reference to tribesmen in favour of citizens, will place even more pressure upon RAD settlements, rapidly expanding into 'village' status. In effect, anyone may come and settle - and are already doing so.

Quite clearly, if the government is serious about RAD/Basarwa land rights and halting the trend of dispossession, then allocation of land rights directly and exclusively to the original settlers needs to be made a matter of priority.

Settlements which have undermined land access

Meanwhile, there are a large number of 'settlements' which are the direct result

of relocation of RADS, and the *aggregation* of small communities. Settlements in the eastern half of the country are mainly of this type. Frequently the incentive for establishing settlements has been the desire to remove RADS from areas sought for leasehold ranch development under the 1975 Tribal Grazing Lands Policy. Upwards of 20,000 RADS have been dispossessed and evicted for this purpose alone, often then crammed into so-called population 'service centre settlements'.

In other cases, RADS have been removed from unfenced cattle-post areas, (or in one case in Kweneng, from a Game Reserve) to one 'spare' cattle-post or available area. In only one instance was a substantial amount of land provided and even there, shortage of land for allocating small fields is already occurring as more and more newcomers arrive (not always RADS). In most other areas, several hundreds of people are forced to reside, farm and survive on land no bigger than a single cattle-post or ranch.

It is, in such areas that the settlement strategy as currently practised, is at its most dubious, for in relocating and aggregating small groups of RADS, impoverishment and social breakdown has occurred. For although RADS living on cattle posts suffered poor conditions and frequently exploitation, they had *access* to quite large areas of land for hunting and gathering, stock-grazing and even some cultivation, and were mainly (not



always) able to live in social formations of their own choosing.

There is no doubt that the situation of RADS on these cattle-posts left much to be desired, but it is also clear that the solution offered has left them even more landless and more dispossessed than they were before in both a practical (access) and jural (tenure) sense. For, once cattle-post 'squatters' have been provided 'a place' by Government, the owners of the borehole feel no obligation to allow these persons to use the land around the borehole, for any purpose whatsoever. This has been brought home most painfully to those 'settlers' who try to return to their original homes when the water at the new settlement fails.

By providing cattle-post RADS with 'a place' the government has signalled that their traditional ownership of those cattle-post areas is null and void and that they were genuinely 'squatters'. The RADS themselves never saw the establishment of Tswana cattle-posts in this way. Rather, they often welcomed the arrival of the boreholes into their lands, for the water it brought, and the milk of the cattle. Clientage relationships with the owners of the water developed, especially as hunting and gathering became more difficult as grazing diminished game and veld food. However, throughout, RADS regarded those areas as their own and the borehole/cattle owner as using *their* land.

In such circumstances, the provision of settlements has frequently had the effect

of finalising the dispossession of the affected traditional owners, and worse, **closed off the option for those RADS to establish in law their rights to residence and use of the land around the cattle-posts.**

RADS outside settlements and communal service centres

There is another significant group of RADS who continue to reside in areas which have been only partially taken over for stock development over the last ten years. Most of these areas have already been designated as Wildlife Management Areas (WMA), a zoning which provides in law for protection of wildlife as a priority. The fact that no consultation with the traditional 'owners' of the land has taken place suggests their rights will not be recognised. The Minister responsible for Wildlife and on his behalf, the Director of Wildlife & National Parks in any event now has legal powers to determine more or less every aspect of land and resource-related use within each WMA. Whilst local level support for activation of WMA is required, the law does not require identification and consideration of customary rights, and experience to date shows the Wildlife Department more concerned to 'consider' the vested interests of local leaders and politicians than those of traditional occupants.

In law WMA are remarkably similar to Game Reserves over which the Director has similar control. The recent experi-

ence of the Khutse Reserve, from which RADS were evicted, and of the much larger Central Kalahari Game Reserve, demonstrate the low priority of RAD rights when confronted by the 'rights' of wildlife. The indications are that the many hundreds of RADS within that Central Kalahari Game Reserve will slowly but surely be forced out of their lands through the denial of rights to build schools or own livestock within the Reserve. This is despite the fact that the Reserve was originally declared in the sixties as a mechanism for protecting the Basarwa residents - and the wildlife.

In sum, the situation of RAD land tenure is appalling. For all intents and purposes they own no land - minor field allocations of the few aside. Their access is, in all cases, unsteady. Displacement continues apace right up until the present.

Current processes and policies of dispossession

Attitudes

The mainspring of problems for RADS derive from the continuing **failure of the government to recognize hunting and gathering as land use and, related, the basis upon which customary entitlement is premised.** This failure results from still uncritically accepted views touched upon earlier - for example, that hunting and gathering is an economically meaningless activity; that it is backward and should be abandoned as fast as possible in favour of conventional (Tswana agro-pastoral) forms of land use; that because Basarwa/RADS 'move around', no claim to any particular tract of land can be laid.

Politicians and the public, up until the present give the impression of being unaware that the hunter-gatherer mode is **highly territorial** with distinct groups of hunter-gatherers moving within well-defined territories, over which they exercise ownership, and are recognised and respected by other groups as owners. Except where certain key resources are located (e.g. unusual nut groves) the individual territories of Basarwa groups are mutually exclusive. Even wildlife, a mobile resource, may only be hunted in the group's own territory. In short, the (ideal) basis for group allocation, if not

individual allocation, abundantly exists.

Above, I have used the words 'give the impression of being unaware' advisedly, for it is difficult to believe that after the many occasions when civil servants and politicians have been directly or indirectly apprised of the territoriality and customary tenure arrangements of Basarwa RADS that all are still 'unaware'.

The negative attitude towards hunting and gathering as primitive and unequal to consumptive agro-pastoralism is clearly tenacious and probably ultimately the most influential factor.

Failure to Designate a Basarwa Tribal Area

Colonial officials and chiefs of the Tswana tribes were as ignorant or ignoring of Basarwa land tenure as the current generation of officials and politicians, and in some ways more culpable, given that recognition of a Basarwa Tribal Area would have greatly reduced the 'Basarwa land problem' today. Tribal Areas, upon which district boundaries and administration is founded, have throughout the history of modern Botswana provided the framework for land administration (by land boards) and protection of the rights of members of the local tribe.

It is usually assumed that the early failure to designate a Basarwa land area arose from the 'scattered' nature of the Basarwa population throughout the country. This is only partially true, given the concentration of large numbers of Basarwa - modern-day RADS - in the western half of the country, land that was throughout the colonial period largely unoccupied by Tswana tribes.

It is more likely that Tswana leaders simply didn't see Basarwa as a relevant entity. For colonial officials, Basarwa lacked the unity and chiefly organization seen as prerequisite for the administration of a Tribal Area. Moreover, there was a total lack of pressure (indeed awareness) on the part of the Basarwa themselves for recognition of their own land.

Caution is needed however, in accept-

ing failures in this area at face value. For in an important sense, the colonial Government **did** recognise a Basarwa Tribal Area, albeit indirectly, in holding to itself, control over the western Kalahari as the Western Crown Lands, now Ghanzi & Kgalagadi Districts. This area was known to all as being inhabited by 'Bushmen' (Basarwa) and colonial administrators and Chiefs considered its designation as Crown Land as 'protecting' those occupants. Such protection was in fact carried over into the modern Constitution of Botswana through a little-known clause which maintains the right of the state to impose restrictions '... on the entry into, or residence within, defined areas of Botswana of persons who are not Bushmen to the extent that such restrictions are reasonably required for the protection or well-being of Bushmen' (S. 14 [3c]).

Basarwa Silence

Basarwa (the majority of RADS) did not demand a Tribal Area, have not 'resisted' displacement by cattle-posts, by farmers, nor by the land-grabbing and ranch enclosure movement generated by grazing policies since the seventies. On the whole, Basarwa/RADS still do not demand land - at least in ways which bring those demands forcefully into the political and decision-making arena. The lack of Basarwa group consciousness and organization, the tendency (however understandable) to be unaware of the processes and effects of dispossession until it is complete, have played a major part in their continued dispossession.

This situation is changing. Both 'voice' and advocacy are emerging. RADS are becoming more aware and more articulate. Two people's organizations have been established. Local non-government organizations, beginning only in the nineties to emerge as a common institutional form, and donors, long silent on such issues, are beginning to play an important role in articulating concerns. And, as importantly, the last year or so has seen the government more 'willing'

(albeit, mainly under pressure) to allow Basarwa to present their complaints.

Resistance to Ethnic Distinctions

Now that there are the beginnings of a demand for land and even 'a Tribal Area' and inchoate pan-Basarwa organization, the remaining land base which could potentially embrace a Tribal Area is much, much smaller and also fragmented. Meanwhile the 'time' of tribal or ethnically-based land allocation has gone; the independent government has always resisted affirmative action to Basarwa/RADS on the basis of their ethnicity, fearing accusations of 'separate development' abroad and accusations of 'special treatment' at home.

More recently this has manifested itself as outright resistance to the idea of Basarwa as indigenes, as the original occupants and therefore owners of the land. The Minister of Local Government, Lands & Housing, saw himself as closing the matter in October 1993 when he addressed the Second Regional San Conference, and a suggestion within Government that Parliament ratify the ILO Convention on Indigenous and Tribal Peoples was dropped.

Meanwhile, land legislation confirms a more general shift away from tribal distinctions with the above-mentioned *Tribal Land Act Amendment (August 1993)* which has substituted the use of the word 'tribesman' for citizen throughout. Forces against the allocation of land to Basarwa/RADS on the basis of identity have thus gained, rather than lost strength over the years - at least in official circles.

Political Will and Cattle Interests Conjoined

It would be naive however to assume the above shift derives from a moral position on ethnic matters. On the contrary, it reflects the continuing refusal of the cattle barony, closely allied to the state administration, politically and administratively, to 'give room', or to share resources they continue to secure for

themselves. Nor would it be advisable to accept uncritically the standard local rationalization of such trends being in service of the 'needs of the all-important cattle industry and thence economy'.

At the same time, the Botswana state was born out of liberal paternalism and maintains 'social justice' as a national objective. In theory at least, the possibility exists for alternative interests to conjoin, and 'contain', if not remove, the dominance of barony land needs.

Administrative Uncertainty and Malaise

Land legislation and the administrative structures and capabilities of land administration, do not easily encompass the steps that need to be taken to assure RADS of their land rights. In the first instance, the founding legislation of modern land law in Botswana, the *Tribal Land Act*, remains based upon Tswana customary land tenure, and accordingly deals only with the allocation of land for residences, cultivation and grazing. The Act provides no guidance for allocation for other purposes, or to unusual social formations, such as whole communities. Nonetheless, the spirit of the Act recognises existing customary rights and through the establishment of new guiding schedules and regulations, new forms of land allocation could be specified, possibly even without amendment.

Developments which impinge upon land policy, including current policies promoting enclosure for commercial ranching, are underlaid by in principle commitments to ensure customary rights are not impinged. In practice little effort is put into this and on the whole, the supervising Ministries await the requests and innovations of the districts, whilst the districts await directives from the centre.

There is, in any event, considerable ignorance at the local and national level as to the requirements of Basarwa/RADS to land, both in numbers and groups of people and in the nature of rights required and over what types, and extent of land. In this respect, land use

planning tends to have become 'stuck' at the level of zoning. Zones, indicating types of land development within each District, were identified fifteen or so years ago. Little has been done at the local level to follow up this zoning with detailed plans outside the commercial ranch zones. The normally essential exercise of clarifying occupancy and rights - in short, a simplified form of registration and certification - has never been undertaken. This represents an outstanding and severe lacuna in planned land development.

As commonly, 'the politicians' have rejected the facts and considerations presented to them on these matters. This is most patently evident in the way in which grazing policy (TGLP) commercial areas continued (and still continue) to be declared and implemented even though it is well known that many thousands of (voiceless) RADS are dispossessed. Political will on the one hand, and the 'weak' advocacy of RADP or 'government' as a whole on the other, in practice condone the process.

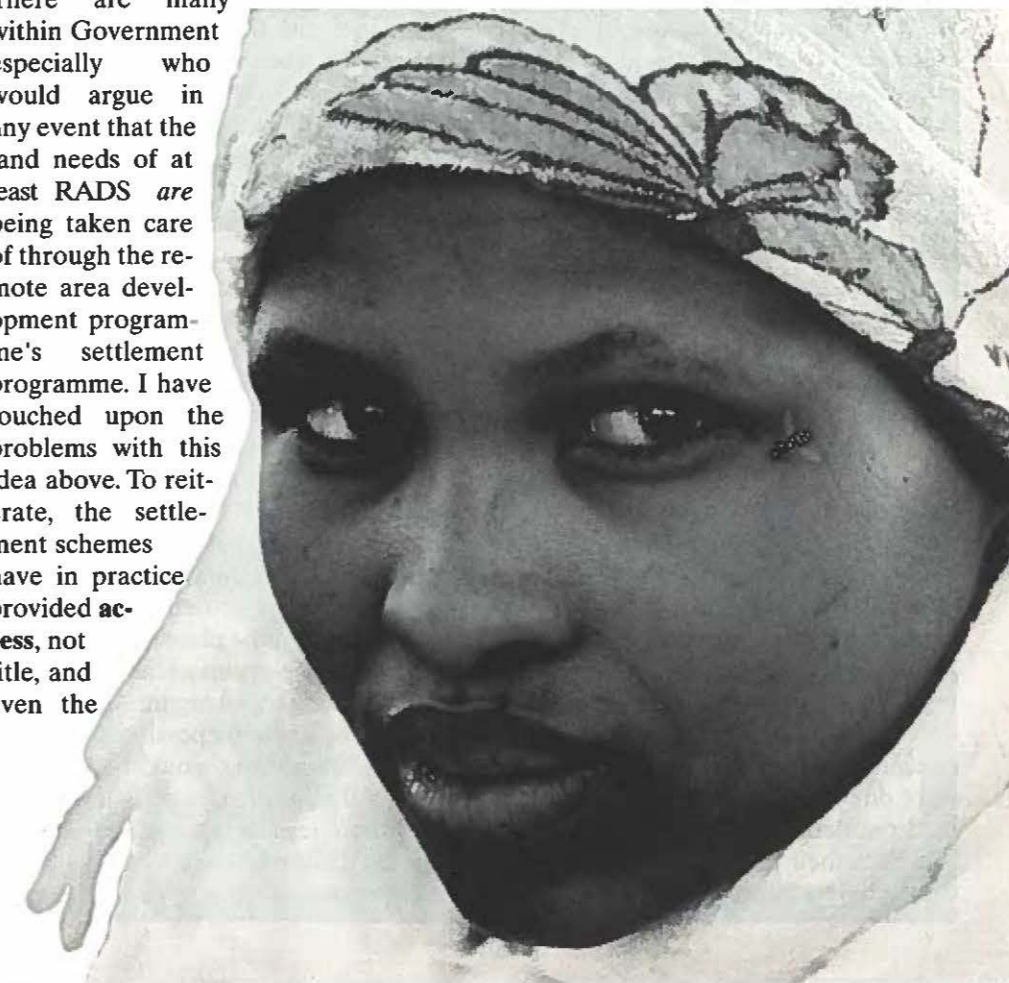
'But we are meeting the land needs of RADS'

There are many within Government especially who would argue in any event that the land needs of at least RADS are being taken care of through the remote area development programme's settlement programme. I have touched upon the problems with this idea above. To reiterate, the settlement schemes have in practice provided access, not title, and even the

access is far from exclusive and in great danger of being thoroughly undermined through the entry of non-settlers from all over the country into settlements. In ten years from now, most of the settlements will be no more than population centres, villages, wherein indeed (some) RADS may have gained a small plot for a house and nearby, perhaps a plot for a (small) field. Moreover the amount of land provided through settlements has been insignificant and inadequate to date. Further, through aggregation and relocation, many have access to less land than they had in the past. Relocation has additionally removed RADS from cattle-post areas which should have been subject to adjudication of rights in concert with those of borehole owners, thus undermining future opportunities to assert claim.

Still, the settlement strategy does represent the vehicle through which the RAD land issue has been addressed over the last 20 years and a framework within which significant practical changes in the handling of the land issue could still be made. For this reason it deserves more comment.

The settlement strategy derives from



the earliest years of the RADP (1970s) and arose directly out of the core, albeit unstated, principles of the Bushmen Development Programme, to secure their land as fast as possible but through means which did not directly challenge the state or prevailing conceptions as to how Basarwa should be 'developed'; to secure that land through 'the normal channels' as far as possible; and, wherever reasonable, to not secure land on behalf of Basarwa but to help groups of Basarwa/RADS themselves to apply for land.

The reasons for these strategies were obvious at the time but may be less obvious in 1994. Summarily, the very existence of an initiative directed towards Basarwa and even RADS was unsteady to say the least throughout the early years (1974-79). The launching of an explicit land rights programme was unthinkable. It became clear that the programme could only survive for as long as it did not directly challenge existing land distribution (e.g. seek to redeem lost lands) or challenge the prevailing conception of how Basarwa/RADS should be 'developed' - i.e. the desire to settle them down in villages so they could become 'Tswana'. Hence, the 'settlement' strategy and hence, the use of existing channels for land allocation (land boards), building on the fact of Basarwa/RAD citizenship, not ethnicity.

Secondly, the land access situation of Basarwa/RADS was less acute than it is today. Substantial numbers still had *de facto* exclusive or near-exclusive access to their traditional lands and others were in *de facto* dual rights situations. Much land had been lost but even in some of major of those situations - the Ghanzi Farms - the opportunity to secure land for Basarwa next to the farms still existed.

Thirdly, and perhaps more importantly than may appear, the fundamental principle of the early programme was to help Basarwa/RADS to recognize their circumstances and the processes facing them and to take control over their own futures. There was both a development thesis to this principle and a practical concern that unless Basarwa/RADS were directly involved in the process of land entitlement, they might well let it slip from their hands again.

It would be fair to say that the original

strategy of the BDP/RADP was opportunistic; the system was to be manipulated to the maximum and in ways which could not be challenged - the programme was addressed to the 'very poor', who were, the constitution and national policy made clear, citizens with due rights and privileges.

The early settlement strategy was targeted mainly to those Basarwa groups (bands) in the west of the country who were still living independently in their traditional territories (*n/olli*), with least interference from cattle-posts or ranches. The idea was to help them acquire **formal ownership of their customarily held land** before what land they still had was lost to cattle-keepers. Their initial stake in that land would be made through the establishment of water points (boreholes mainly), in view of the tenurial practice that ownership of water points gave (and still gives) *de facto* ownership of the land for the surrounding five kilometres, as no other borehole may be established within ten kilometres of an existing water point. Later, either more boreholes would be drilled to secure the entire territory or a land right to that territory would be secured through allocation by the Minister.

Similar 'land and water development schemes', as they were called, were developed for a substantial group of Basarwa, the Ghanzi Farms squatters, the main difference being that the squatters would relocate to areas immediately adjacent to the farms. A vast area embracing the entire original territory of Ghanzi Basarwa excluding the core area already lost to freehold ranching, was designated as the resettlement area, to be signalled by the establishment of four core schemes. Sub-settlements were to gradually evolve over this wide-ranging area, allowing for desirable (band-like) social formation - a formation which had in many respects been retained among the Basarwa squatters on the farms.

In summary, 'settlement' developments were to take place in the original territory of the group as far as was possible. Existing social organization would be retained as far as possible. Borehole and land allocations would be made directly to the group ('settlers'). The settlers would represent a registered group of related households, allocated a group title, exclusive to that group. That right

would cover as much of their traditional territory as possible.

Two decades later, I may conclude that the strategies were not wrong and that, given the constraints of the time, they did secure both a continuing focus upon Basarwa/RADS which could well have been abandoned at any point, and, through the settlement strategy, access to land for many. Moreover, there is little doubt that throughout, the RADP has served as an important - and perhaps the only brake - upon some (not all) of the worst excesses of the TGLP. It would be unfair to the hard work of so many in the programme and in other official and advisory positions in district councils, district administrations and the Ministry (LGL&H) to declare RADP a failure in terms of its original objectives.

However, as discussed earlier, the settlement strategy had by the eighties been 'reconstructed' in important and unwelcome ways, and for many, actually resulted in loss of land access and loss of opportunities to secure rights.

Settlements were eventually implemented but only in Kgalagadi District were any of the features outlined above retained in the process, and even there the 'ownership' by the settlers of their traditional areas has not been pursued. In practice not a single RADS/Basarwa group has attained ownership of their area or even ownership the focal borehole of their area. The government has retained these rights to itself and through doing so reinforces the emerging character of settlements as (open-bounded) villages, not land developments. Within these schemes, the settlers are encouraged to apply for half to two acre fields to cultivate maize. Areas where permanent houses may be constructed are identified and Basarwa settlers are encouraged to seek ownership of these small plots. It is this process which most Basarwa and officialdom (including many staff of the RAD programme itself) consider to be 'land rights'.

Further, cattle-post expansion was not controlled as the Tribal Grazing Lands Policy assured the nation it would do and attention to the stated 'safeguards' against unlicensed expansion largely dissolved. Despite policy commitments, the existing occupation of land by RADS has in no way been seen as an impedi-

ment to commercial, private livestock development. Faith in the goodwill of the state has proven to be misplaced, as has confidence in the capacity to positively manipulate the more liberal aspects of continuing contradictions in national policies.

Meanwhile, times have changed. A concept of 'land rights', rather than just 'access to land' has entered the political and public administration arena. Insecurity of access is all too evident. Basarwa/RADS are themselves more aware, and more vocal, as to their land situation and more wary of the results of dispossession and displacement. And overall, the *de facto* tenure of Basarwa/RADS over their traditional lands has declined *dramatically*. If RADS are to secure their tenure over the few remaining lands 'left', so to speak, action must be immediate.

In sum, the environment is different in 1994, the situation (even) more urgent, and new strategies are appropriate.

