
INDIGENOUS PEOPLES AND HUMAN RIGHTS is the theme for IWGIA's first YEARBOOK. The book contains a detailed and illustrated account of the MAJOR EVENTS which have taken place in the indigenous world in 1986. In addition a section on international INDIGENOUS RIGHTS and discussions of the main issues affecting indigenous peoples provide valuable insights into human rights of the oppressed. The Yearbook also includes a survey of the work of IWGIA during 1986.



IWGIA

The International Secretariat of IWGIA
Fiolstræde 10
DK-1171 Copenhagen K
Denmark

INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS
GRUPO INTERNACIONAL DE TRABAJO SOBRE ASUNTOS INDIGENAS

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IWGIA Yearbook 1986

IWGIA YEARBOOK 1986

INDIGENOUS PEOPLES AND
HUMAN RIGHTS



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Please make your cheque payable to the International Secretariat, of IWGIA: Fiolstræde 10
Dk 1171 Copenhagen K.
Denmark
01 12 47 24

Documentation & : Teresa Aparicio, Andrew Gray, Jørgen Brøchner
Research: Jørgensen and Inese Andersen.

Production & Administration: Karen Bundgaard Andersen, Morten Jørgensen,
Lisbet Heiring, Gita Marwaha, Bente Murphy,
Reynir Engilbertsson, Kristian Jakobsen

Board Members: René Fuerst (Chairman 1985-), Georg Henriksen,
Mark Münzel, Aud Talle and Espen Wæhle

IWGIA

Yearbook

1986

Indigenous Peoples and Human Rights

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Written and compiled by Andrew Gray
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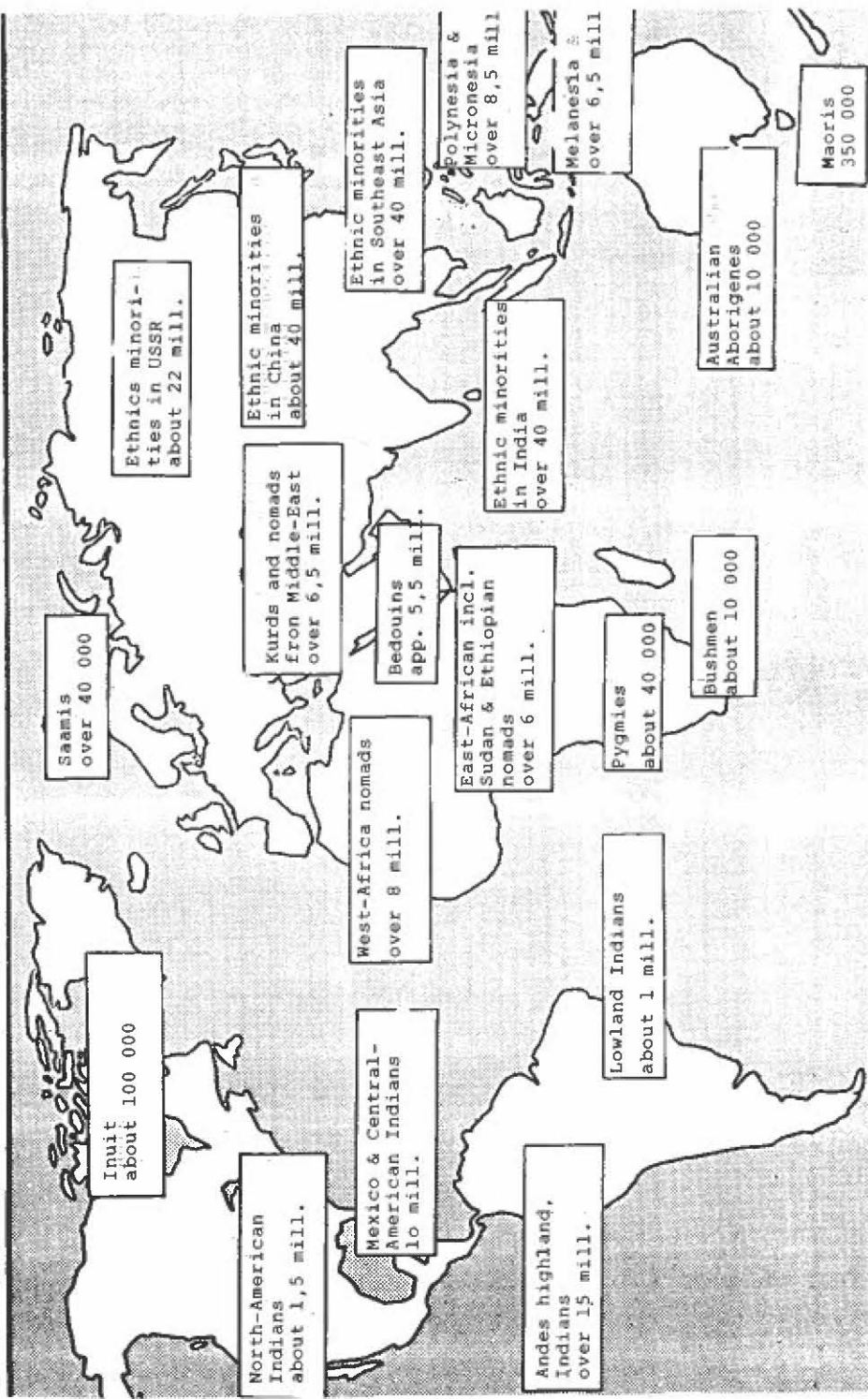
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Introduction