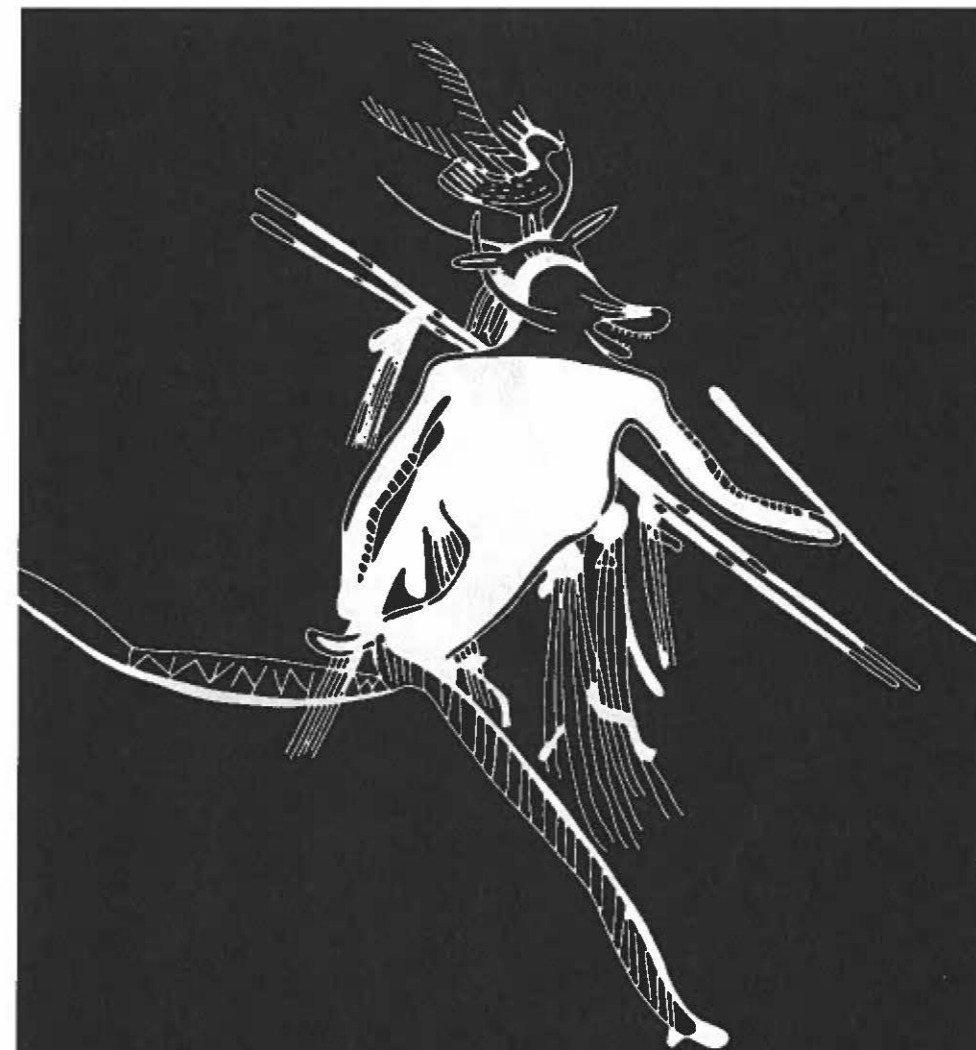
What is Needed Now?

Unlike 1974, it is both possible and imperative for the issue of Basarwa/RADS land rights to be directly and explicitly approached. The need to tread softly, or to 'manipulate' the system is less essential than it was, and has, in any event, ultimately proven unproductive.

It is also important that the focus now be firmly upon *rights* to land, not just access. The last two decades have shown that access is transitory in the face of commercial livestock development.

A prime need is to secure recognition that Basarwa have their own customary land tenure and that their customary land rights are being ignored. The governing *Tribal Land Act* requires amendment to explicitly embrace this concept, or at the very least, officially-accepted reinterpretation.

More appropriate, practical legal forms of land allocation under the Land Act need to be developed, enabling Land Boards to issue rights to RADS for purposes other than those more conventionally required by agro-pastoral Tswana. Allocations for multi-purpose land use, or indeed, not on the basis of use at all, but on the basis of long-standing and locally-recognised traditional occupancy, need to be readily obtainable by RADS.





Whilst not losing a focus upon helping RADS/Basarwa to secure land title themselves, there is a need to take interim protective action against further loss of lands in order to decrease still-continuing rates of dispossession and displacement. Following policy decision at the highest level, local Land Boards need to be directly instructed to halt the allocation of lands occupied by RADS to other persons and for other uses, such as is occurring through the continued expansion of commercial ranch blocks, expansion of cattle-post drilling, and communal zones.

Identification, registration and certification of existing (customary) rights of occupancy of RADS/Basarwa, especially in otherwise unsettled areas must take place as a matter of priority. Formal agreement with Department of Wildlife & National Parks needs to be urgently secured to ensure that the existing occu-

pancy of residents in Wildlife Management Areas (WMA) will be respected and formally recognised through registration and issue of Rights of Occupancy.

It goes without saying that the current RAD settlement policy needs to be drastically revised, affecting both existing and future settlement. Settlement areas require expansion, on the basis of formulated criteria which take account of land needed for hunting and gathering, household cultivation and stock grazing land requirements, natural growth rate. Ownership of the land area and of the borehole needs to be transferred from the state (district council) to the relevant group of settlers, its membership carefully defined and registered. Each settlement will need assistance to plan its land area. Subdivision of large settlements into more band-based, workable community units will need to be made. In regard to those as yet unaffected by

the settlement policy, relocation and aggregation should cease with immediate effect, occurring only where alternatives have been exhausted, and implemented in voluntary, socially-acceptable group formation in land areas of adequate size.

The rights of RAD/Basarwa resident in cattle-post areas will need to be directly reviewed, with careful consideration of the viability of formally registering dual rights of access and use. Council-owned boreholes being used by cattle-owners at virtually no cost should be recalled and reallocated to RAD/Basarwa who have been evicted from area after area. As boreholes come up for sale, Council should buy and allocate these to cattle-post 'squatters' - those living on, but deprived of, rights to their traditional land. The principles of settlement noted above should apply throughout; entitlement, not villagization.

The proposals made above represent

nothing short of an entitlement programme. It

is this writer's view that the time is right for pursuing just such a programme, and that it be pursued by the government itself, under the auspices of its existing, currently diluted commitment to remote area development.

The Will

Ultimately, political will, backed up by administrative will and capacity, is the key. On the whole, political will in Botswana has manifested itself as support for the (large) cattle-owner and the expansion of his landholding, to the cost of the small stock owner and that growing proportion of the society who own no stock at all. It has been long appreciated that these policies derive from a traditional but consolidated alliance of (cattle) wealth with both political and gov-

ernment authority.

However, contradictory liberal forces have always existed in the capitalist Botswana state and as the rural economy becomes more stressed, land shortage, poverty and dependency upon the state more acute, inherent contradictions between stated objectives and practice have become more evident and recognised. This includes full awareness, and some resentment, at the extent to which the very rich - as manifest in cattle and

economic classes and matures as a professionally-orientated civil service, the ready alliance of cattle-owning wealth with the state is less steady, and administration will perhaps be more independent than it has been in the past. The long-standing commitment to decentralization adds, and will continue to add, to the separation of the government from the (ruling) party. Multi-party-ism itself is becoming a more genuine force. These factors challenge rather than endorse,

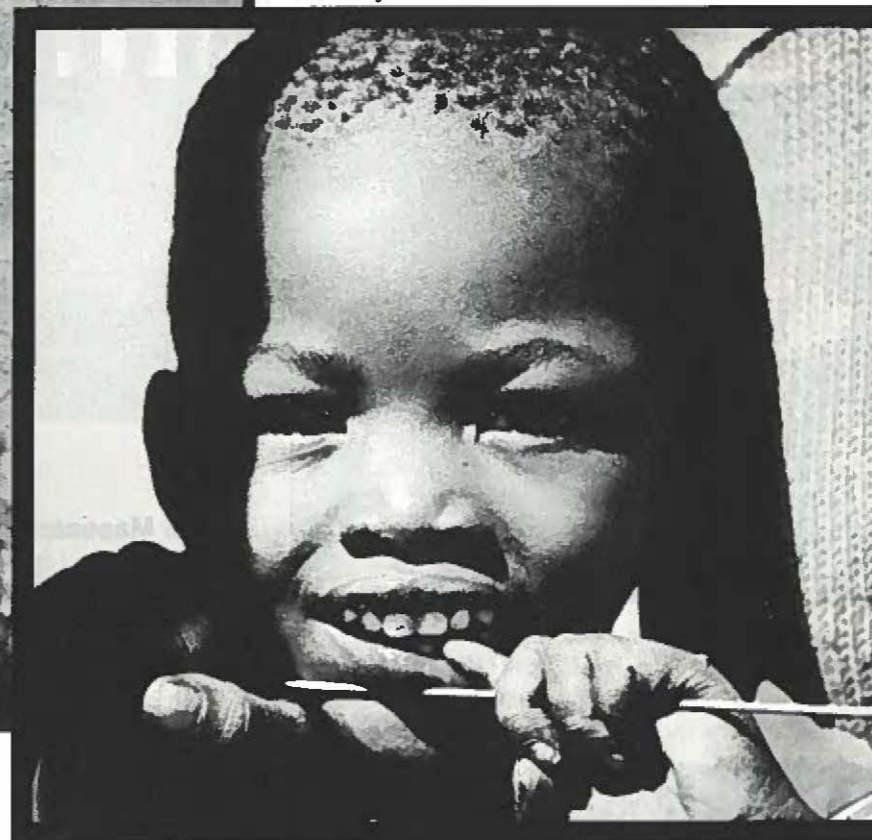
the hegemony of large cattle-owners over policy and practice and put more pressure upon the politicians to meet the needs of the poor.

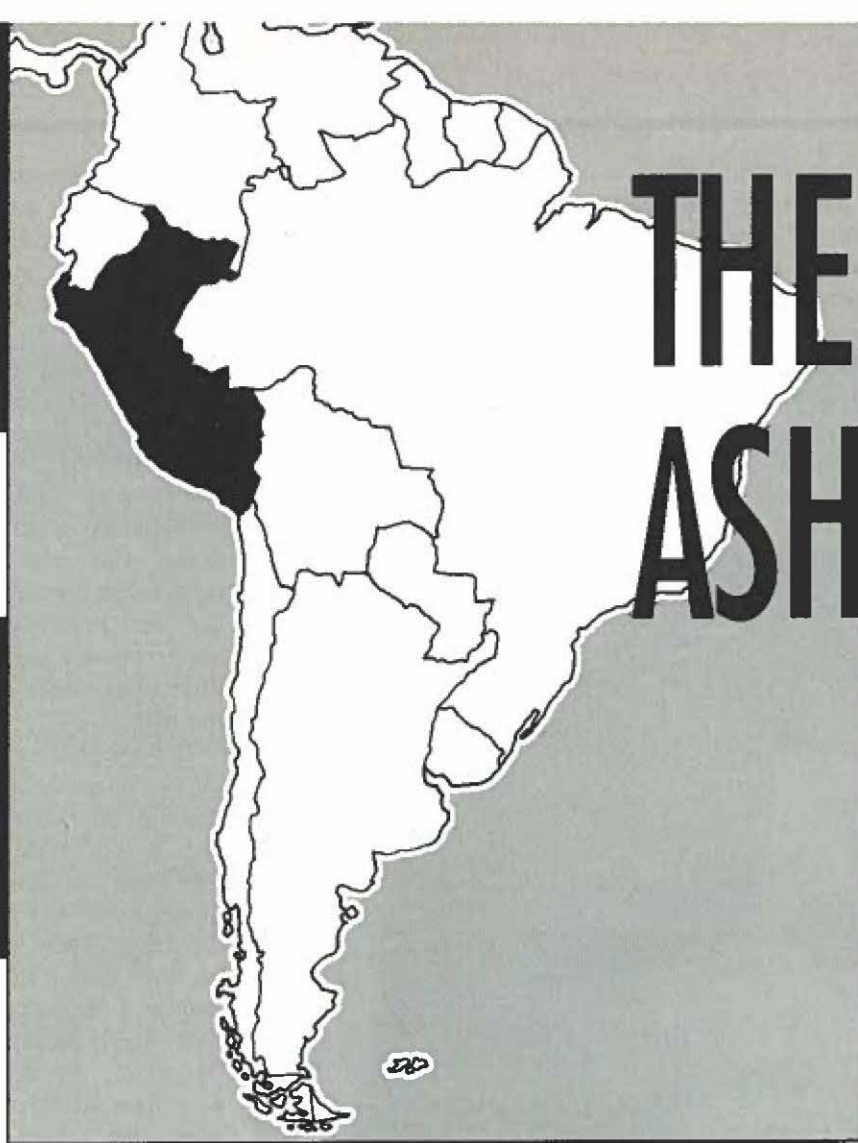
To be seen to be responding to the needs of the poor remains an outstanding objective of the state. To be seen to be responding to the needs of the very poorest of the poor, RADS, could well be the least 'difficult' of choices for the ruling party to make. In this respect, the timely presentation of a new kind of remote area development, targeted openly and frankly to the core issues of RAD land tenure, need not necessarily receive a negative response from either the cabinet or caucus of the ruling party.

What does seem to be clear however, is the need

for such a programme to be clearly set out and detailed. There would be some justification to a claim made by politicians that they have not yet been fully apprised of the situation of RADS/Basarwa by the administration. The administration could make the same complaint of the districts. In this respect the RADP has not played its advocacy role well, slipping into preoccupation with social service issues.

Although I have argued that political support could be available, it as easily might not be forthcoming. However, by setting out and presenting the land right issues clearly, the subject would, finally, be on the agenda, and a subject of debate. Given the low level of land security achieved to date, RADS/Basarwa have little to lose. □





THE ASHANINKA DISASTER

and struggle
by Søren Hvalkof

*The
forgotten
war in the
Peruvian
Amazon*

"How is it possible that our people is found thus? The Shining Path is eliminating us, and the others are driving us out."

Asháninka leader

1. The Massacre in Mazamari.

On the 21-22 August, 1993, news papers all over the world carried the story of the massacre of around 60 *Asháninka* 'tribesmen' executed by the Shining Path guerrilla in the central Peruvian Amazon. The atrocities had been committed in the night between August the 18th and 19th in seven small settlements in the eastern Peruvian province of Satipo, in the rain-forest area of the eastern Andean foothills. In fact, only one of the settlements - Tahuantinsuyo - is an indigenous community, the rest are Andean peasant colonist settlements. But the exoticism of an Amazonian Indian tribe being murdered sells much better than ordinary mestizo peasants.

International press agencies distributed the story worldwide and issued photos of the many bodies brought in to the nearby anti-guerrilla base of Mazamari. Appalling pictures of the bodies of mutilated children demonstrated the irrational cruelty of the Shining Path. What possible political motive could lie behind splitting the head of a four year old with a machete? The massacre also caused a lot of indignation in the Peruvian public and stirred a heated debate

in the congress of where to place the responsibility for the incident which took place on the doorstep of the anti-guerrilla military base in Mazamari only a few kilometres away from the nearest communities.

What really happened that horrifying night in August was later described by one of the few survivors from the Asháninka community of Tahuantinsuyo:

That day, from 7 pm in the evening the colonist settlements were attacked, leaving a balance of five dead in Santa Rosa, San Isidro with twelve dead, Sol de Oro with six, Santa Isabel with five, Dos de Mayo with seven and the only Asháninka community, Tahuantinsuyo, with 21 killed.

After they had attacked the first three communities of neighbouring settlers, the Senderistas [members of the Shining Path], of which there were approximately 40, arrived at the community of Tahuantinsuyo, some dressed up in cushmas [traditional cotton tunic worn by the Asháninka Indians] saying that they belonged to neighbouring peasant self-defence patrols. We believed them because they were wearing shotguns of the same

types as those handed out to these patrols.

We immediately hurried up to gather everybody at the plaza close to our municipal office and in order to make us believe it better, they told us that they had to speak to us because they had learned that we favoured the senderistas, and they required that we left our bows and arrows and other arms at home.

We were 18 families in the community, comprising a total population of 83 persons. That night some of the community members had been making rounds in the vicinity as self-defence patrols, and when they saw the Senderistas coming, these identified themselves as a peasant patrol from Mazamari and told them of the necessity of gathering all the people at the plaza, also urging them to leave their weapons behind.

When almost the whole adult population had gathered at the plaza, the Senderistas began to shout clearly their slogans, accusing the community of going out on patrols with the self defence committees, ordering their slaughter. Three Senderistas for each patrol member were sent to carry out the order and they

dragged the Asháninkas off into the forest and murdered them with axes, machetes and knives.

Those remaining in the plaza immediately realised the situation and escaped panicking towards the forest, which made the senderistas lose their control completely, and chase the runaways wounding and killing the children and women they caught up with.

That they have not achieved their goal of killing off all the Asháninka in the community, is only because some of the inhabitants were in their gardens, others had gone hunting and a few succeeded in escaping (Voz Indígena 1993:7)

Everybody was talking about the Asháninka, TV commentators without the faintest idea of the indigenous movement or the situation in the area gave their unqualified opinions and several private support committees started collecting money in the name of the Asháninka. Very few Asháninka were heard. The terrible massacre in Mazamari had become a media event of its own, drawing a veil over the much more complicated and disastrous reality prevailing in the region, deeply rooted in the history

of state expansion and colonisation of the Asháninka territories.

2. The Asháninka

The self-denomination Asháninka means 'our fellows' or 'our kinsmen' (1st person plural of -sháninka, inclusive plural). Over the last couple of years the Asháninka name has become widely used in the Peruvian press and known to the public, but before they were nearly always referred to as 'Campa' in the public media as well as in the historical and ethnographic literature. The origin of the word Campa is unknown. Today the term Asháninka is used as a generic category covering several ethno-linguistic subgroups all speaking different dialects of the same Asháninka language. Also the closely related *Machiguenga* who historically have been distinguished as a separate ethno-linguistic group, might be regarded as belonging to the same generic 'Asháninka' or 'Campa' category. The Asháninka and Machiguenga belong to the pre-Andean Arawakan linguistic family together with the following indigenous groups: *Yanetsha* (formerly *Amuesha*), *Yine* (formerly *Piro*). Also, there are the *Kakinte*, a small and isolated subgroup of the Asháninka living in the conflict zone, who speak a very different Arawakan language probably related to the Arawana-Arawak speaking *Culina* in Purús on the Brazilian boarder.

The Asháninka number around 55,000 and including the Machiguenga may reach a total of some 65,000. They inhabit a vast area in the so-called Central Forest in the Amazonian part of the eastern Andean foothills in Peru, and scattered Asháninka populations are also found in the easternmost Peruvian Amazon, and even as far as the State of Acre in Brazil (cf. Map 1). The degree of integration into the national society differs widely. In the colonisation frontier, the Asháninka are living side by side with the settler society, whereas in other parts they are the only inhabitants of large indigenous territories. They do not have any over-arching tribal organisation but constitute a loosely knit network of local residential groups, associations of groups and, lately, larger regional organisations. Through history there have been many conflicts between local Asháninka groupings and alliances have

been constantly shifting. These differences have been exploited by the colonising national society but, on the other hand, the loose organisation of the Asháninka system has also been an advantage as it has made the Asháninka culture and society highly flexible providing an exceptional adaptability to fast changing social conditions.

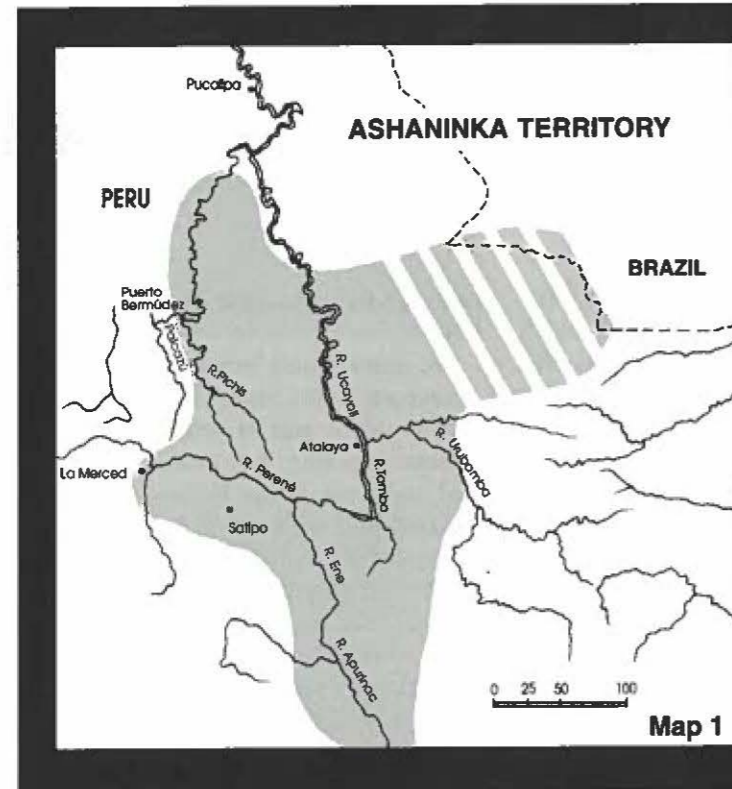
3. The history

The general history of the Asháninka is characterised by repeated attempts at conquest and colonisation by the national society and echoed by frustration and resistance (for an excellent introduction to Asháninka history and culture cf. Varese 1973).

The first European attempts at colo-

came to a sudden halt in 1742 when the central Peruvian rainforest exploded in a general Indian uprising.

The missionary activities and the behaviour of Spanish soldiers and other settlers had become an increasing nuisance to the Asháninka of the area who in several cases revolted against the oppressors. The resistance culminated with a general rebellion from 1742-1752 lead and coordinated by the legendary messianic figure of Juan Santos Atahualpa (cf. Castro Arenas 1973, Zarzar 1989) which burned down missions and other outposts and expelled all missionaries and colonists from the area. For over a century a stop was put to further colonisation. The Asháninka and their neighbours regained total control of the area



nising the area was initiated by a Jesuit expedition in 1595 and soon followed-up by persistent Franciscan and Dominican missionary efforts to establish mission stations and colonist settlements. The catholic zeal of gaining converts went hand in hand with the Spanish quest for gold and land. The main areas of interest were in and around the Chanchamayo valley and in the Gran Pajonal, and the colonisation potentials were explored along the Ene, Tambo and Perené rivers. This first period of European colonisation

which on the whole was inaccessible for outsiders until the second half of the last century.

The second cycle of conquest were once more initiated by the Franciscan mission which was more successful in this second attempt. This was not a result of Asháninka mature deliberation rendering to the Catholic faith, but due to the general economic development and the expansion of the new Peruvian State. In particular, two simultaneous emerging economic situations made the reco-

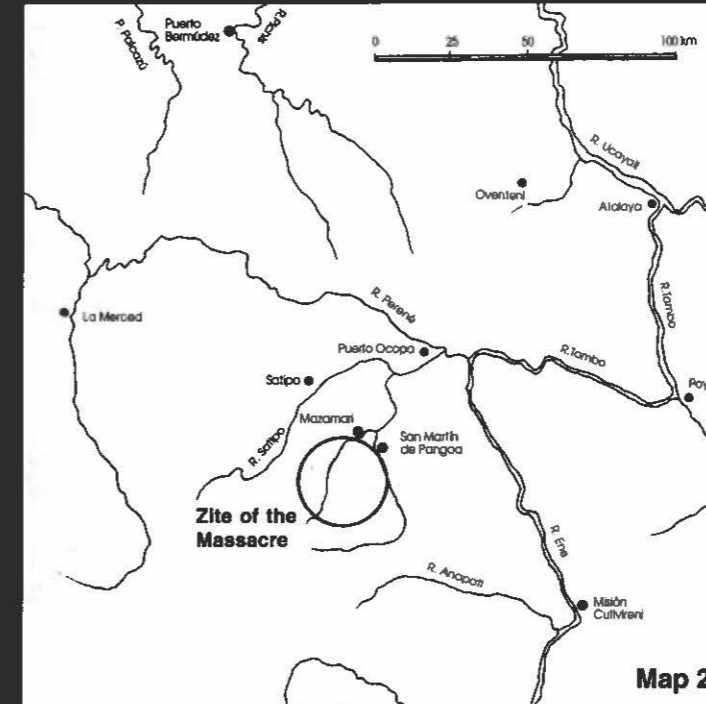
lonisation of the Asháninka territory possible. From the Andes, the agricultural frontier was rapidly approaching from mid 19th century and from the Amazon the rubber tapping industry was beginning to boom, encroaching on the Asháninka from the east. In the Upper Perené valley a primitive road was pushed through and a military garrison was set up in 1847. From this stronghold re-colonisation by missionaries and European, Chinese and Japanese settlers began. The colonising effort reached hitherto unseen dimensions with the Peruvian state granting an enormous land concession of 2,000,000 hectares of Asháninka territory along all the main rivers to the British owned Peruvian Corporation in 1891 (cf. Barclay 1989).

among the Asháninka, devastating whole communities.

In the lower parts of the Asháninka territory the Amazonian rubber boom around the turn of the century caused the penetration of notorious rubber patrons, exploiting the Asháninka labour as rubber-tappers, and as hired guards of the concession areas. The abuses against the native population were countless and the atrocities committed have been documented in several cases (e.g. Collier 1968). Patron-sponsored slave raiding for Asháninka children and women was common, causing tremendous internal conflicts and disruption. Falling rubber prices on the world market forced the rubber barons to increase their over-exploitation of the Asháninka bonded la-

ruvian Corporation attracted national attention and the economic potential spurred a spontaneous colonisation by landless Peruvian peasants from the Andes and the coast.

Up through the 1950s and 1960s tensions between the Asháninka and the colonists grew everywhere. But internal factionalism and a sharp decrease in the Asháninka population due to epidemics debilitated the possibilities of organised Asháninka action. In 1965 guerrillas from the Movement of the Revolutionary Left (MIR) were pushed into the Asháninka area from the Andes. The leader of the guerrillas was the now legendary Guillermo Lobatón, a black Peruvian intellectual, sympathetic to the Asháninka cause, but the guerrillas only got sporadic support from the indigenous groups and individuals. The repression by the Peruvian special counterinsurgency forces went as far as the bombing of Asháninka villages in the Satipo province with napalm, so that the guerrillas never got a foothold. Escaping into Gran Pajonal and the upper Pichis the guerrillas were finally liquidated by the Peruvian Army in early winter 1966. It has been suggested that some Asháninka regarded the guerrilla leader, Guillermo Lobatón, as a 'reincarnated' Juan Santos Atahualpa Messiah (Brown and Fernández 1992), but this idea never gained the momentum in Asháninka society to generate a general rebellion. The MIR ideology was not related to the Asháninka cosmos. But the guerrilla incident did attract the attention of the problems in the Asháninka territory both to the Asháninka themselves and to the Peruvian government. The Peruvian Corporation which had entered into severe economic and political problems was nationalised during the agrarian reform of the Velasco regime in the 1970s. But the lost indigenous lands were never returned to the Asháninka but distributed to some of the mestizo ex-workers and functionaries of the company. Although land titles were given to some of the communities in the Chanchamayo, Satipo and Pichis valleys, the titles were so small and insignificant that it just confirmed Asháninka subordination and restricted indigenous economic possibilities and land claims.



The company took control of the whole Chanchamayo valley establishing the Perené Colony with extensive coffee plantations and colonising the area over the next decades. Both peasants and local Asháninka were used as labour in the Perené Colony. The living conditions of these plantation workers were appalling, and the installations looked more like those of a concentration camp than a hacienda. With the colonisation followed violent virus epidemics. Measles in particular took a heavy death toll

bourers and in 1913 the Asháninka rubber-tappers of some colonies in the Pichis valley rebelled killing 150 white settlers and cut off the trail and the communication to Lima. The rubber economy collapsed by itself a couple of years later. The patrons turned to other activities such as lumber extraction, agriculture and cattle rearing, but continued to deal in Indian slaves.

Asháninka territory was becoming colonised. New roads penetrating the area and the colonisation projects of the Pe-

But the Asháninka were beginning to organise themselves at the local and regional levels; the indigenous populations had regained a steady growth rate, and the emergence of new indigenous organisations in the late 1970s mark the beginning of the *third cycle* in the Asháninka saga, of which we are in the midst right now.

4. A decade of terror and violence

The massacre of the Asháninka in Tahuantinsuyo and of the settlers in neighbouring colonies was not a single incident, but only one in a long series of abductions, disappearances, murders, killings, massacres, and other atrocities committed against the Asháninka in the Central Forest of Peru during the last ten years, without attracting great interest from the international media.

The first signs of escalating violence in the Central Forest commenced in the Apurimac and Ene valleys around 1984, when what was thought to be internal conflicts among colonists who were producing coca for the Colombian drug-mafia, intensified. The appearance of mutilated bodies floating in the rivers became a common sight and stories were numerous of how the drug patrons terrorised the communities in their efforts to gain control of the zone.

The violent invasion of Andean colonists from the Ayacucho department to the Apurimac and Ene regions began in the early 1980s, putting an enormous pressure on the landbase and the social system of the Asháninka communities and causing many conflicts between local native communities and settlers organised in 'colonisation committees'. In less than two years the population in the Ene Valley had almost doubled from around 6,000 to more than 10,000 (Ordoñez 1985).

Simultaneously, another wave of colonisation was moving eastward in Junin department, fomented by two large-scale 'integrated development projects', the so-called Pichis-Palcazu Special Project financed by the Interamerican Development Bank and US-AID; and the Rural Development Project Satipo-Chanchamayo financed by the World Bank. These projects opened up the areas by engaging mainly in the building of roads and infrastructure, causing thou-

sands of landless peasant colonists from the Andes to overflow the whole central jungle. The immediate result was a serious increase in conflicts between settlers and the indigenous population living in the areas, decreasing production, ecological degradation, drug trafficking, a fast growing crime rate and generalised social violence. Furthermore, the Special Projects left the Peruvian State in debt.

With the colonist invasion also followed first the Shining Path and later the MRTA (Revolutionary Movement Tupac Amaru) guerrillas. As illegal coca-production grew in the Apurimac-Ene river area, the Shining Path began infiltrating the zone, apparently to control drug production in order to secure permanent funding and arms from the Colombian drug dealers. Also, the relative proximity to Ayacucho, the core area of the Shining Path, made it a suitable refuge area for the guerrillas. Clandestine landing strips for small Colombian airplanes were made in many places, and particularly in the Apurimac-Ene valley. Asháninka community leaders were threatened and people began to disappear. As a precursor of the situation to come, the Franciscan Mission of Cutivereni in the central Ene, which was the largest Asháninka community in the area was burned down by the Shining Path in 1984.

In 1985, all navigation on the Ene River was closed by the heavily armed 'cocaleros'. Everybody working in this part of the Peruvian rainforest at that time knew about this. It was also common knowledge that the Shining Path was present and was beginning to get organised in the area and that the coca-mafia/guerrilla alliance was expanding its activities, moving into Pangoa district and down the Tambo river. Still, the Shining Path undertook little direct



and conspicuous action, and apparently the Peruvian army and authorities did not care. It may also have been significant that many colonists from the local power elite - patrons and entrepreneurs - were involved with the coca-business and had no interest in impeding this development.

The following years, up through the 1980s, the Shining Path consolidated its position in the zone, also trying to infiltrate and recruit political leaders inside Asháninka organisations, such as CART in Rio Tambo and in the Asháninka organisation in the Ene River region, but without much success. NGOs working with the Asháninka population in the zone began to receive threats and were forced to back out.

In 1989 the situation got dramatically worse. In Ayacucho the Peruvian military initiated a fierce offensive against the Shining Path and many guerilla units were forced to retreat into the surrounding jungle areas. It had become evident to the Shining Path that the Asháninka were not natural allies or a revolutionary potential. Thus, with an increased number of Senderistas present in the Central Forest, and pressed from all sides by the Peruvian military, the guerrillas escalated their forced 'recruitment' of members and the cruel suppression of Asháninka communities that did not cooperate. They took over control of entire Asháninka communities, prohibiting any commercial production (except coca) and forcing the communities to produce food for their guerrillas and, in general, work as their servants.

The recently rebuilt Franciscan mission of Cutivereni was ransacked and burned down again in November 1989 and three of the Asháninka leaders and teachers were killed, one of them crucified. The over 700 Asháninka living in Cutivereni fled into the forest and an exodus began. Some 200 were later evacuated by the Catholic missionaries in the Machiguenga territory of the Urubamba region (Rodríguez 1993:39). The fate of the rest is unknown. Aggressive expansion by the subversive movement in 1989 succeeded in achieving almost total control of the Apurimac-Ene-Tambo river areas al-

most all the way down to the provincial town of Atalaya in Ucayali department, as well as control of the rest of Satipo province, excluding larger urban settlements like Satipo itself, San Martín de Pangoa and Mazamari.

The terror against the Asháninka population, as well as the colonist settlements, accelerated. Many indigenous schoolteachers were threatened into cooperating with the Shining Path or killed. Asháninka leaders were also killed, of whom the dynamic leader of the Indigenous Organisation of the Ene river (OCARE) - Esaías Charete - was but one. In 1989, the MRTA guerrillas in Peru were consolidating in the colonisation areas of the Chanchamayo, Palcazu and Pichis valleys. Commando units from the competing Shining Path also launched a forced recruitment campaign in secondary schools in the area, simply kidnapping youngsters for indoctrination and integration into the guerilla. Military and police forces responded to this, committing other violent abuses against the local population. In general the Asháninka communities and their organisations in this area tried to maintain a 'neutral' position as a survival strategy, always emphasising that it was not their conflict but the conflict of the non-indigenous national Peruvian culture and society.

But this attitude of playing a waiting game changed drastically with the abduction and execution by the MRTA of one of the important Asháninka leaders in December 1989.

5. The Resistance

On the 8th of December the charismatic president of the Asháninka organisation of the Pichis River (ANAP) Alejandro Calderón, was kidnapped by the MRTA guerrillas together with two other Asháninka men in the provincial capital of Puerto Bermúdez. They were accused by the MRTA of being accessories to the capture exactly 24 years earlier of the MIR-guerrillas regional chief organiser, Máximo Velando, by Puerto Bermúdez police in the first days of December 1965 (cf. Brown and Fernández 1991).

Calderón and the two other Asháninka were brought to the MRTA camp. Calderón and one of the others were sentenced to death by a 'summary court' and executed on the 15th of December.

The third was imprisoned but set free by one of the female guerrillas during an army bombardment of the camp on the 17th of December. This Asháninka made his way back and informed the family of Alejandro Calderón.

The news of the execution of their leader caused, literally, an explosive and rather unexpected reaction by the Asháninka in the Pichis valley. (For a detailed account of the incidents see Benavides pp.37-38 in IWGIA Newsletter No.2, 1992.) The Asháninka community leaders decided to clean the area of MRTA guerrillas and allies, and within a few days of having received the news, they had organised a militia called the 'Asháninka Army' which simply took over control of the valley. Armed with bows, arrows, machetes and some shotguns, they combed the area for MRTA guerrillas who were either killed or handed over to the authorities. The uprising gained tremendous momentum among the Asháninka in the zone and only one week later, on the 5th of January, around 1,000 Asháninka seized the town of Puerto Bermúdez, which is the administrative centre of the Province. At the same time their organisation ANAP released press communiqués explaining their action and position. ANAP and the Asháninka Army surprised everybody by the well-organised way in which they had taken full control of the Pichis Valley and held it until April 1990, when without any incidents, the Peruvian Marine Corps placed 150 soldiers in Puerto Bermúdez. To date, the rural areas are up to this date still controlled by Asháninka patrols. ANAP did not receive any support from the Peruvian Army during the incident, nor were they given any modern weapons.

This unexpected uprising and demonstration of the organisational capacity of the completely underrated Asháninka, was a clear signal to the military authorities in Peru as well as to the Shining Path and MRTA, that the Asháninka were not potential allies of the subversive movements, that they had their own political struggle for self-determination and self-government, and that they wanted to be taken seriously.

The first to follow suit was the neighbouring Asháninka organisation of Gran Pajonal, OAGP, which had had Asháninkas participating in the resist-

ance in Pichis. The OAGP set up a whole 'army' and self-defence system in Gran Pajonal, which, in the course of 1991-92, 'cleaned-up' their territory of intruding commandos from the Shining Path and stopped a possible take-over of the zone of Gran Pajonal. The clashes between the Asháninka and the guerrillas caused losses on both sides, but the OAGP 'defence army' equipped with bows, arrows and shotguns gained control of their entire territory.

The Shining Path in the Satipo Province reacted by stepping up the repression against the now enslaved Asháninka in the area controlled by the guerrillas. Persons who refused to cooperate or in any other way incurred the wrath of the guerrillas were tortured and murdered in the most cruel ways. Until May 1991 the Shining Path had almost absolute control of Satipo province including the Apurimac-Ene-Tambo valleys. Hundreds of Asháninka settlers were killed and entire communities massacred. Asháninka refugees, mainly women with children and many orphans, became a growing problem in the urban centres of the province.

6. The 'frontier'

In May 1991, the military launched a counter offensive against the Shining Path and regained control of part of the area, establishing permanent military posts in the Cutivereni Mission and Valle Esmeraldas in the Ene River, Puerto Ocopa in the lower Perené River and Betania in the lower Tambo. In the Poyeni community strategically situated on the wide bend of the Tambo River, the Asháninka succeeded in organising their own self defence system and, inspired by the Asháninka uprising in the Pichis, they began liberating the lower Tambo River, downriver from Poyeni, which today is controlled by the Asháninka organisation of the Tambo River - CART. The Poyeni self-defence committee began to rescue Asháninka captives from the guerrilla units operating in the zone and, because of its resistance, the community was repeatedly attacked by the guerrillas with losses on both sides. But the Asháninka of Poyeni stood firm. Recently, in 1993, the Marines set up a small post in the community.

The permanent presence of the military in these communities soon turned

out to be a mixed blessing. The successful resistance and self-defence system of ANAP and the Asháninka in the Pichis Valley and that of OAGP in Gran Pajonal reinforced the self-respect of the Asháninkas everywhere, and created a new optimism and confidence in a future. The Asháninka organisations of the Rio Tambo (CART) and in Chanchamayo-Satipo (CECONSEC), have also sought to organise a system of self-defence in the communities but it has turn-



Asháninka woman. Photo: Alejandro Parellada

ed out to be more complicated than in the Pichis and in the Pajonal. In the conflict areas of Satipo, Mazamari and Pan-goa, the military way of organising the defence has created a so-called 'frontier', a border area between the area controlled by the Shining Path and that controlled by the military. It is a rather heavily colonised area and the military at the newly established posts are not willing to let the Asháninka themselves organise their own defence system. The military has insisted on being responsible for organising the defence, often

mixed settler-Asháninka patrols headed by colonists (Voz Indígena 1993:5). Thus the communal self-defence committees are not responding to the specific need of the communities but operates according to outside military strategic considerations and settler priorities (Benavides 1993:118).

In fact, attempts by Asháninka living on the 'frontier' to act in self-defence on their own initiative have been punished by the military. One recent example is

beat off the attack. The incident was immediately reported to the military authorities who investigated the case and stated that around 60 guerrillas had attacked the community. Arms captured from the guerrillas were handed over to the military who withdrew to their base in Satipo.

A couple of days later a police squad from the national police corps appeared and surprisingly arrested 8 Asháninka from the self-defence committee and 6

set the four free if a "tribute" is paid (Voz Indígena 1993). There are several similar cases of detention of Asháninka from self-defence committees on accusations of terrorism.

7. Displacement

One of fast growing problems in towns and military posts of the 'frontier' area is the increasing number of displaced Asháninka and refugees. When the military in their 1991 offensive took control of part of Satipo province and set up their military camps, hundreds of Asháninka refugees from surrounding communities that were being harassed by the Shining Path began to arrive at these camps. Contrary to peasant colonists and other settlers who always seek refuge in urban environments, the Asháninka seek refuge in other indigenous communities. There are obvious cultural, social and economic reasons for this. The vast majority of the refugees are women and children under 12 and a frighteningly large number of orphans. Many of the women have lost their husbands, either because they have been killed by the guerrillas or because they have been forced to leave their families and serve the Shining Path. There is also a conspicuous absence of Asháninka children over 12 in the camps, as the majority have been taken away to guerrilla bases for ideological indoctrination and military training (Rodríguez 1993:44).

Undernourishment is extremely high and some families have been starved for so long that their physical appearance resembles that of prisoners from the Nazi extermination camps. The aggravating food shortage in Asháninka communities in the area controlled by the Shining Path is partly due to the fact that the guerrillas have drained the male labour force, and partly because the military strategy to combat the guerrillas is to burn and destroy every garden or field they encounter when patrolling in the Shining Path area. This is a debatable strategy because the victims are always the most vulnerable party, in this case Asháninka women and children. The Shining Path is also recorded as using 'a scorched-earth policy' against their enemies (Benavides 1993:118).

Furthermore, in indigenous communities which have thrown off the yoke of the Shining Path in the 'frontier' area,

the case in the Community of San Fernando de Meritori and Santa Rosa Delta where some community members have been accused of assassination as a result of defending their community: on the 4th of September 1993 the neighbouring community of Alta Maritarini was attacked by the Shining Path resulting in the barbaric slaughter of 8 members of their self-defence patrol, leaving 15 children orphans. On the 11th of September the lookouts in Meritori realised that another attack was being prepared. They activated their self-defence system and

settlers that had taken refuge in the indigenous community, accusing them of homicide on the 11. All fourteen were brought to the Chanchamayo Jail where they were detained, formally accused of 'terrorism' (sic.) although their only deed had been to defend themselves and their community. Thanks to the immediate intervention by the Asháninka organisation CECONSEC, ten of the detained were released, but completely arbitrarily the Judge insisted in keeping back 4 in the jail accused of terrorism. The secretary of the judge has offered to

food shortage is a growing problem, as the self-defence systems and patrols take up such a large part of their time that little is left over for agricultural production, a situation that is aggravated by a tripling or quadrupling of the number of inhabitants because of refugees during the last couple of years.

Following the latest estimates, the displaced Asháninka population exceeds 10,000 persons of which 3,844 have sought refuge in five communities presently functioning as refugee centres: Puerto Ocopa in the lower Perené, Poyeni and Betania in the lower Tambo, and Cutivereni and Valle Esmeralda in the Ene (Rodríguez 1993:43). Some of the rest are found in other communities and in towns such as San Martín de Pangoa, Mazamari and Satipo. The fate of the others are unknown, and no exact figures are available.

8. Dispossession

Many Asháninka communities in the 'frontier' have temporarily been forced to abandon their land and seek refuge in the neighbouring communities with military posts or functioning systems of self-defence, in fear of punitive expedition from the Shining Path. In several cases, settlers have taken advantage of the forced abandonment and have illegally recolonised the territories of these communities. Some of these settlers are so called 'repentants', i.e. ex-guerrillas given amnesty following a special law of repentance. In the Asháninka communities of Tziriri and Gloriabamba in the Mazamari district the mayor of Mazamari has elaborated a colonisation plan for the communal lands of the communities, allotting their land to the settlers and repentant ex-members of the Shining Path (Voz Indígena 1993:27).

In other temporarily abandoned communities in the same zone, lumber contractors are illegally divesting the Asháninka timber resources, leaving the Asháninka refugees, widows and orphans nothing with which to reconstruct their communities when they return. There have been cases of unscrupulous colonist 'peasant patrols' 'authorising' this looting, collecting 15 per cent of the value for each foot of timber extracted (ibid.).

The situation suggests that there exists a merging of interests between the mili-



Asháninka people in the Atalaya province. Photo: Alejandro Parellada

tary, using the Asháninka as cannon fodder, and the colonist society whose interest is in getting hold of Asháninka communal lands, thus once and for all expelling the Asháninka society and culture from the zone and from the modernisation dreams of the Peruvian settler society.

9. Land titling and democracy

There is a striking difference between the situation in the northern half of the Asháninka territory, the Pichis-Pachitea, Gran Pajonal, Upper Ucayali-Lower Urubamba, now fully controlled and pacified by the Asháninka organisations themselves and the southern half, the Apurimac-Ene-Tambo, Pangoa-Mazamari-Satipo and the Perené, where the above-described disastrous social situation and chaos prevails. One of the main reasons for this difference is that the colonisation pressure on the Asháninka in the southern half has been much greater and completely without control, contrary to what has been the case in the northern part. The key to understanding this difference lies in the process of legal titling of indigenous territories.

In the Palcazu and Pichis Valley the

colonisation plans of the Pichis-Palcazu Special Project launched in the early 1980s, stirred up fierce criticism from the Yanasha and Asháninka indigenous organisations in the valleys, as well as from NGOs and individuals working with the indigenous population in the zone. The project was rightfully being reproached for complete discrimination against the indigenous populations, neglecting their existence, their needs and their rights (cf. Smith 1982; Narby 1989). In all the development and operational plans issued by the Special Project, the Asháninka were conceived of as 'irrational resource users' who needed to be 'rationalised' through 'development' i.e. assimilated by the colonist society and culture. The insistent complaints forced the funding agency, the IDB, to require that their Peruvian counterparts in the Special Project, before entering into large colonisation schemes at least demarcated and titled the indigenous community lands that were lacking legal recognition. Accordingly between 1982-85 the project demarcated and titled the lands of 22 communities totalling 118,138 hectares of the valleys 40 Asháninka communities, some of which had earlier titles

(Narby 1989:168-172). The technical quality of the demarcation works were questionable, and the areas titled were mostly far too small and on poor soils, but it did constitute a land base, a legal territory for the Asháninka of the valley, on which they could consolidate and strengthen their organisation, and eventually expand their legal territory.

From 1984-87 the Asháninka Organisation of Gran Pajonal, the OAGP, carried through a demarcation and titling process for most of the communities in their territory. Technically it was the hitherto best executed and complete titling done in the Peruvian Amazon, leaving the Pajonal communities with an almost continuous territory. The titling was financed and implemented by the Rural Development Project Satipo-Chanchamayo, financed by the World Bank. The Peruvian project administration was urged by the WB to enter the zone after complaints to the Bank that its project was promoting uncontrolled colonisation, land invasions and social conflict in the area. Despite several attempts from the provincial authorities in Satipo and the Shining Path in alliance (sic.) to impede the demarcation proc-

ess, it was carried through, and the increasing conflict between the settlers of the area and the Asháninka eased up. The OAGP became considerably strengthened through this process, which also has been the reason for its success in defending its territory (cf. Hvalkof 1989a, 1989b).

In 1986 the national umbrella organisation for regional and local indigenous organisation in the Peruvian Amazon, AIDSESEP, after often repeated denunciations of violent abuses against the indigenous population in Atalaya province from the local patrons and colonists, decided to elaborate a proposal for a permanent solution of the problem. After consulting with persons who had been working in the area and in Gran Pajonal, AIDSESEP decided to opt for the demarcation and land titling of all the native communities in the Atalaya Province, using the experiences and applying the same methodology that had been used in Gran Pajonal. An ambitious land titling project was elaborated and sent to IWGIA, which succeeded in getting the Danish International Development Agency (DANIDA) to approve it for financing (cf. Gray and Hvalkof 1990:230-43 for a detailed account).

Meanwhile, AIDSESEP was collecting evidence and giving legal aid in the escalating conflict in the Atalaya area. Although human rights abuses have been reported from the Atalaya region over the last thirty years, systematic documentation has only appeared since 1986. Based on the evidence compiled by AIDSESEP, the Indigenist Institute of Peru visited the area and issued a report confirming the urgency of intervention. An official multi-sectoral commission was formed to investigate the denunciations and issued a report officially acknowledged by the Ministry of Justice in August 1989. The report is a stunning account of outright slavery, murder, disappearances, land invasion, physical and sexual abuses and ethnocide against the indigenous peoples of the region (ibid.).

At the same time the demarcation and land titling project in the area began its work, implemented by AIDSESEP and the new regional indigenous organisation in Atalaya province, OIRA. It was a very complicated and conflictive work, zig-zagging between the Shining Path, the MRTA, local patrons, lumber-con-

tractors, the cocaine-mob, corrupt functionaries and squads from three different and competing anti-subversive corps: the Marines, the Sinchis and the Peruvian Army - besides the police, each having their own agenda. Thanks to the wise management, low ideological profile, negotiating skills and ability to reach realistic solutions, AIDSESEP and OIRA succeeded in their efforts and completed the project in 1993, maintaining the independence of the indigenous movement. Undoubtedly the renown Asháninka pragmatism, developed through centuries of struggle to maintain the Asháninka culture and autonomy in a colonised environment, has been significant for the positive results. Today over 100 indigenous communities have been demarcated and legally titled, and technically done in such a way that it appears as large continuous blocks of indigenous territories. A follow-up project of total territorial organisation encompassing the territories of ANAP, OAGP and OIRA was initiated last year and the total titled land area will amount to over 2 mill hectares of indigenous territories.

The territorial organisation of Atalaya province did solve most of the conflicts and problems with the patrons as anticipated. The Asháninka (and several other indigenous groups) regained their land, the conflicts withered away, and the settler society learned a certain degree of respect for the indigenous peoples and their organisations. Means for a more equal and meaningful social interaction had developed between the colonist society and the indigenous society, and made way for a general process of democratisation in the region. During the local elections several indigenous candidates nominated by a special indigenous party MIAP (Movimiento Indígena de la Amazonía Peruana) outside the political parties, were elected as mayors and to other posts, and in the provincial town of Atalaya itself the Asháninka candidate for the mayor came in as number two, close to the winner from the Christian Democratic Party. The indigenous peoples had recovered their self-confidence. The change in attitude was rather conspicuous in Atalaya, where one now would meet groups of Asháninka strolling around relaxed in the streets, dressed in their cushmas and painted with red achoite on their faces. This sight would

have been unthinkable just a couple of years earlier. Few Asháninka dared to enter the town dressed like that, afraid of embarrassing spite from the settlers. The few who did, would change into their 'western' clothes before entering. It might not sound much, but it is undeniably an imperative alteration in a colonist town where up to 1954 indigenous Asháninka were sold on private slave markets in the plaza.

The most important result of this development may not be the titled land itself, but the organisational process it fomented through a highly participatory strategy of implementation. In all three cases the communities involved have been playing a very active role in the entire process, both on the higher levels of decision-making as well as in technical implementation in the field. The political struggle to get their titles through the labyrinths of official red tape widened the perspective of many Asháninka, thus raising the general consciousness of their position in the 'world' and of their political possibilities and rights. They now knew that they had rights as Asháninka, that they had some international backing, and that they could develop a future for themselves. Thus they have claimed the rest: education, health, economy and religion. The indigenous organisation has started a very important process of formulating their aspirations in the unknown future.

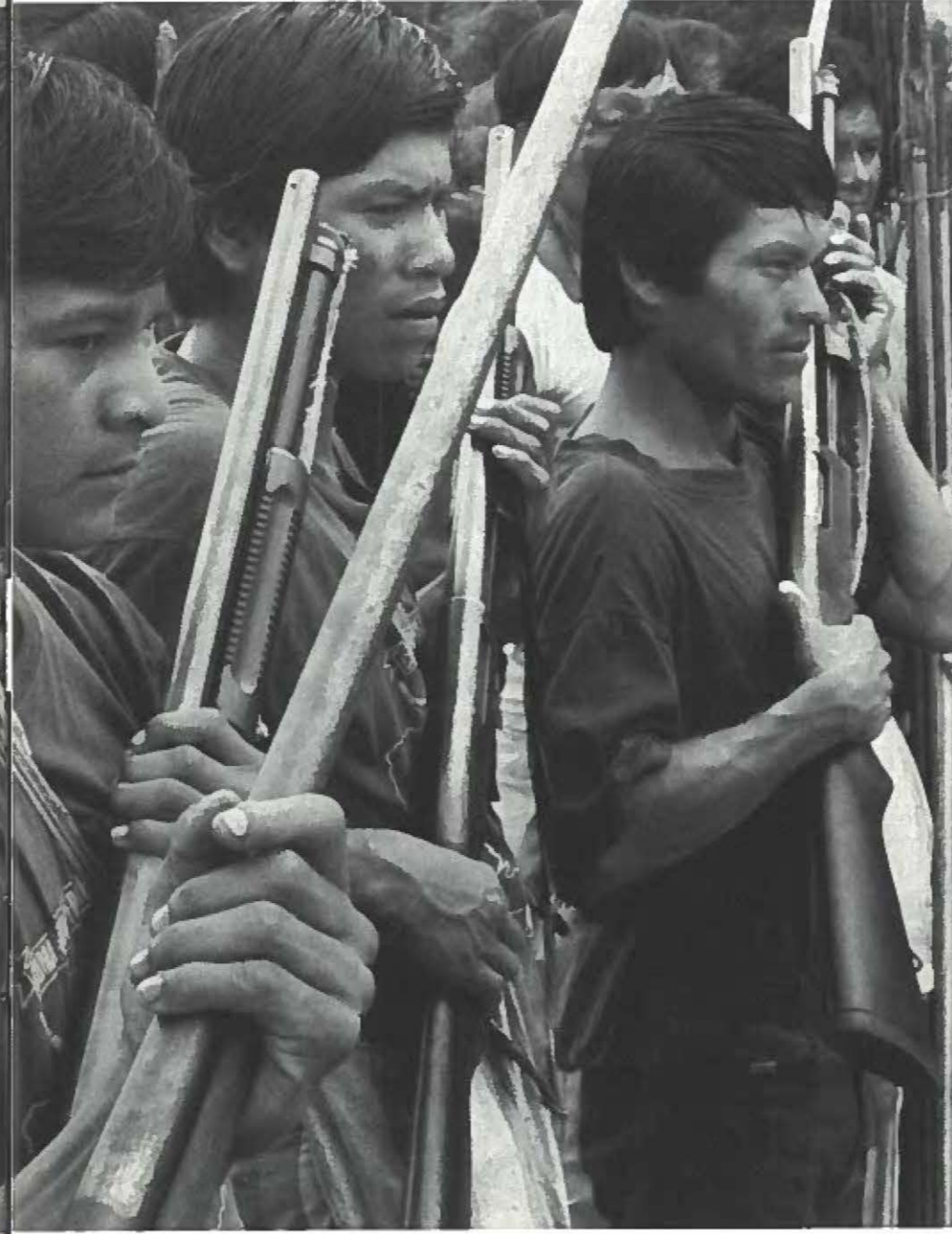
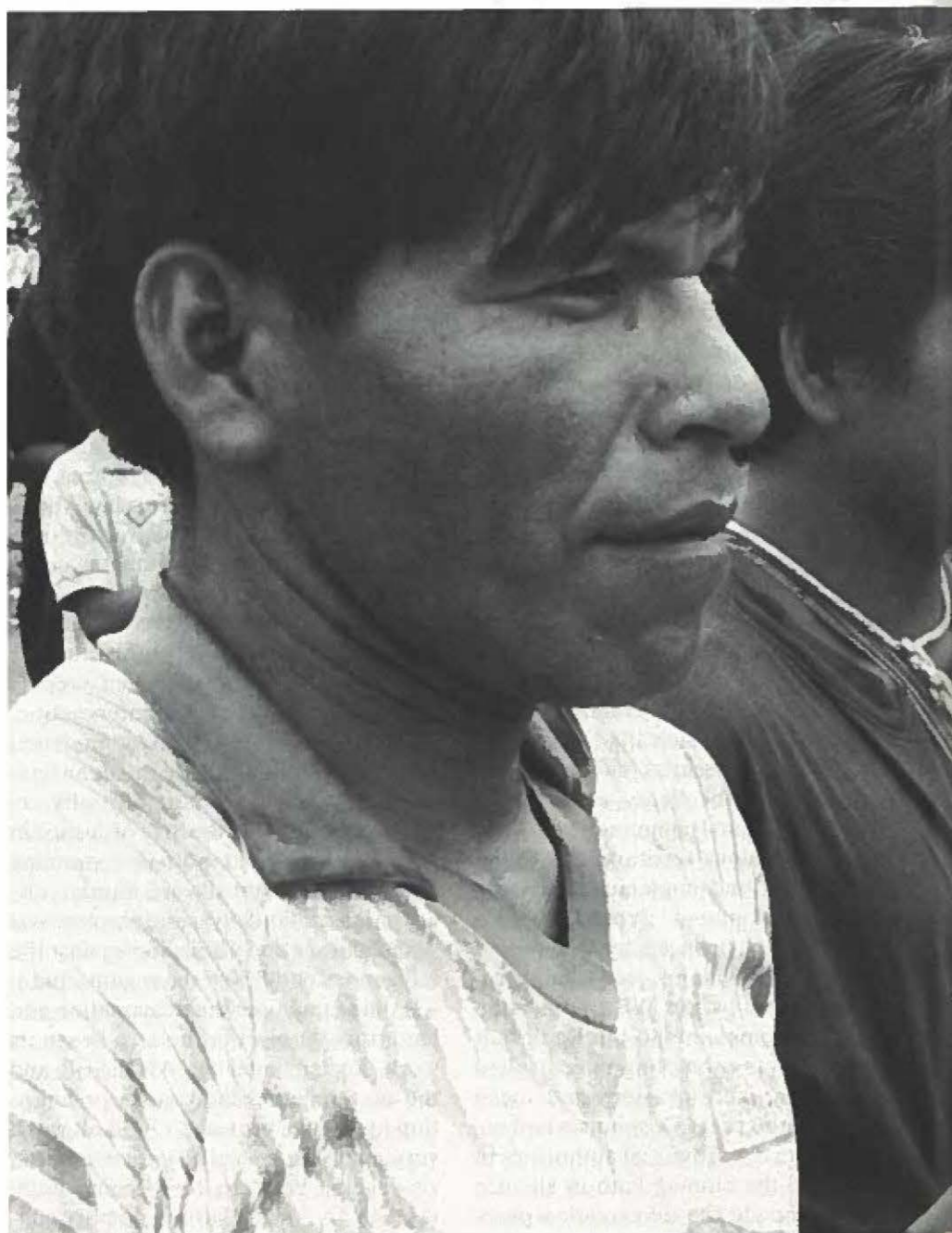
Contrary to this rather positive development stands the situation in the southern part of the Asháninka territory. Although a large number of Asháninka communities in Chanchamayo, Satipo and the lower Ene have a legal title to their lands, most of the demarcations were done in the 1970s, and, with the exception of the lower Ene, only giving the communities diminutive areas. As there are two sides to any land titling: the land titled to the communities, and the land 'not-titled' to the communities, the latter often implies that the 'not-titled' land outside the demarcations is being made legally inaccessible to the communities titled, or in other words: the 'surplus' land is being confiscated by the State.

The reality of the land titling in the

Chanchamayo and Satipo provinces could very well be described as the confiscation of Asháninka land by the Peruvian State for colonisation and agro-industrial purposes. Moreover, the demarcation and titling itself was not a participatory process, as in the other areas, where the initiative for the demarcation and titling was taken and carried through by the insistence of the Asháninka communities themselves. It was done at the initiative of government agencies, colonisation project administrations and public employees. It was never an Asháninka project. The demarcation of the Tambo river is somewhat different as it was done with communi-

ties, but mainly through non-indigenous NGOs. Compared to the northern areas, the core area of the ongoing conflict in general has suffered a much greater impact from massive invasion of settlers than the northern areas, and from all kinds of institutions, organisations and religious congregations and churches, all with the 'very best intentions' to help the Asháninka. But unfortunately they appear to have contributed to the debilitation of the emerging Asháninka organisations, by intensifying an existing tendency within Asháninka society to factionalism through organisational proselytising.

But the land issue is still on the



Asháninka self-defence. Photo: Alejandro Parellada

agenda. Thus the newly formed Asháninka organisation of the Apurímac Valley, OARA is presently in the process of demarcating their communities for titling. Given the settler usurpation of abandoned Asháninka communities, land titling as it has been done in the northern Asháninka territories, seems to be an imperative strategy for successful Asháninka reorganisation in the conflict zone.

10. Balance

In the weeks following the cruel massacre of seven communities near Mazamari the 18-19th of August 1993, public indignation in the Peruvian press as well

as in the congress was widespread. Everybody regardless of party colour was condemning the events and the cruelty of the Shining Path. A cross party motion for an investigation presented by the opposition, (which was voted down) was motivated by the argument that if what happened to the settlers and Asháninka in the Amazon could not unite congressmen from all parties, nothing could. The newspapers kept bringing indignant descriptions of how the guerrillas captured the 'Indians' to let them live in subhuman conditions in work-camps where 4-5 year old children are forced to work (e.g. El Comercio 30. August 1993; La Republica 30. August 1993).

These testimonies are undoubtedly true.

But seen in a historic perspective it seems rather hypocritical. For more than a century the Peruvian national society has treated the Asháninka population as slaves and kept them in palpable serfdom, raped the woman, sold them as domestic slaves and servants, kidnapped the Asháninka children and brought them up on the farms of the patrons to train them as loyal workers. Women, children and entire families have been traded with and forced into debt bondage working a lifetime without pay in the most inhuman conditions, beaten, killed and abused in any possible way. Such was the situation during the first period of Franciscan penetration and colonisation in the 17th century until the Asháninka rebellion of Juan Santos Atahualpa stopped it. It was the situation when recolonisation began around the turn of the century where the British-owned Peruvian Corporation was assigned enormous tracts of land by the Peruvian Government in the Central Forest, including all the Asháninka inhabitants as free labour to exploit in the plantations. It was the situation during the rubber boom. It was the situation during the modern colonisation schemes up through the 1960s and 1970s. No public indignation. No one protested against these conditions in the parliament, although this latent situation of serfdom in the colonisation areas has been denounced and documented a vast number of times. And the 'historical perspective' dates back only a couple of years to 1989 when the multisectoral commission issued its report, documenting the same kind of abuses. Where were the public indignation and national solidarity with the Asháninka people then?

Regarding the Shining Path, it should be emphasised unhesitatingly that, regardless of the sympathy revolutionary romanticists outside Peru may feel for the social motives of the guerrillas, it can never justify the crimes the Shining Path is committing against the Asháninka people. The outcome of their activities in the Central Forest (besides 10,000 displaced, 5,000 in bonded labour and 2,000 killed) has been the dispossession of the Asháninka's lands, handing them over to the colonist land speculators, mestizo patrons, lumber contractors and 'repentant' guerrillas and peasant settlers.

There is nothing revolutionary nor heroic in the Shining Path's activities in the Central Forest. It is not even subversive. It is just reactionary, conserving the existing power structures, serving the interest of those they claimed to fight. The Shining Path is just another patron, as one Asháninka expressed it.

But the real responsibility for the disastrous development in the central Peruvian Forest rests with the Peruvian state itself. The present situation is the direct result of road building, colonisation schemes, government sponsored 'development plans' and militarisation. And apparently the government has not learned. A congressman (from the 'Independent Moralising Front'), member of the Congress' Human Rights Commission who visited the Mazamari zone after the massacre stated that the only solution to the problems is development projects, road building and more military! The cyclic pattern of Asháninka history seems to keep reproducing itself.

For the Asháninka there is only one way out of this disastrous and very sad situation, and that is to keep developing their own legitimate organisations and keep struggling for self-government and self-determination. From the 29th November to the 2nd December 1993, the First Summit of the Asháninka People was held in the town of Satipo. It was probably the first attempt since the rebellion of Juan Santos Atahualpa in 1742 to gather all the different Asháninka organisations and factions in order to reach some common strategy to confront the current situation. The following themes were dealt with: 1. Pacification and human rights, 2. Land, natural resources and ecology, 3. Health, education and economy, 4. Cooperation and solidarity support to the Asháninka people, 5. Coordination between the Asháninka organisations. Conclusions were reached and an interim coordinator was elected. As a very interesting act they also constituted one collective institution for self-defence, covering all organisations, appointing a commission with one representative from each organisation to elaborate the statutes and by-laws (cf. Doc. 1).

The international society ought to intervene in the present situation urging the Peruvian government to guarantee indigenous land rights, stopping the

usurpation of lands of temporarily abandoned Asháninka communities by unscrupulous colonists. Likewise the Peruvian government should be urged to support the emergency plans for the displaced Asháninka elaborated by the Asháninka organisations and respect the decisions from the Asháninka summit. This is the only acceptable way to a pacification of the area. The Asháninka need all the support they can get right now.

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AND AFTER THE GOLD RUSH...?

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Human Rights and Self-Development among the Amarakaeri of Southeastern Peru

BETWEEN THE SPICE OF LIFE AND THE MELTING POT:

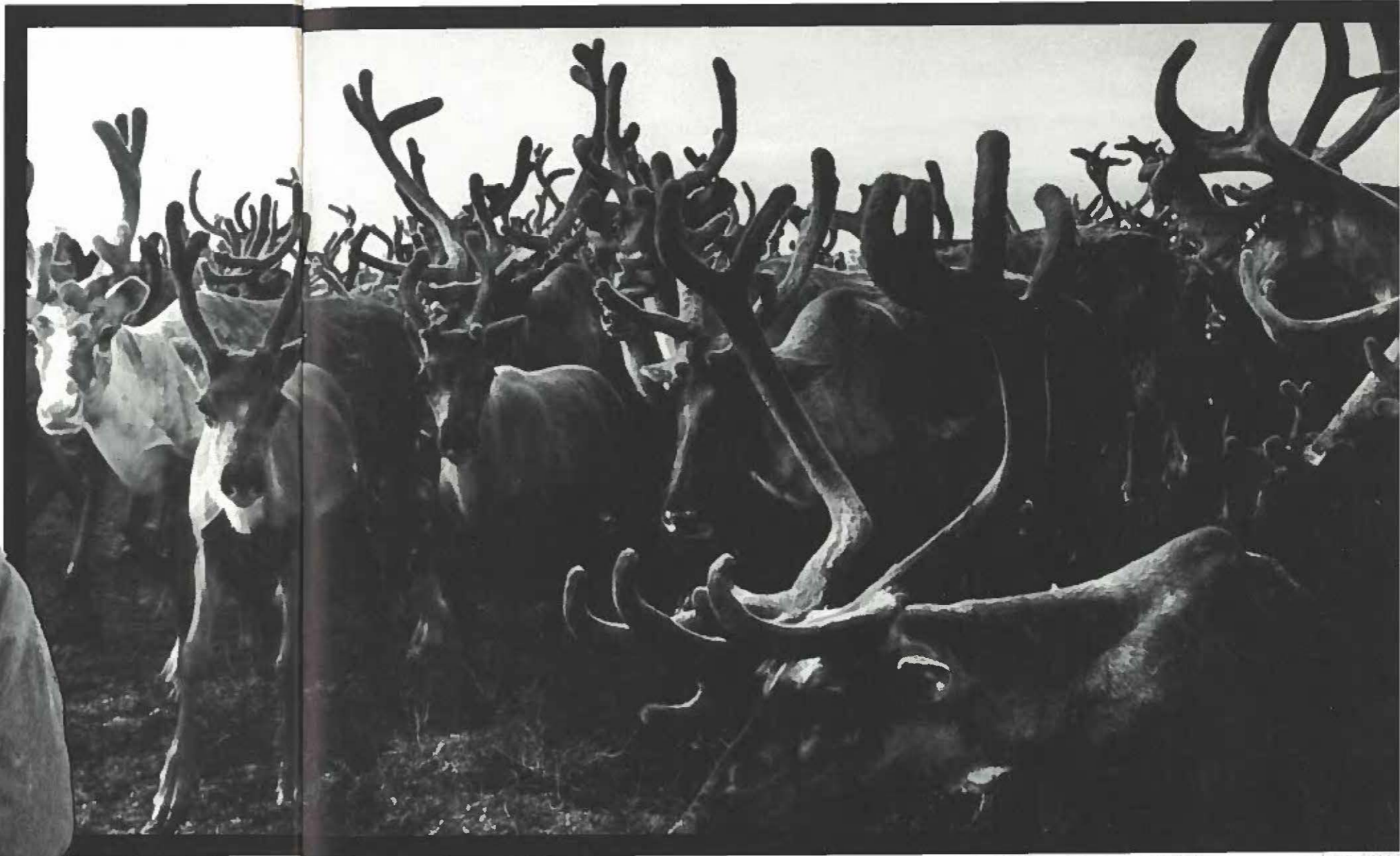
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Biodiversity conservation and its impact on the Indigenous Peoples

Andrew Gray

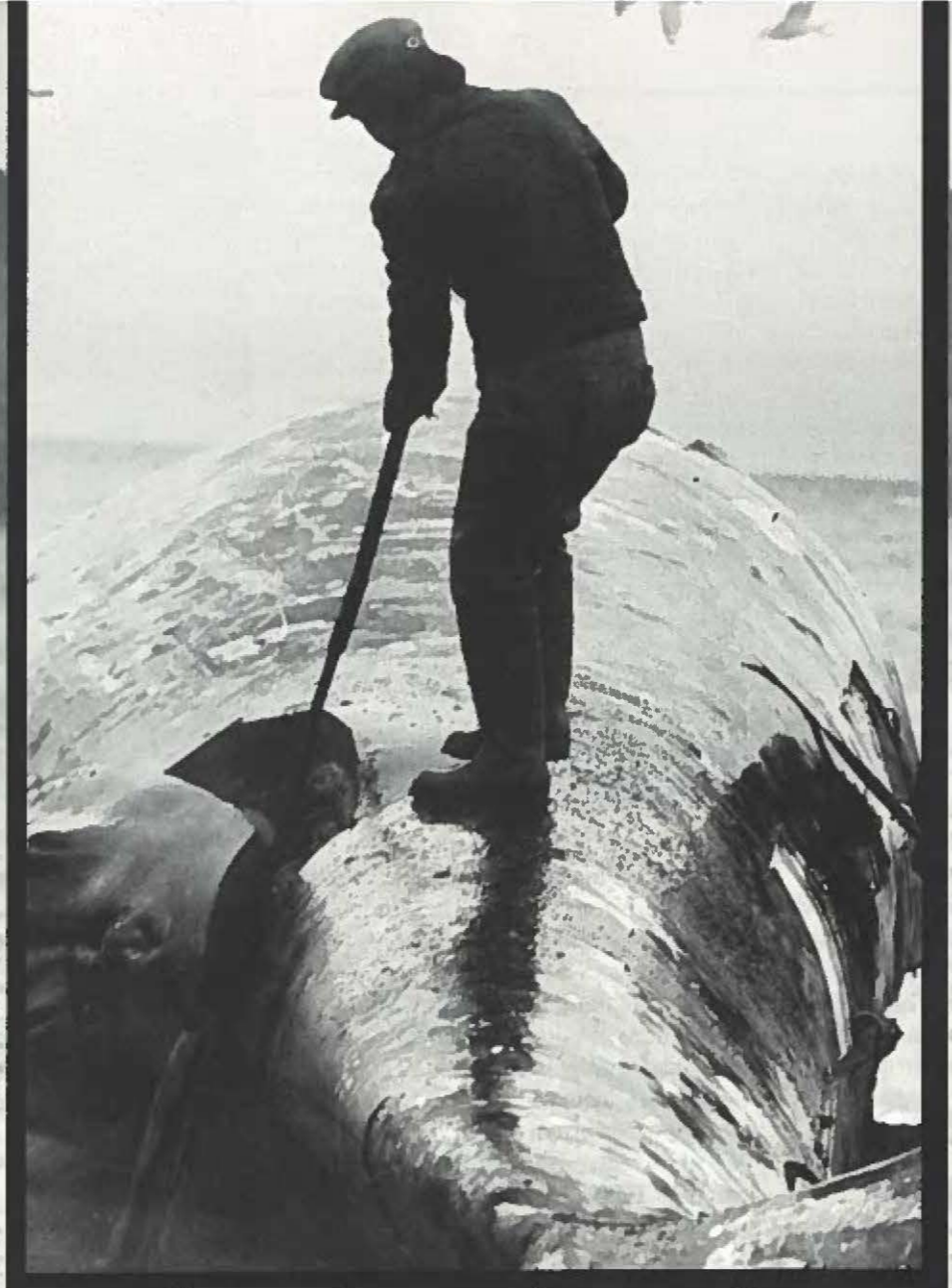
IWGIA



photos: Alexander Pika

HOME in the tundra,
the taiga and the sea
indigenous peoples of Siberia





The *Harakmbut* people live in the department of Madre de Dios in the southeastern Peruvian Amazon, a marginalised and neglected region. They speak their own language, a language which is not related to any other in Peru, and comprise the largest indigenous group in the department.

Without the consent of the indigenous peoples, national and international capitalists have identified a large area of rainforest where they can invest in mining, cattle ranching, lumbering and resource exploitation without many legal requirements or ecological considerations and, sad to say, without any public opposition.

These investments have a long history. In the 1930s, there were various projects with international participation, concerned with the exploitation and extraction of gold in Madre de Dios. Although none of them were successful, they led to confrontations with the indigenous population. One of the projects included plans for frightening the *Harakmbut* away from the River Karene (Colorado) area by dropping tear gas bombs on them and then setting up a gold mining outfit supported by agriculture. This plan was proposed by a Swedish company run by Sven Ericsson.

During the Second World War, the North American company, Asher E. Kates, began exporting barbasco from

in the headwaters of the Upper Madre de Dios river. Shortly after, an epidemic reduced the *Wachipaeri* to less than half their number. The company folded but reappeared again in Puerto Maldonado in 1953 under the name 'Exportadora el Sol', exporting Brazil nuts.

Between 1976 and 1978, the International Petroleum Company carried out oil explorations in the area which today comprises the Manu National Park, and are thought to have been responsible for the deaths of 20 indigenous 'Amahuaca' people of unknown origin. In 1973, two foreign companies, the North American Cities Services, and the Japanese Andes Petroleum Company, subcontracted other companies to carry out seismic exploration and drill test holes in a vast 2 million hectare area encompassing the rivers Karene, Madre de Dios and Inambari. There were some young *Harakmbut* among the field personnel which these companies contracted to work as guides and boat drivers. The Andes Petroleum Company uprooted several *Toyeri* families, a *Harakmbut* group who lived on the banks of the river Madre de Dios where they set up various operations and helicopter bases. The main bases were situated in the Dominican mission of Shintuya and in the locality of Puerto Alegre, both *Harakmbut* communities. For the *Harakmbut*, the consequences of this encroachment were very



The mining invasions have left the *Harakmbut* with few natural resources.

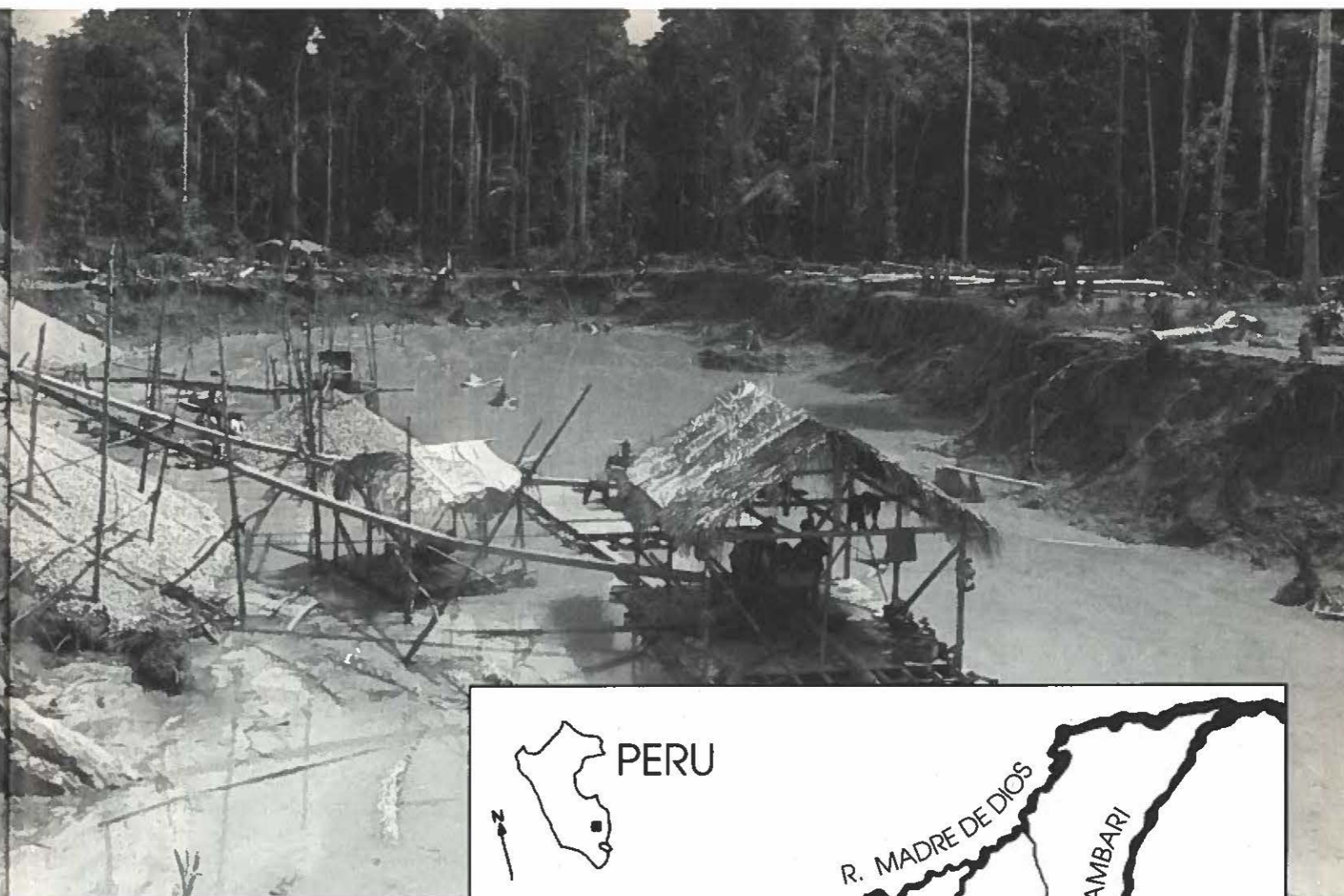
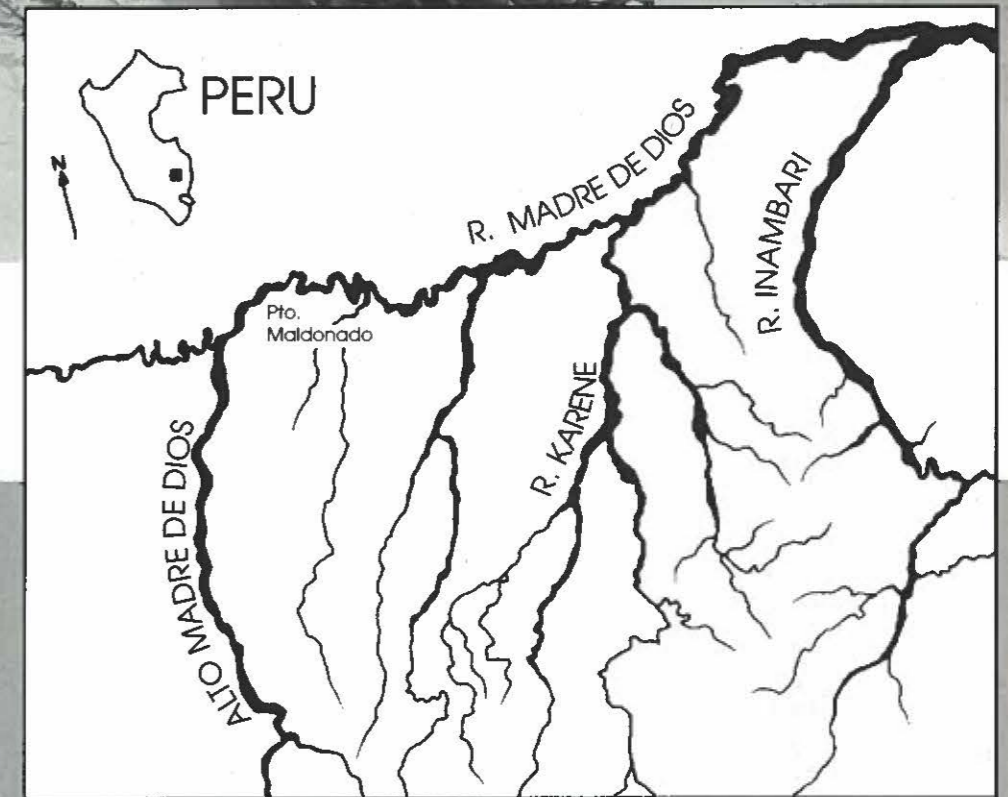


Photo: Alejandro Parellada

tolerant gaze of the Catholic Church and with the support of the Peruvian navy. In 1976 the oil companies withdrew be-

of their traditional territories by gold panners. This situation has had serious consequences for the *Harakmbut* peo-



PERU

by Héctor Sueyo

DEVELOPMENT IN THE AMAZON:

an indigenous

view from Madre de Dios

the ancestral territory of the *Wachipaeri*, a *Harakmbut* people who live in the region of Kcosñipata in the department of Cusco, where the present day communities of Queros and Huacaria are situated

serious, and resulted in forced acculturation and the introduction of many western vices such as cigarette smoking, prostitution, theft, rape and a general climate of violence. All this took place under the

cause they had not found enough oil to make their work commercially viable.

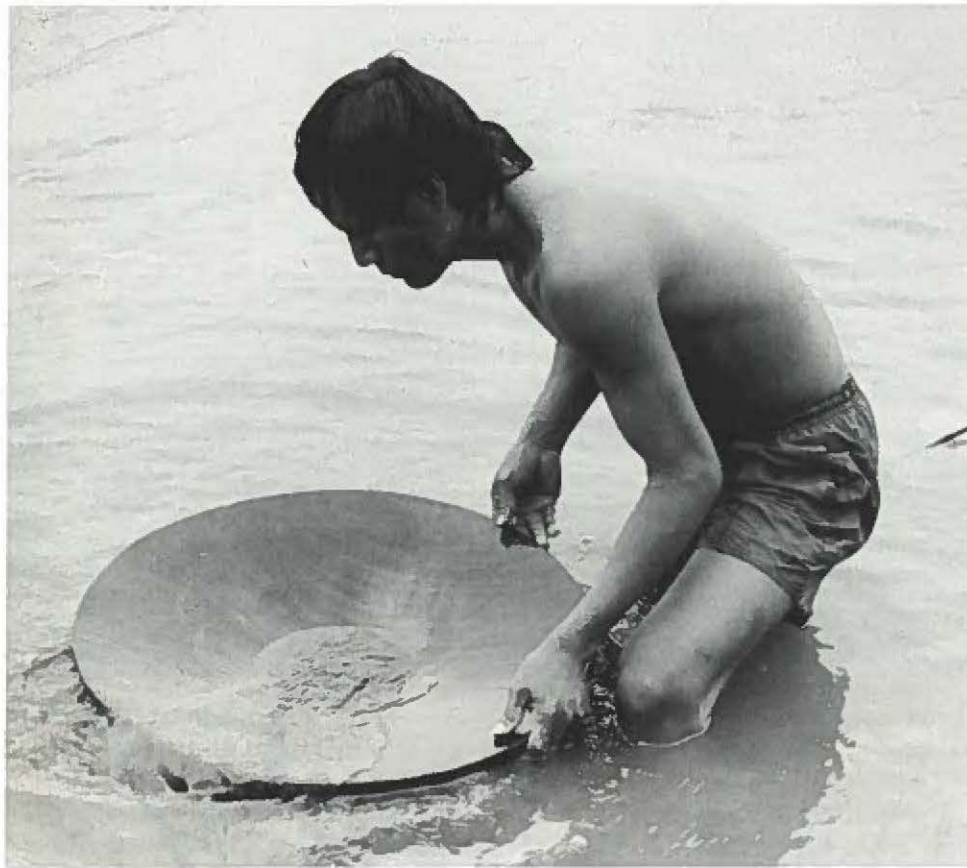
Since around 1978, the *Harakmbut* have suffered from indiscriminate and brutal aggression, as well as the invasion

ple, particularly for the communities of Boca Inambari, Barranco Chico, Villa Santiago, San Jose de Karene and Puerto Luz.

Before the invasion these people lived

in harmony with nature and hunted, fished and gathered the fruits of the forest. Today the *Harakmbut* culture has accepted some innovations and has had to adapt. Today it is impossible to hunt

as in the past because the forest animals have fled the noise of machinery, bulldozers, hydraulic dredgers, chainsaws, etc. It is also impossible to fish because fishing with barbasco has been banned; it



*The Harakmbut use artisan methods in gold panning.
Photo: Alejandro Parellada*

Peruvian society and law: racial discrimination, the destruction of our territories and the confiscation of our resources, and state policies which have favoured massive migration from the highlands to the rainforest.

Out of all this the Harakmbut have found a new equilibrium, dedicating some of their time to gold panning using artisan methods which are least damaging to the ecology and organisational patterns based on respect for traditional working groups. The rest of their time they continue to dedicate to their subsistence economy and maintain control over their culturally traditional resources. To this end, they have partially recovered control of their territories through the official process of titling their community lands.

Harakmbut economy and group cohesion would be much improved if the Peruvian state created the Amarakaeri Communal Reserve, a protected area under the administration of the indigenous peoples and situated in the middle of their ancestral territory. The technical reports are prepared and already signed by the National Institute of Natural Resources but still lack political approval by the Minister of Agriculture. In the Amarakaeri Communal Reserve we could return to hunting and fishing as is our custom and also manage the forest without endangering it. In this way we could escape much of the effects of the market economy and the savage capitalism which has arrived in the Amazon.

The mining invasions have left us poor and with fewer natural resources on which to survive. This makes it very important that we are able to recover our communal territories and that the invaders are relocated. To do this the Harakmbut have drawn up a 'Plan Karene' which proposes to do just this but, moreover, it will permit us to recover our own economy and health system, to revalue our Harakmbut culture and education, and to commercialise some aspects of our production.

ited, and an understanding of their beliefs and values, such as mutual support, as well as the maintenance of customs and family relations.

The Harakmbut were the first people to take steps towards indigenous organisation in Madre de Dios. The Federation of Natives of the River Madre de Dios and its Affluents (FENAMAD) was created in 1982 with the aim of defending the indigenous peoples against the aggression of the gold panners and against threats to our lives and culture.

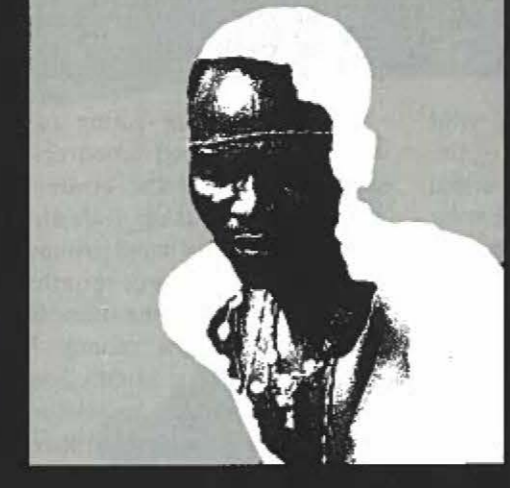
The aggression and mining invasion which began in 1978 was accompanied by the arrival of migrants from the Andean region, who brought with them an ideology of conquest and quickly acquired wealth. Then came small Peruvian capitalists and finally large-scale companies with Peruvian and Brazilian partners, which was the beginning of large-scale mechanised gold extraction.

These are some of the most serious problems facing the Harakmbut today. However, over and above these is also the structural aggression deriving from

is said to contaminate the rivers. But our understanding is different because we use barbasco according to our ancestral traditions which have allowed us to use the river's resources for hundreds and thousands of years without exhausting fish stocks. Moreover, we know that barbasco is biodegradable unlike the mercury used by the gold panners. It is the mercury which ought to be banned because the panners discard it into the river with the result that the fish we eat are contaminated.

However, for the Harakmbut culture, all is not lost; the people maintain their own ethnic traditions. Everyone, including the children, speaks their own language and maintains the framework of their social organisation and beliefs and values which come from their traditional cosmology. In spite of many difficulties and social segregation, the young people still grow up with an indigenous identity, an understanding that this identity is founded in the maintenance of their language, knowledge of the territories which their forefathers used and inhab-

THE INDIGENOUS WORLD 1993/94



IWGIA

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

USD 15

INDIA

by Siddharth Sanyal

a project:

*with the paharias;
by the paharias;
for the paharias*

Forest ghosts, hill monkeys, wild men – these are just some of the terms used by the non-tribal population to describe the *Paharia* tribe that lives in the forest-covered Rajmahal Hills of Eastern Bihar. Although the area has been named Santhal Parganas after the Santhal tribe, the Paharias were once the undisputed masters of the entire region. They were displaced from the plains by the more powerful and better organized Santhals.

The Paharias live in the forest and live off the forest. They gather forest produce for their own need and hunt small game. They also practice shifting cultivation to grow maize, legumes and black-eyed beans (*barbatti*). The latter forms the cash crop which is used for barter; converted to cash to buy things they need; or used to pay off their debts to each other and to the mahajan (a petty trader who is also the money-lender).

By and large, the Paharias lead a self-sufficient life in harmony with nature. "Yugvasi" or "people from the beginning of time", as they like to call themselves, the Paharias have managed on their own and have had very little interaction with the outside world. Even today, the interaction is restricted to the weekly market (*haat*). On this day the Paharias come down from the hills to the plains to sell forest produce like bamboo, herbs, fruit and medicinal plants; and buy a little kerosene, clothes, earthenware utensils or tools.

Occasionally, the young men go to work as indentured labourers to build roads in some of the border districts. They leave for Assam, Rajasthan, Kashmir, Meghalaya in small groups for periods ranging from three months to three years. And this is done more for adventure than to earn money. Whatever money they earn is usually spent on the way back on watches, transistors, clothes, cinema, liquor and prostitutes.

When they get back to their villages, whatever money that is left over is spent on feasting and drinking. This is followed by a fortnight's parading around from village to village, wearing city clothes (shiny synthetic trousers and shirts), showing-off their watches and listening to transistors at full volume.

Then the batteries run down; the watch stops working because it was soaked in water to show that it is waterproof; and the thorns have torn the city clothes. The young men go back to their traditional lifestyle: gathering forest produce, hunting or clearing the forest for cultivation and wearing their "Panchi" – a piece of cloth tied around the waist by the men and used by women to cover their breasts. It is as if they had never stepped out of their village.

While the world around them changes, the life of the Paharias has changed very little. What has changed, however, is that the level of exploitation of the Paharias and the resources that they rely on has increased. Traders continue to buy their

produce for a pittance. Money lenders lend them money at usurious rates and then hold them for generations in a debt trap.

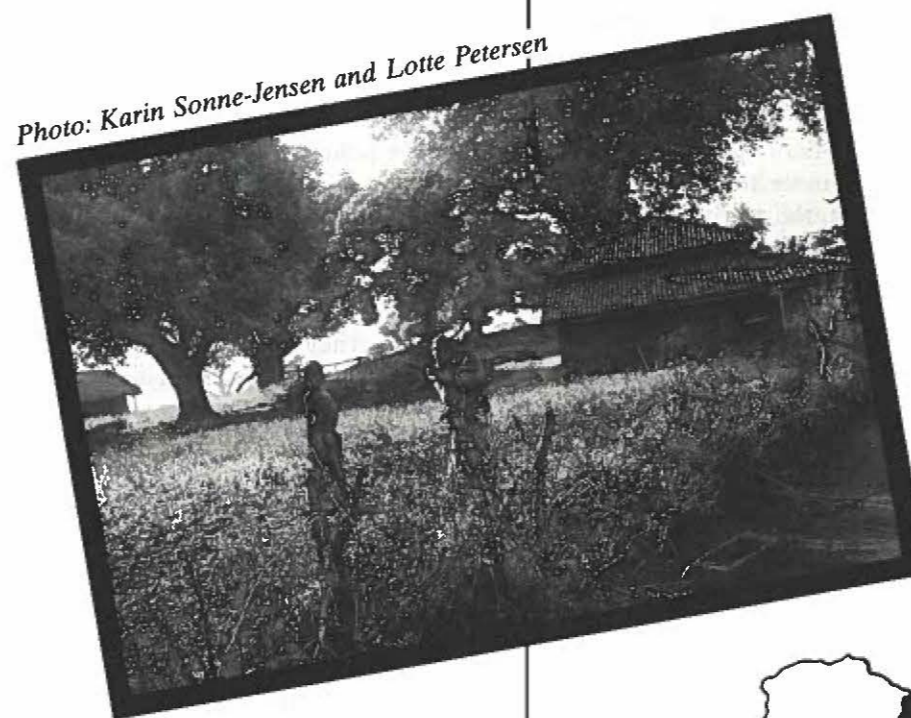
Their land in the plains is being encroached on by other tribals and non-tribals.

Slowly and steadily (and in some areas rather rapidly), the forest cover is disappearing. The trees have found their way to the nearby towns as timber. The Paharia who owns the tree gets a mere bottle of liquor and a few rupees as payment for his tree – which he will cut down, shape into wooden sleepers and boards and carry all the way to the trader's shop ten kilometres away. Sometimes he does not even get paid for the tree because the value of the tree (as decided by the money-lender) is "adjusted" against the loan he or his great grandfather had taken!

Unfortunately, the Paharias do not realise the commercial value of the trees. They mostly fell teak (*sakhua*), jackfruit (*kathal*) and mango trees, that were, hitherto, plentiful in the area. A Paharia would never cut down a "Mahua" tree. He makes liquor from the fruit and extracts oil from the seeds. And since both these products are essential to their lifestyle, the Paharias would not dream of even cutting a single branch of the tree!

To most Paharias, the trees are there. Have always been there. To be used whenever needed – to burn as firewood, to build houses. Trees die, new ones

Photo: Karin Sonne-Jensen and Lotte Petersen

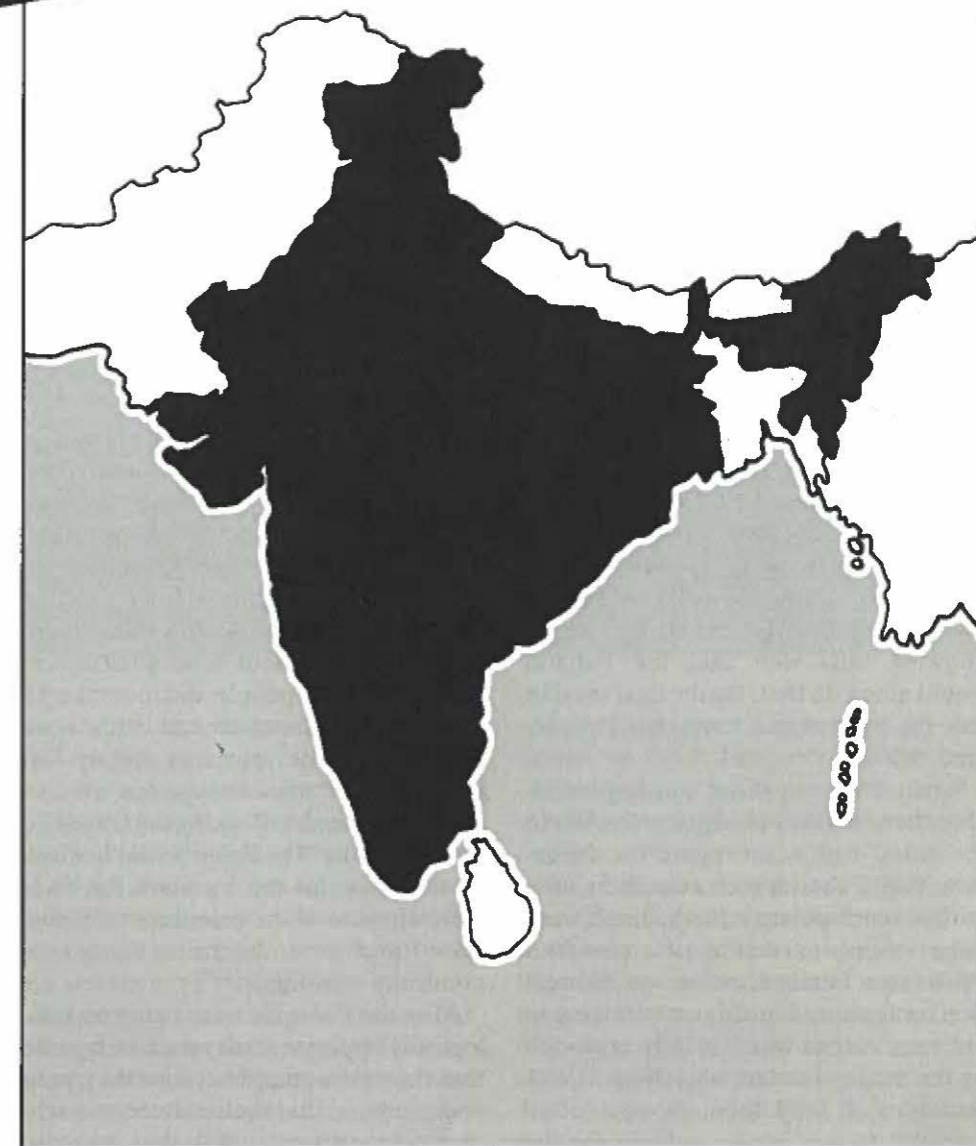


grow. Even when large areas of forests are cleared for cultivation, the trees grow back. So what's the panic if a few trees are cut down here and there?

The consequences of a depleting forest for the tribe's future is obviously not clear to them. And sometimes when this is pointed out to them, they do not seem to care.

Once, the head-man of a village was cutting down a jackfruit tree, he was asked why he was doing it. He replied that he would sell the tree and buy liquor for himself. When all persuasion to stop him from cutting down the tree failed, it was suggested to him that he should perhaps borrow the money. Save the tree so that your children and grandchildren can eat the fruit, he was told. His reply was: Who cares what happens after I die! If my grandchildren want to eat fruit, then there are other trees in the forest. With the money I get for this tree, I will have at least enjoyed myself before I die!

One does not have to delve too deep into the Paharia psyche to find the reasons for this apathy. One just needs to look at their environment: The forest they live in provides most of their needs, but it is also an inhospitable region



fraught with hazards like poisonous snakes and diseases like cerebral malaria, tuberculosis and leprosy. Add to this a predominance of sickle-cell anaemia and total lack of medical facilities; and you find a tribe where most children die before they reach their teens and where the average life expectancy is 30 years.

When someone is dying, almost no effort is made to seek medical treatment. In the past there were no medical facilities nearby. But at present, even though health centres exist, they are far away and often when patients are brought there, no doctors or medicines are available. Usually the journey is so difficult that the patient dies on the way to or from the health centre -- giving rise to the superstition that once a Paharia goes to a hospital, he or she never returns. It is a superstition that the medicine man and local quacks are keen to spread and preserve.

The forests are full of medicinal plants and herbs that are used for the preparation of Ayurvedic medicines. These are collected and sold by the Paharias for practically nothing. The medicine men sometimes use them to treat people. But most of them have become so corrupt that they spend weeks living in the patient's house, eating and drinking. The cost of this treatment works out as exorbitant.

Paharias either seek no treatment, preferring instead to offer sacrifices to the spirits causing the problem; or they go to the local quack who sets up a clinic every market day (haat). For ten rupees he gives them an injection -- be it a case of common cold or severe burns. He will also advise them to rest in the plains, knowing fully well that the Paharia would never do that. By the next market day, the patient will have either recovered or died.

When life is so short and unpredictable, there is always a hurry to live life to the fullest with scant regard for the future. Most Paharias start a family as soon as they reach puberty. Birth, death, marriage, sowing, harvesting or a new fruit on the tree, family disputes -- is an occasion for feasting, dancing and drinking to oblivion. A trait which is fully exploited by the money-lenders who choose these occasions to lend them money (often forcibly) to buy liquor and rice for the

feasting, thus forcing them into an unending and unyielding debt trap.

Unfortunately for the Paharias, the isolated social and territorial island that they were living on is fast becoming submerged by the world around them. Communication has improved: there are roads girdling the Rajmahal Hills. If the Paharias are not seeking contact with the outside world, the world outside wants to make contact, if only to exploit them for their natural resources.

Mining is going on in some parts of the hills. People are becoming alienated from their land and culture. More children are going to government-sponsored schools and coming back semi-educated and unwilling to pursue traditional occupations. Consumerism is increasing among the young who are no longer willing to live frugally like their forefathers. And in order to finance their newly acquired demands, they now act as agents for traders, money-lenders in exploiting their own kin or take to prostitution. Fortunately, however, the entire community has not been swamped by such changes. But the changes are coming.

Dakshinayan's Bihar Project is currently engaged in trying to ensure that the Paharias are prepared for this change. Located in Cheo village, at about 2000 feet on the south-western edge of the Rajmahal Hills, the project has been working with the Paharias for over a decade.

When the project was first started in 1980, the work was mostly charity oriented: distribution of food, clothes, goats, cattle, medicine. Wells were constructed to provide water, seeds were given to improve crop yield.

Then came the realisation that there was ample nutritious food available in the forest. The people did not like to wear clothes. The goats and cattle were sacrificed to the spirits or simply lost because the Paharias were not used to animal husbandry. Besides, the tribals do not drink milk! The Paharias did not lack wealth; they just did not know the commercial value of the resources they possessed and were, therefore, being economically exploited.

Also, the Paharias were being psychologically oppressed: they were being told that they were stupid because they were maize-eaters; that their culture and religion was primitive; that they were so

poor that they could only survive on government handouts. The social exploitation was so great that many of the Paharias had even changed their names to more acceptable Hindu or Christian names.

This realisation led to a shift in the project's policy from charity to awareness generation and community organization. First a few young men and women were selected from the villages: most of them had been closely associated with the project and had received some basic education. They were given intensive refresher courses in reading and writing. Then the whole group was encouraged to stay together and discuss the community, its problems, the reasons for such problems, whether the problems were real or perceived, etc.

While this team-building process was going on, the team members were encouraged to first convince the villagers of the need for basic education for their children, and then to mobilise the community to build its own schools from available resources -- wood and earth. The process took about a year, but the schools were built by the community with a minor contribution (carpentry charges for making doors and windows) from the project.

But the main spin-off was the creation of a cohesive project team comprising local youth -- now full of confidence and self-esteem; and a community convinced that it was capable of meeting any of its new-found needs from available resources. Hitherto, the Paharias believed that they either had to send their children to distant government schools, or wait for the government to start a school in the village.

Now they not only had their own

schools, but also teachers who belonged to the area. The children too preferred the informal and familiar atmosphere to the more rigid and formal school system. They started coming to study -- shattering a common local myth that the Paharias are too stupid to go to school!

Following their initial success, the team concentrated on setting up village committees, youth groups and women's groups: and thus started the work of awareness generation. The various committees and groups started meeting to discuss the community's problems and needs. Information was exchanged about government schemes, conserva-

tion, market prices of crops. Traditional community social systems were revived or merged with the new committees. The women's groups concentrated mainly on savings and health issues; while the youth groups concerned itself more on culture, sports and curbing uncontrolled drinking.

Sometimes the women withdraw all their savings and fritter it away at a festival. Young boys preaching moderation in drinking end up getting senselessly drunk. People teaching health and hygiene get cholera from eating contaminated food. Schools close down for months. Team members cut down trees and sell them to buy clothes.

Yet, when everything seems on the verge of collapse, there is miraculous recovery. Schools reopen; women start saving again; committees join together to fight to save their land from mining

for seeds during the sowing season. Health education has had a positive effect on the community. The women and children, in particular, are more conscious of health and hygiene. Illness due to waterborne diseases has decreased.

Children are vaccinated against polio and tuberculosis. More villagers from the project area seek medical treatment rather than offer sacrifices to the spirits. The project has also set up a blood-testing laboratory to aid early detection of malaria and tuberculosis.

There are ups and downs, however. At times the committees don't meet; or membership drops to half a dozen.

companies; epidemics seem to by-pass the villages covered by the project. Villagers collectively preserve and protect trees even when they have to clear the forest for cultivation.

It is a phenomenon which surprises many visitors and local administrators. The project's continuing success and its ability to bounce back to normal despite setbacks is mostly due to the fact that it is now managed entirely by the local people. It is their project and it is their own community that benefits.

Unfortunately, the project is small and its field of influence, though growing steadily, is not very large. The project is

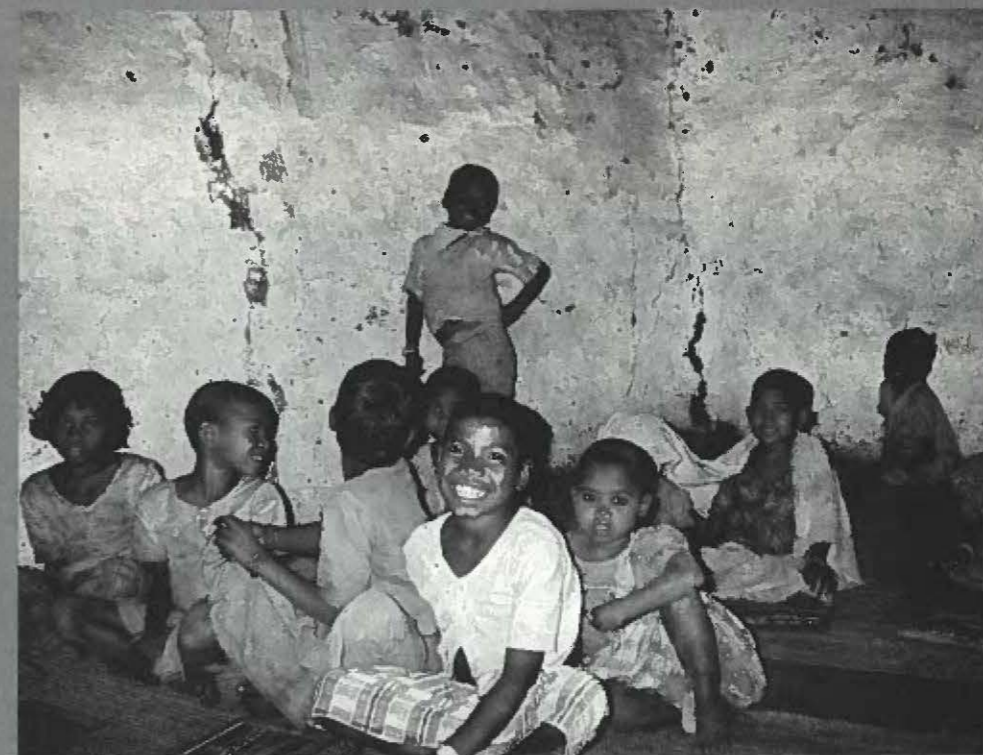


Foto:
Karin Sonne-Jensen
y Lotte Petersen.

certainly not big enough to affect the destiny of the Paharia people. But it is definitely one effective step towards sustainable development and self-determination.

The Paharias know that times are changing. They are gradually realizing that their villages will soon cease to be the idyllic paradise that it is, especially, because they are literally sitting on hills of minerals. They will either have to change, adapt and adopt; or fight, in order to survive and preserve their culture and way of life.

INDIGENOUS YOUTH

Fifty young people from the Circumpolar region gathered in Horsholm near Copenhagen for a three day conference from the 7th to 9th

ference came from IWGIA and the Saami Council and it was organised by IWGIA-Denmark, Greenlandic Students in Denmark (DKIK) and the

participants discussed a range of topics, grouped under the headings of Resources, Culture and Rights and from these discussion adopted three resolu-



Photos: Erik Fleisher



April, 1994. The conference brought together experienced young politicians and students from Greenland, Saamiland, Canada, Alaska and Siberia to exchange experiences and establish new contacts. The initiative for the con-

ference came from the Swedish Saami Youth Organisation, Saminuorra.

The general theme of the conference was the environment but this was broadly defined to include aspects of the social and cultural environment. The

discussions which reflect the range of the debate within each of the headings. Protection of Arctic resources from contaminating military activities is addressed in the resolution on militarisation, the language resolution recognises language as

an important aspect of culture, and the important right to self-determination is stressed in the third resolution, in which the participants resolved to educate one another and promote self-determination in the different countries.

The organisers hoped that the conference would not be only an inspiring event for the participants, but lead to the establishment of formal contacts which would become a basis for support, solidarity and mutual education. In the final plenum a formal network was established, the Indigenous Circumpolar Youth Network, to widen contacts with local youth organisations and non-organised indigenous youth. The Network will be used to organise future Circumpolar youth conferences with the support of national and international indigenous organisations of the Circumpolar region.

The objectives of the network were set out in a discussion paper:

- to create solidarity in political emergencies;
- to create awareness of regional issues and to share information as a means of exchanging knowledge and strengthening cultural ties;
- to enhance education within and among regions; and
- to support and protect youth endeavour and concerns.

An important task of the network is to help organise youth that lack their own youth organisations. This is particularly the case in Siberia but there is also a need to strengthen youth work in Norway.

Though it is a formal network, the aim is to keep it informal and un-bureaucratic. Two representatives from each country were appointed contact persons

and they will receive information from youths in their country which they will distribute to the other country representatives. All the information will then be produced as a newsletter or information package that can be widely distributed in each country through network members. The network is thus intended to be a source of information and support for local youth who have hitherto been cut off from international indigenous networking.

If you want to get in contact with the Network further information is available from:

KEKIP

Erik Fleischer,
Løvestræde 6
DK 1007 Copenhagen K,
Tel: 45 33 32 07 17
Fax: 45 33 14 67 00

Resolution on Militarization

We, the representatives of the First Indigenous Circumpolar Youth Conference, held in Hørsholm, Denmark 7-9 April 1994 seek to protect and preserve our natural and cultural environment.

Whereas, we are deeply concerned about our Arctic environment,

Whereas, military jets flying low over our Arctic areas are a hindrance to the growth and stability of our wildlife,

Whereas, military training is being carried out in our Arctic areas without our prior knowledge,

Whereas, military waste is being left on our areas contaminating our areas and natural food cycles,

Therefore be it resolved that, as an indigenous forum, our military inform us of any testing, training and low flying jets over our Arctic areas.

Also, to keep us informed and assess the affects of these exercises on our wildlife and environment,

Also, to limit the amount of any radioactive materials use, waste, and testing affecting our Arctic areas,

Also, to educate and inform about harmful radioactive levels and their use in our areas.

Language Resolution

We the representatives of the 1st indigenous Circumpolar Youth Conference held in Hørsholm, Denmark, April 7-9, 1994, seek to preserve our language, which is the basis of our culture, history, education and social patterns.

We all live in so-called democratic countries, where everyone has he right to speak his/her mind.

But for many of us freedom of speech is limited, because our languages are not recognised by the majority population in our different countries.

It is a human right to be educated and to be able to communicate in our own languages.

Therefore we need to educate not only ourselves, but also those around us about our languages, and also recognize the need for us to learn other languages as a key to the world.

If we don't pursue the need to learn we have no chance of telling the rest of the world about ourselves.

Therefore we call upon the legislators to recognize language as an important part of a country's culture. Being a necessity for our survival as indigenous people we need to look at language as a tool to preserve, protect and uphold our unique cultures.

Resolution on Self-Determination

We, the representatives of the 1st Indigenous Circumpolar Youth Conference held in Hørsholm, Denmark, April 7-9, 1994, seek to protect and preserve our natural and cultural environment,

Whereas, we recognize the importance of each indigenous group in having the right to self-determination,

Whereas, through self-determination we will have the ability to control, manage, and exercise our rights to our natural environment - the land, sea and the air,

Whereas, our spiritual and cultural relationship to our environment - the land, sea, air and natural resources - is the foundation of our native cultures,

Whereas, each indigenous group may be at a different level of self-determination, we recognize the importance of acknowledging and supporting one another in our efforts to achieve this common goal,

Therefore be it resolved that, as an Indigenous forum, we realize the importance of self determination which we seek to promote as we seek to educate each other.

On behalf of the representatives,

Nuunu Frederiksen.

Chairman of Greenlandic Students in Copenhagen.

Resolution 94-02

on Human Rights Violations Against Indigenous Peoples in Venezuela

WHEREAS, the Inuit Circumpolar Conference has learned of recent human rights violations that have been made by the government of Venezuela against indigenous peoples, specifically the deaths of over 150 people during a violent disturbance at the Maracaibo jail on January 3, 1994 and subsequent threats against the indigenous Wayu population of that area, and the murder of three Yukpas by members of the Girardot Battalion of the Venezuelan army on February 3, 1994 in the Sierra de Perija region; and

WHEREAS, the Inuit Circumpolar Conference strongly opposes any human rights violations; and

WHEREAS, the Inuit Circumpolar Conference has always upheld and promoted the rights of indigenous peoples throughout the world;

NOW THEREFORE BE IT RESOLVED:

That the Inuit Circumpolar Conference calls on the government of Venezuela to affirm its recognition of rights of its indigenous peoples within Venezuela; and

BE IT FURTHER RESOLVED:

That the Inuit Circumpolar Conference calls upon the government of Venezuela to conduct a full and open investigation of the events that have recently occurred, and to provide assurance to the United Nations community that those responsible for human rights violations have been held legally accountable, and to further ensure that such violations never happen again.

INTRODUCED AND ADOPTED, this 11th day of March, 1994, in Anchorage, Alaska.

I, the undersigned President of the Inuit Circumpolar conference (ICC) do hereby certify that the ICC is composed of nine (9) members of whom seven (7) were present at the Executive Council Meeting held the 11th day of March, 1994, and the foregoing resolution was adopted by the affirmative vote of seven (7) members.

INUIT CIRCUMPOLAR CONFERENCE

Resolutions of the Executive Council

Resolution 94-03

In Support of the Inuit Peoples of the Russian far east

WHEREAS, the Inuit Circumpolar Conference (ICC) is an international organization with membership representing Alaska, Canada, Russia and Greenland; and

WHEREAS, the ICC mandate includes issues regarding the welfare of the Inuit peoples of the circumpolar north; and

WHEREAS, the ICC is aware of the instability of the political, social and economic climate in Russia and the severe consequences it has on the health and well-being of its native peoples; and

WHEREAS, the ICC is concerned with the health and welfare of the Inuit peoples of Russian Far East and other native

peoples of the Chukotka region; and

WHEREAS, the ICC is aware of the shortage of medical and health care supplies available to the Russian Far East, and is particularly concerned with the high mortality rate of native peoples and the current tuberculosis epidemic in the Chukotka region;

NOW THEREFORE BE IT RESOLVED:

That the ICC pledges support to the native peoples of the Russian Far East and demands that immediate action be taken to assist the native peoples of the Russian Far East to improve their health status and condition; and

BE IT FURTHER RESOLVED:

That the ICC its member countries,

(Russia, Greenland, United States and Canada); urge their governments to take immediate action in response to the critical health and human needs of the native peoples of Russian Far East.

INTRODUCED AND ADOPTED, this 11th day of March, 1994, in Anchorage, Alaska.

I, the undersigned President of the Inuit Circumpolar Conference (ICC) do hereby certify that the ICC is composed of nine (9) members of whom seven (7) were present at the Executive Council Meeting held the 11th day of March, 1994, and the foregoing resolution was adopted by the affirmative vote of seven (7) members.

Resolution 94-01

ICC Involvement within the United Nations

WHEREAS, the Inuit Circumpolar Conference (ICC) has a Category 2 NGO status in the United Nations (UN), and is applying for Category 1 NGO status; and

WHEREAS, the ICC has always taken an active role within the UN to develop a Declaration on Indigenous Rights; and

WHEREAS, the Un General Assembly in December 1993 passed a resolution to declare an International Decade of Indigenous Peoples starting in 1995; and

WHEREAS, this resolution called for the UN and indigenous organizations and other relevant bodies to take an active role in recognizing indigenous con-

cerns in areas such as human rights, environmental issues, development, education, and social welfare; and

WHEREAS, this resolution requests the UN Commission on Human Rights at its fiftieth session to give priority consideration to the establishment of a permanent forum for indigenous peoples in the United Nations; and

WHEREAS, this request has been endorsed by the Commission on Human Rights at its meeting in February 1994;

NOW THEREFORE BE IT RESOLVED:

That the ICC continue to take an active role within the UN and secure direct participation of indigenous peoples at all levels of the UN process which affect indigenous peoples; and

BE IT FURTHER RESOLVED: That the ICC secure direct involvement of indigenous peoples in the creation of the permanent forum for indigenous peoples in the United Nations, and full membership for indigenous peoples in that forum once it has been established.

INTRODUCED AND ADOPTED, this 11th day of March, 1994, in Anchorage, Alaska.

I, the undersigned President of the Inuit Circumpolar Conference (ICC) do hereby certify that the ICC is composed of nine (9) members of whom seven (7) were present at the Executive Council Meeting held the 11th day of March, 1994, and the foregoing resolution was adopted by the affirmative vote of seven (7) members.

In Violation of Human

THE MARINE MAMMAL PROTECTION

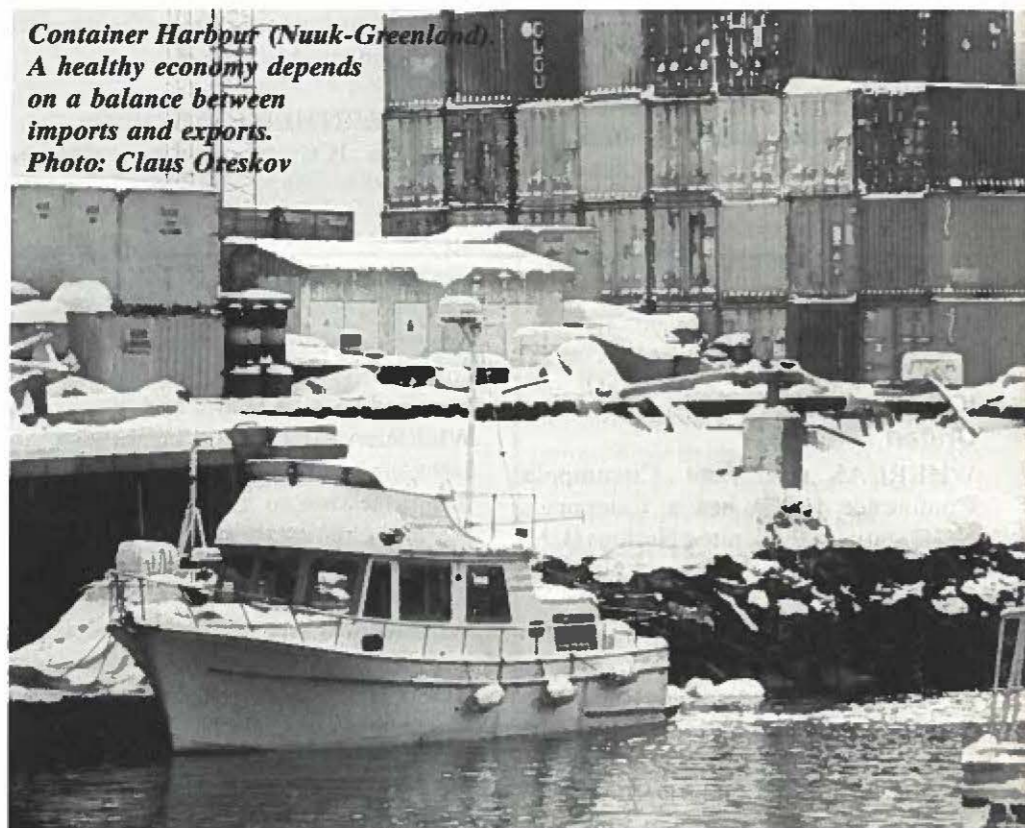
by Alfred Jakobsen

Rights

While the US encourages respect for human rights in other parts of the world, such as China, it continues to ignore one of its own domestic laws, the Marine Mammal Protection Act (MMPA), which has strong restrictions on basic human rights, as well as serious implications for sustainable and equitable development in the Arctic. The MMPA restricts the interests of the Inuit in Greenland, Canada, Alaska and Chukotka with regard to their rational and sustainable utilization of marine mammals.

The Act came into force in 1972 but has never been challenged through official channels, perhaps because we Inuit have always been able to sell our marine mammal products, mainly to Europe. But, since the late 1970s the European market for furs and other products has decreased and eventually collapsed in the mid-1980s.

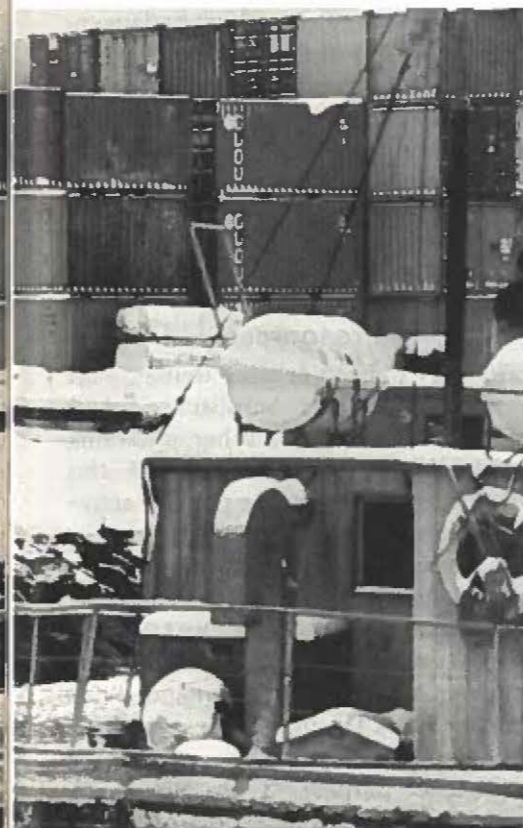
For the Inuit in Greenland, Canada, Alaska and Chukotka, a subsistence-based economy continues to be the mainstay of many households in most communities in these Arctic areas. For many years, seal skins have generally been the main source of monetary income but the



*Container Harbour (Nuuk-Greenland).
A healthy economy depends
on a balance between
imports and exports.
Photo: Claus Oreskov*

collapse of the traditional sealskin market in Europe has had devastating consequences for the overall economy in

Greenland. Today, in Greenland, we are making efforts to open up new markets for our marine mammal products by the



direct sale of hunted meat and other animal parts and through the manufacture of handicrafts and sealskin clothing.

Background

Whales, seals and land mammals such as caribou have always been, and continue to be, the main food supplies for the local people of Greenland. There are no real alternatives for sustainable and equitable development in Greenland. Marine mammals also brought traders to Greenland over the last couple of centuries, for example for whaling activities until the creation of the predecessor of the International Whaling Commission.

The strategically important position of Greenland was one of the factors which determined US involvement in World War II and exposed Greenlandic society to the West. The US Air Force established several airbases in Greenland, one of which still remains under its direct control, namely, Thule Air Base, which is regarded as one of its most strategically placed airbases for the protection of American interests. However, the opening up of Greenlandic society to the rest of the world also served as an impetus for the political organisation of the Greenlandic people and triggered a modernisation process of the subsistence-based hunting society.

Other factors also played a significant

role in the modernization of the hunting society including the commercial fishing of Atlantic cod and North Atlantic salmon. Commercial fishing for cod was begun in the 1920s by local hunters using kayaks and small boats, and it continued to develop until the early 1980s when off-shore cod stocks disappeared.

In the case of the North Atlantic salmon, commercial fisheries began in late 1950s and developed to be the most profitable type of fishing for the local people until the mid-1970s when the catch began to decrease. In 1992, the Organization of Hunters and Fishermen in Greenland signed an agreement which caused a temporary total ban on commercial fishing of North Atlantic salmon. One of the parties to the agreement is the National Fish and Wildlife Foundation.

Now, these two types of fisheries are seasonal activities in which most catches used to be landed during the two to four summer months. It provided the fishermen with an income which they could invest in new technology and equipment. Therefore, seal, whale and some land mammals, such as caribou, were the most important supplies of food and meat for households over the winter pe-

riod. However, due to various factors, the stocks of caribou have decreased drastically over the last few years and forced the Greenland Home Rule government to impose a temporary ban on hunting, effective from 1993.

Therefore, at present, the Greenlandic people are faced with a temporary ban on caribou hunting, a two year ban on salmon fishing and no cod fishing of any economic importance. This leaves fishermen and hunters in many communities to face unemployment for uncertain periods. Therefore, it is crucial for these people to find alternative sources of income, and one of the alternatives is through new markets in the Americas and the West.

MMPA - a trade barrier

The seal plays a major role in the subsistence economy of many households in Greenland. Now, sealskins have always been, and still are, important by-products from this subsistence hunting. Unfortunately, sealskins are becoming a waste product in Greenland, since the main market for sealskin has collapsed. Therefore, it was natural for the Organization of Hunters and Fishermen in Greenland to try to develop new markets for this natural product. In the long run, the cultural basis of modern-day Greenland will be threatened if there is no longer a market for these types of products. Fortunately, the Americans reached out, through the National Fish and Wildlife Foundation, to help the salmon fishermen in Greenland to find alternative sources of income.

The Foundation offered a limited grant to Greenlandic fishermen to be used for developing alternatives. One of the most obvious alternatives is to enhance the sale of sealskin products from Greenland to other countries including the US. However, it is difficult to develop a new market there due to the fact that the MMPA prohibits trade of marine mammals in the US. Thus, the MMPA is automatically a main trade barrier for products made by our hunters, our skilful craftsmen of marine mammal parts, and by our seamstresses of sealskins as well as other products from the Arctic areas which could benefit tourists and others.

So, here we are: on the one side, the Organization of Hunters and Fishermen

in Greenland, the National Fish and Wildlife Foundation and the Atlantic Salmon Federation are interested in ensuring the survival of wild Atlantic salmon stocks, and have agreed to find alternatives for the salmon fishermen in Greenland. But, on the other hand, the artificial trade barrier established unilaterally by the US, prohibits the import into the US of all commercial sealskin products.

The confiscated evidence

As of now, it is prohibited to import any products, clothing or other items made from marine mammal parts into the USA, except for items to be used for scientific purposes. The Alaskan natives are also subject to very strict exemptions which enable them to take and use marine mammals for subsistence purposes only, and thus are not allowed to make handicrafts, clothing and to trade items made from marine mammal parts.

Despite these facts, US citizens and others have tried to import clothing and other items made from sealskin and artifacts from marine mammals but these items have been confiscated by US customs officers.

All the confiscated items are listed in an annual report, which also indicates the composition and material of the items confiscated. According to the 1993 list of confiscated items taken in the North East 'main entry' customs points, many items are made from sealskin. Based on the description of these items, the probability that they come from Greenland is very high, indeed, it is possible that all the items are from Greenland. In other words, this Act places very strong restrictions on buyers of marine mammal products and their importation into the US.

In this case, the prohibitions under the MMPA are clear examples of violations, not only of the rights of Greenlandic communities to develop and benefit from the disposal of their natural resources, but also of the rights of individual Americans to express themselves freely in their choice of dress. It also prevents Americans from using their buying power to support sustainable and equitable development in Greenland and elsewhere in the Arctic. Moreover, this situation exists despite the fact that the different stocks of seals in the North

Atlantic area, including the waters under Greenlandic jurisdiction, are not endangered through over-exploitation, that is, the stocks are not listed as endangered under CITES.

Furthermore, the US is actually opposing sustainable utilization of living renewable resources through the restrictions of the MMPA. Remember that most of the marine mammal catch in our areas is for subsistence purposes only, and by-products from this catch are sealskins, whale bones or tusks from these animals. Therefore, in not allowing these products to be brought into the US, the US is actually directly preventing a rational use of these products. This is totally unacceptable because the US is one of the signatories of the Rio Declaration promoting sustainable development.

Another consideration overlooked by the US is that, we, the Inuit of Greenland, Canada, Alaska and Chukotka have, over the past several thousands of years, developed our cultures based mainly on marine resources including marine mammals. Throughout history we have always been, and today continue to be, interested in trading the by-products of our catch without endangering the survival of the species. Thus, we have the right to utilize these resources based on our economic, social or cultural rights and interests according to the Universal Declaration of Human Rights. But, these rights too, are infringed by the MMPA.

American tourism and sustainable resources

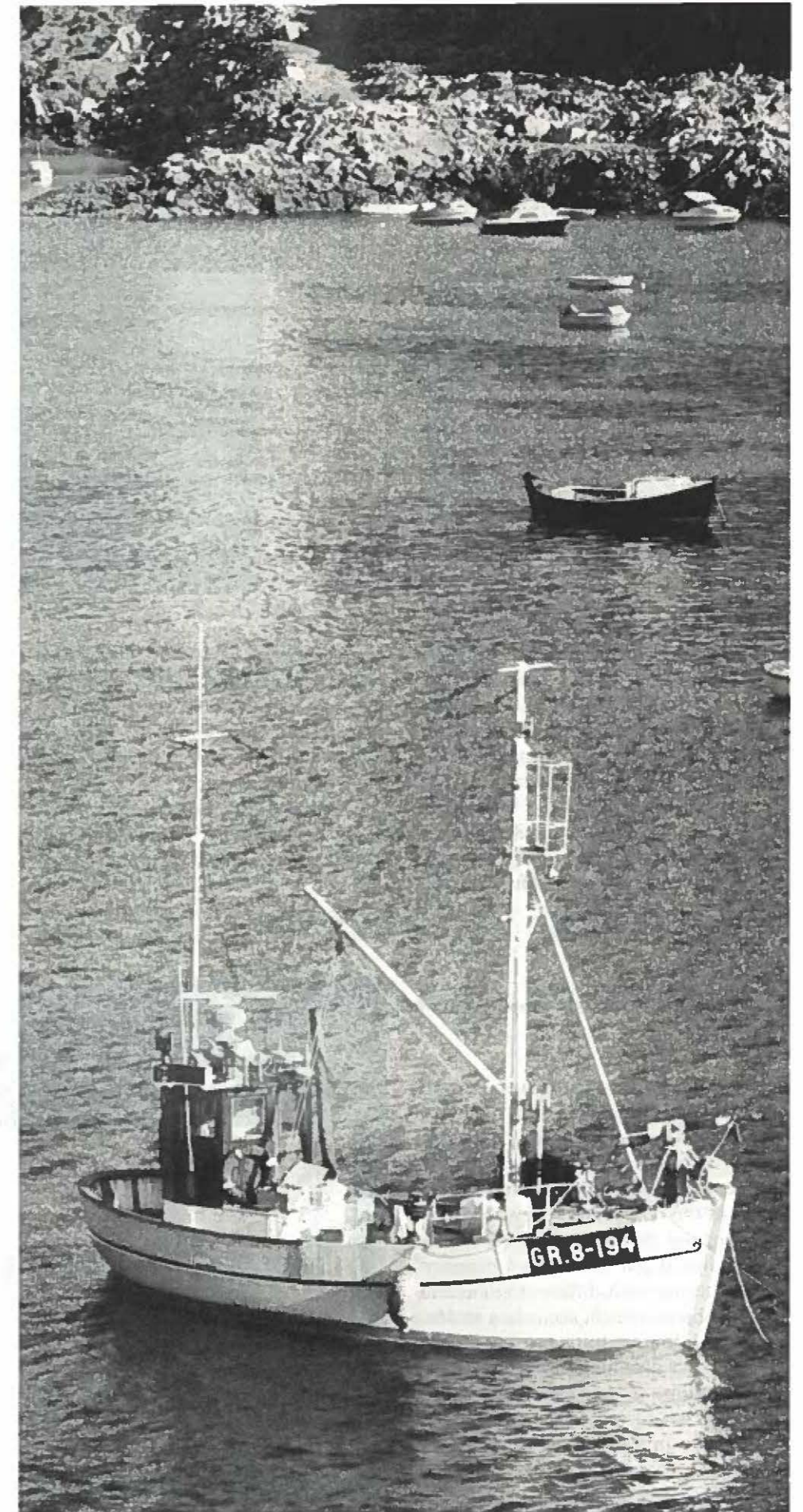
Efforts by Inuit to develop tourism - an obvious alternative to subsistence-based economy - have led to other situations which demand amendments of the MMPA. For example, one popular activity for American tourists engaged in Eco-tourism/Adventure tourism is polar bear hunting by dog sledge in some areas in the Canadian Far North. Over the past several years, some Canadian Inuit communities have been offering guided polar bear hunts. The Inuit in these communities are given polar bear quotas for subsistence purposes. These quotas are based on sound scientific advice and are allocated to selected communities after agreements with the local Hunters and Trappers Associations. Some of the quotas are then put aside to be used for

guided hunts which attract tourists from Europe, Asia, the US and elsewhere. In the last few years the highest quota kept for these tourists has been 6 bears per year, out of a total quota of some 30 animals.

Now, the tourists and the local hunters follow certain strict regulations when permits are given. The tourists pay a certain 'fee' to the local hunters for guiding them on these hunts. The meat from the hunt is normally given to the local people for consumption, and the skins and skulls go to the tourists. In the case of American tourists, the skulls and skins are subject to restrictions according to the MMPA, and they are thus prohibited from taking them back to the US. This is of course very unfair, both for the tourists and the local people who benefit from these activities.

It is unfair because this type of activity is against the consensus of world opinion expressed in the Rio Declaration and Agenda 21. It is unfair, because it is US policy to support sustainable development around the world. It is also unfair because US policy is violating the basic human rights of the Inuit peoples. It is unacceptable because the local Arctic people are not allowed to develop their own economic base and in this way secure the development of their own culture.

The amendment process of the MMPA has been going on since the beginning of this year. Inuit are watching this process with great interest, as any decision that is reached will affect Inuit communities, their rights and their opportunities for the future. For the sake of our children, we believe it is time for the US Government to remove the trade barriers imposed by the MMPA which violate our rights, as well as US obligations and policies. At this time, both the US Senate and Congress are trying to reach some sort of a compromise allowing the natives of Chukotka, Alaska, Canada and Greenland to exchange gifts and products made from marine mammal products.



Whaling Vessel. (Greenland).
Photo: Claus Oreskov

SHORT NEWS SHORT NEWS

The indigenous peoples of Brazil have certain characteristics which distinguish them from indigenous peoples in the other countries of the American continent. We were not 'discovered' by the Spanish but by the Portuguese, and we will claim our '500 years' in the year 2000. We have peoples who comprise only 15 persons such as the *Avá Canoeiro* and peoples such as the *Terena* who number 18,000 persons, the *Ticuna* at 25,000 and the *Guaraní* at 30,000. Some of these peoples live completely isolated in the vast forests and never have contact with white people, but very soon the threat of colonisation and the lure of modern civilisation will reach them.

In spite of being under attack from the waves of colonisation, the false amnesties, the prohibition against speaking our own languages and practising our customs, our resistance is stronger. Today, although we number only 270 thousand people amidst 150 million Brazilians, we have our distinctive way of life, and we live in equilibrium with the waters, the land and our spirituality. Nevertheless, for some, our life is considered primitive, unproductive and an impediment to development.

In March, some Brazilian indigenous



representatives were invited to take part in a 'town meeting' with the vice president of the United States, Al Gore. We went to hear him speak with great authority on themes such as poverty, exchange of technology, the ecological question and his position as vice president. Then we asked to speak, and in five minutes we explained to him our process of resistance and the need for the Brazilian government, and all governments including his, to recognise indigenous

peoples' historical rights to their lands, to ensure their survival and growth. We asked him to use his position to help indigenous peoples, to help us secure access to the United Nations and other organisations such as the World Bank in order to finance our development. We could see that this powerful man did not know how to reply to us. It was not our intention to intimidate him but to point out his capacity as a person and as an ecologist, because the threat to the envi-

ARGENTINA

New Problems for the Mapuche

Last February, important cultural finds were made in the region of San Martín de los Andes, which led to the rapid mobilisation of archaeologists and anthropologists and the removal of the objects for study. This incident worried the indigenous communities because it concerned the remains of their ancestors and different stone and pottery objects which, according to *Mapuche* tradition, are buried together with the dead. In a document produced by the Coordination of Mapuche Organisations, *Taiñ Kiñegetuam* ('Becoming One Again'), it expressed its concern over the "interference with the remains of our elders" and the accompanying objects.

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ronment of which Al Gore spoke is also a deadly threat to the people.

In the last three years, several industrialised countries, especially through the UN, have begun to understand the 'indigenous march', the road to ecological survival. At the same time, indigenous leaders from the most distant villages in Asia, the Pacific, Europe, Africa and the Americas have been speaking out, encouraged by promises of defence of human rights within the United Nations. Thanks to this determination, and thanks to the knowledge of these pioneers and their collaboration with friendly countries, the 500 Years was recorded in protests. Furthermore, 1993 was declared the International Year of Indigenous Peoples and now, finally, the Universal Declaration of Indigenous Rights and an indigenous decade are being prepared.

Of course, these achievements by indigenous peoples always worry governments, as is the case of Brazil. There the military line of thinking persists which considers our existence a threat to sovereignty and national security.

But the indigenous peoples are continuing to advance, while being aware of these threats. There is a world approaching us, a world composed of ambitious people who, with the strength of their

weapons and their money, indiscriminately exploit the land, the water and now also the air. Perhaps we will be the those who will experience the results of ambitions which, according to our wise men and spiritual leaders, will be incurable disease, lack of food and inter-tribal and religious war.

The indigenous peoples of Brazil live daily in a situation of absence of land demarcation and invasion by gold prospectors and lumbering companies. Moreover, now that all those military people no longer have the Berlin Wall to fight against, they are lobbying to have all our victories declared null and void in the next constitutional reform. Because of this, indigenous leaders decided to talk and negotiate with different political leaders through the Intertribal Committee to try to block this retrograde step in our struggle for our rights. Otherwise the last hopes for a peaceful co-existence with white people, one where there is mutual respect for the customs and rights of everyone will be killed off.

In 1994 another group of indigenous peoples, politicians, political candidates and deputies began a dialogue to try to see in what way they could assist and participate in the next presidential campaign in Brazil. This is a new and impor-

tant element in the indigenous march. In the 1994 elections the indigenous leaders are trying to get a commitment from the candidates that they will continue supporting our main claims: land protection, bilingual education, a sustainable economic system, financing of studies in health and traditional medicine and the formation of a consultative indigenous council.

We ought to also mention that some indigenous leaders are launching their own candidatures for Parliament. They are leaders who are fighting for the ideals of their peoples, with no economic support. They will surely be elected and bring a multiracial character to the Brazilian Parliament.

One day the indigenous peoples will be considered and respected in their countries and in the great assemblies, such as the United Nations or the European Parliament. And this will happen not only because they manage huge areas of the environment but because they are looking for a new alliance of peace, for autonomy and mutual support and for the survival of all men and women. This is what indigenous peoples are marching for and cannot turn back. They are marching together towards a better future. □

"The spiritual aspect of our people has its origin and foundation in our relation with the land and environment and finds its maximum expression in the distinct philosophical and religious ceremonies which we have practised through the ages. One of these is what we call in our language *Eltuwvm*. This ceremony is the equivalent of the western burial ceremony, but which signifies 'returning to one's origin' for the Mapuche and each of the elements which accompanies this ceremony constitutes a sacred act of the utmost importance for Mapuche spirituality."

The indigenous communities asked the municipal authorities to hand over

the cultural remains, and the authorities agreed to take steps to see that this was done. Meanwhile, the communities issued a statement indicating that "this situation, although small in itself, was an important move and a step towards the construction of a harmonic life together for two peoples and cultures, who though distinct, inhabit the same territorial space."

The Mapuche community was also affected by another incident which took place parallel to the archaeological discovery. This concerned a law which was approved by the Neuquén provincial legislature which extended the municipal lands belonging to the town of San

Martín de los Andes and incorporated 525 hectares of land belonging to the Mapuche community of Vera for the development of tourism. The territorial problems which are affecting this community were, in fact, one of the main themes discussed at the 'Mapuche Meeting and Mobilisation' which took place on the 11th and 12th October last year. On this occasion attention was drawn to "the usurpation of lands by the Province, by means of setting up a nursery occupying 100 hectares of community land and the installations of the Cerro Chapelco complex".

Source: *Taiñ Kiñegetuam*, the Coordination of Mapuche Organisations. □

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MALAYSIA

Jeli incident

an update

On the 26th April, 1993, the *Jahai Orang Asli* of Kampung Sungei Manok settlement in Jeli were involved in an encounter with six Kelantan locals. There had already been repeated encroachments onto their traditional lands and, that day, the six Kelantan locals arrived at the Jahai settlement claiming to have bought the land and insisted that the Jahais move out immediately. Four of the encroachers died from injuries sustained in the skirmish that followed (for details of the incident and the background see IWGIA Newsletter 4/93).

Nine of the Jahais have been charged with culpable homicide not amounting to murder. They were arrested and held on remand until the 29th May, 1993, when they were released on bail. The

BANGLADESH

The 50th annual session of the Commission on Human Rights

declaration by IWGIA

by Mike Foster

BOUGAINVILLE

Bangladesh

Mr. Chairman,

IWGIA wishes to register particular concern regarding the repatriation to Bangladesh of some 56,000 *Chakma*

people from the Indian state of Tripura which is to begin today, 15th of January.

Under an agreement reached last month between a Bangladesh delegation and some refugee leaders in Tripura, the first batch of 2,000 people are due to return to their homes in the Chit-

tagong Hill Tracts. The Governments of Bangladesh and Tripura say that repatriation of the rest will follow.

Refugee leaders however say that they did not agree to such an arrangement. According to Upendral Chakma, a refugee leader (who was once a member of parliament in the Bangladesh government), the most that had been agreed was that after the first 400 families had gone back an inspection would be made of their conditions, and only after that would the majority of the refugees make a decision.

Bhagya Chandra Chakma, another refugee leader and chairman of the Humanity Protection Forum in Tripura, said that despite pressure, the refugees were unwilling to go back because their lands are still controlled by the Bangladesh army and Muslim settlers.

India has promised not to repatriate the refugee families forcibly but the South East Asian Human Rights Documentation Centre in Delhi has reported that forms of pressure are being utilized by the government in Tripura, including isolating segments of the community and putting them on greatly reduced rations so that they will choose to leave the

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court case promises to be very important and to focus on pivotal Orang Asli rights to land and protection from various laws and government agencies. It is expected that the case will last a long time.

When the first court hearing was held on the 15-16th August, 1993, at the Kota Bahru Court of Session, a strong defence had been organized: the nine Jahais were represented by seven of the country's top lawyers. This had been possible because of the work of the Center for Orang Asli Concerns (COAC), and support from the Malaysian Bar Council and National Human Rights Society (HAKAM). At the start of the hearing the prosecution officer asked for a postponement of the case for different technical reasons, but this was refused. However, the case was later postponed be-

cause the Deputy Public Prosecutor himself wanted to take over the prosecution. The second and the third court hearings were held in September 1993 and in January 1994. Some of the testimonies have been very weak and contradictory, and it transpired that a police chief inspector had added a paragraph to the statement of one of the Jahais after all parties had signed/thumb-printed it.

From the point of view of the defence, a possible plea-bargain may be the best way out for the accused, but the dilemma will be to weigh up the interests (freedom) of the accused with the importance of the issues that the case is bound to bring out. After a discussion with the accused Jahai, it was decided that they would go for a full trial unless the sentence meted out in a plea-bargain

was one a one-day jail sentence, perhaps with a fine.

In order to cover the expenses incurred in the case (transportation of the accused and witnesses to Kota Bahru some 200 km away, lodgings during the hearings, court fees, etc.) COAC has set up THE JELI FUND and hopes for your support.

Kindly make your contributions payable to COAC SERVICES and send it to: 86-B Jalan SS24/2 47301 Petaling Jaya Malaysia

Sources: COAC - Center for Orang Asli Concerns

camps. Many children in this situation are reported to be undernourished and have no access to educational and other facilities.

According to reports the worst off are the newer group of 3,500 who fled to Tripura after the Chittagong Hill Tracts Massacre of April 1992, who have never been registered as refugees. Despite the terror of being returned to a land in which they had been thrown out of their homes, many now feel they have no alternative.

The Chakmas have become hapless pawns on the remote border of two hostile and sometimes warring neighbours.

As the population of Bangladesh explodes, more and more settlers from the plains have moved into the Hill Tracts, usually with the backing of the army and police. These settlers are occupying lands owned by the Chakmas. In addition to this the Chakmas and other Hill tribes are becoming minorities in their own lands.

We are particularly concerned that neither the Indian government nor the Bangladesh government has given UNHCR permission to observe this imminent repatriation. We ask the Commis-

sion to urge both governments to permit access for the UNHCR to observe this refugee situation.

Bougainville

Mr Chairman,

IWGIA is also concerned about the recent ejection of two Catholic priests and a lay brother from the Bougainville island of Buka by the armed forces. Buka is currently under Papua New Guinea army occupation. According to reliable reports an Australian priest and an Irish priest were ordered to cease Catholic bible study classes and to join and follow the teachings of a small Pentecostal church whose pastors include members of the armed forces. The priests were deported from the island to New Britain.

Until this incident freedom of religion remained one of the two human rights of the Bougainvillians not purposefully violated by the Papua New Guinea Armed Forces. The only human right that cannot be taken from the people is their inalienable right to self determination,

and although they have not as yet had access to this right politically, they continue to defend it.

We are also concerned about the collusion between the new government in the Solomon Islands and the Papua New Guinea Government to prevent the attendance to this Commission of Bishop John Zale of the United Church. Bishop Zale holds both Papua New Guinea and Solomon Islands dual citizenship and comes from Bougainville. Sub-Commission resolution 1992/19 specifically called upon Papua New Guinea to return freedom of movement to the people of Bougainville but to date this has not happened. We ask the Commission to urge both Papua New Guinea and the Solomon Islands to comply with the right to freely leave and enter one's country.

IWGIA once again urges the Commission to take specific action at this Commission to insure the return of basic human rights and fundamental freedoms to the Bougainville people.

Thank you, Mr Chairman.

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Ecuador

New Indigenous Uprising

by Sally Burch (ALI)

On the 13th of June a new indigenous uprising took place in Ecuador which paralysed 8 of Ecuador's 21 provinces for 9 days to demand the repeal of the Agrarian Development Law. In contrast to the uprising of 1991, on this occasion the indigenous peoples were better organised and were able to combine different tactics in their struggle.

In response to this mobilisation, President Sixto Durán Ballén passed a General Mobilisation Decree on the 21st of June and ordered that the roads blocked by the indigenous peoples be cleared. The indigenous organisations then withdrew to avoid clashes but are maintaining their position through legal action and negotiation for which the Church has offered to act as intermediary.

In this context, the Constitutional Guarantees Tribunal announced a favourable decision on the 23rd June to the indigenous petition and declared that the Agrarian Development Law approved by Congress and passed on the 3rd June was unconstitutional. The government reacted by stating that it does not recognise this decision as long as there was no pronouncement from the Constitutional Bench of the High Court of Justice. By maintaining this position, opportunities for resolving the situation and initiating dialogue concerning the new proposed law have been jeopardised.

Mobilisation for Life

After trying fruitlessly to convince President Durán Ballén to veto the Law, it

was decided at a large Indigenous Assembly which took place on the 7th June in the town of Riobamba with the participation of a wide range of grassroots organisations, to launch the 'Great Mobilisation for Life'. The object of the mobilisation was to demand the repeal of the Law which, according to the organisations, "was not only unconstitutional and illegitimate, but would be against society, removing the definition of the social use of land and water, as well as open up avenues for the disappearance of communal territories which are the basis and sustenance of the indigenous peoples".

Although the protest was on the whole peaceful, there were some violent incidents. Three campesinos were murdered in different parts of the country by the paramilitary forces, according to the Confederation of Indigenous Nationalities of Ecuador (CONAIE). Moreover, in some places there was general unrest. The roadblocks stopped produce from the countryside reaching the markets and many people were frustrated by the lack of supply of goods, a situation which was used by some sectors of landowners and élite to set the general population against the indigenous protesters. The most critical case was in the southern province of Canar where a crowd attacked some indigenous people and burned the Campesino House. According to CONAIE, these incidents were provoked by leaders of the right wing parties, who support the new Agrarian Development Law.

For its part, the military, which was called out to restore order in the countryside, largely displayed a pathetic attitude. Soldiers stood by during violent clashes against indigenous people but took repressive action against those who supported them, in particular the media. So, for example, a few hours before the Mobilisation Decree came into force, Radio Latacunga, which belongs to the Catholic Church in Cotopaxi Province, was put out of action. The Chimborazo Radio Schools (also belonging to the Church) and Radio Ingapirca from Canar were also silenced.

On the 20th June, after a week of protests, the government agreed to the first talks with the indigenous leaders. The government proposed the formation of a commission with indigenous representation, charged with formulating a project of reforms of the Law which would later be passed through Congress and the drawing up of regulations governing their application. Although this signified a climb-down by the government, showing sensitivity to the strong criticism it had received because of its intransigence and inattention, the indigenous organisations did not accept the proposal, but insisted that the Law must be repealed first. It was at this point that the General Mobilisation decree was passed.

Unconstitutionality

With the decision of the Constitutional Guarantees Tribunal, the conflict entered onto legal ground. However, the decision has to be ratified by the Constitutional Bench of the High Court of Justice, which has been up till now characterised by its positive attitude to the government's proposals. It is therefore considered that the approach taken by the Government Executive will be decisive.

In its demands, CONAIE argues that the content as much as the procedure for approval of the Law would violate constitutional procedures and dispositions. It believes that legally, it falls to Congress to deal with a proposal presented a year ago by the National Agrarian Coordination (which brings together indigenous and peasant organisations). Fur-

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thermore, the text of the new Law puts an end to the Agrarian Reform, yet this is guaranteed in Article 51 of the Constitution.

By referring to the decision of the Tribunal, the government would create a climate propitious for initiating national debate on the rural situation to which CONAIE has been calling attention for some time. It will be remembered that in May, the government vetoed a proposal similar to the present one which was introduced by the Executive as an urgent part of its modernisation package.

The journal, 'Vistazo', which has a wide national circulation but is not renowned for its pro-indigenous position, referred to the new Agrarian Law in a note on the 16th June, saying that although "it will be modern, its means of approval was feudal" and later signalled that it "doesn't square politically with

the 1979 Constitution (currently in force) but rather with that of 1830".

Dialogue

The union organisations announced that on the 28th June there would be a national strike on the basis of, among other main points, support for indigenous demands. Meanwhile, the Church is looking to bring the parties closer together to establish an agenda for negotiation. Many commentators agree that if this dialogue does not happen, and if it does not lead to a more equal legal framework and institutional structures, the unstable social climate in Ecuador will deteriorate even further.

The journalist, José Sánchez-Parga, commented in the newspaper, 'Hoy' (23.6.94), that the indigenous movement in Ecuador has organised demonstrations which are "incomparable with

other Andean countries" but, in spite of this, their achievements have been less significant than in some of their neighbouring countries. This can be explained, according to Sánchez-Parga, because "faced with the force of the indigenous movement and its organisations, the Ecuadorian state and governments have proved to be impregnable against any institutional solution and incapable of resolving the ethnic conflict beyond negotiating its particular aspects, and refused to allow any form of democratic integration which would enable greater indigenous participation and representation in the organs of the state and the government".

And there is no shortage of people who, without making simplistic comparisons, evoke the situation in Chiapas as one of the consequences which Ecuador could face. □

Mandate of the Mobilisation for Life

1. We demand from Señor Sixto Durán Ballén, Constitutional President of the Republic, the repeal of the Agrarian Development Law approved by the National Congress and promoted by the Christian Socialist Party.

a. Because it does not respect the dispositions in Article 68 of the Political Constitution which contains the processes which ought to be followed for the creation of laws within the framework of the National Congress.

b. Because the dispositions which the Law imposes are unconstitutional in that they are attempts against the social, economic and cultural system of the indigenous communities and the Ecuadorian people in general.

c. Because there is no real process of national discussion which permits the recognition of the aspirations of all the social sectors involved in agrarian activities, which aspire to an integral development of the country.

2. We ask for a moratorium on the seventh round of oil agreements. We reject

the presence of the awardee companies of this seventh round because the exploration concession blocks which have been auctioned are situated on territories which are the ancestral property of the indigenous peoples. We demand the repeal of Article 18 of the Reform Law of the Law of Hydrocarbons, a disposition which is used to establish the automatic monthly increase in the price of fuel.

3. That included in the questions for popular consultation is the need to summon a National Constituent Assembly, as a right.

An assembly in which all organised social sectors participate, which is the guarantee against the lack of representativity and political identity from which society suffers in general, and in particular from the political parties which represent nothing more than their own interests.

A National Constituent Assembly in which we deal with themes of importance for the future of the country arising from the real needs of all Ecuadorians.

4. No to the process of privatisation of strategic companies and social services such as Emetel, the Ecuadorian Institute of Social Security, among others.

5. A solution to the conflicts of land, for example, the handing over of and immediate creation of a fund for the solution of conflicts. Furthermore, that the national government create a permanent fund for production and rural development.

Increase in the budget for intercultural bilingual education, as well as the approval of some thousand new projects which will permit the strengthening of educational activities in the indigenous communities.

6. Immediate shelving of penal processes as well as the definitive end to systematic processes of persecution and repression of leaders and members of the indigenous movement.

Extraordinary Assembly of the Confederation of Indigenous Nationalities of Ecuador, CONAIE. □

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INDIGENOUS AFFAIRS

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