Indigenous peoples and human rights is the theme of IWGIA's first Yearbook. Its aim is to provide a global perspective of the issues facing indigenous peoples and some reflections on how their struggle for fundamental rights and freedoms has developed during 1986. The idea for an annual review arose at the Workshop on Indigenous Rights held at Geneva in September, where IWGIA was requested to present a synopsis of the major events in the indigenous world over the previous 12 months. The reaction of the participants was that a detailed version of the account would be of immense value and so the survey was written as the first part of the book.

During 1986, IWGIA reproduced its Annual Report for limited circulation and there were subsequently many requests that the range of its activities should be disseminated more widely. The report was therefore revised as Part III. Rather than produce a Yearbook consisting exclusively of IWGIA's documentation, articles by Erica Daes (Chairwoman of the UN Working Group on Indigenous Populations) and by two indigenous and two non-indigenous organisations have been included as examples of the most pertinent, stimulating and controversial issues under discussion during 1986.

Human Rights

"Human Rights are peoples' rights", say the Highland Indians of Peru and with these words they encapsulate the direction in which human rights have been moving since the 2nd World War. Over the last 30 years there has been a new dimension added to human rights - communal rights. According to previous nations of human rights, nation states and individuals were the subjects of fundamental rights and freedoms, but in between these there has been a vacuum. This is now being filled by indigenous peoples and minorities.

Since the pioneering work of the International Labour Organisation's Convention 107 of 1957 for indigenous and tribal populations, indigenous peoples have been the central point of

discussion for communal rights. The Working Group on Indigenous Populations has, over the last two years, produced 10 draft principles of indigenous rights for the consideration of the United Nations. The positive outcome of the ILO meeting in September and the progress of the Working Group (see Part II) are significant steps for the human rights of indigenous peoples if they can be followed through.

In contrast, however, there are other sides to the human rights discussion which are not so positive. In 1986 the member nation states of the United Nations approved that the Human rights would suffer the brunt of the cuts in the organisation's budget. This caused the cancellation of the Working Group on Indigenous Populations and other important UN meetings during the year. The priority given to cuts in the UN's human rights budget is an indication of the speed in which nation states are willing to drop their humanitarian principles for short-term economic or political advantages.

Another area which has been developing in recent years is the bureaucratisation of human rights. When those working for human rights become more distanced from the specific people and issues they are addressing, they join a bandwagon on which talking is preferable to action. Career structures form, issues become more abstract and work becomes routinised. This is an ailment which faces not just international agencies, but state-run and non-governmental organisations (NGOs) too. The only way of preventing this is to emphasise the need for concrete information and direct contact with those who are meant to be the beneficiaries of human rights work.

This Yearbook is designed to work against this trend by offering concrete information about the situation facing indigenous peoples throughout the world in 1986, their struggle for basic rights and the contribution of international, governmental and non-governmental organisations in supporting them.

Indigenous Peoples

"Indigenous peoples are colonised peoples," says North American Indian leader Jimmie Durham in the film, Indian Summer in Geneva, the 1986 IWGIA-sponsored account of the indigenous representation at the United Nations. His words are a basic definition of indigenous peoples and reappear in different guises throughout this Yearbook.

The colonisation of indigenous peoples happens when their prior rights to a territory have been taken over by alien interests - both national and international. The majority of the 200 million indigenous peoples of the world find their resources, societies and cultures are under the control of others and have formed organisations and movements of resistance in response.

Self-determination is the basic human right pertaining to indigenous peoples - or rather nations, as they are frequently described - and constitutes their universal demand. This means that they want recognition that they determine the way in which they wish to live and develop. Different indigenous groups can therefore decide the extent to which they want to relate to the powers that control them. For some (as for example among the indigenous nations of South America) internal autonomy within the state is their goal, whereas for others (such as the Kanaks of New Caledonia) the demand is for recognition of their full sovereign independence.

The demand for the recognition of inalienable territorial rights goes together with self-determination because without land, the continuity and productivity of indigenous life breaks down. Indigenous peoples see themselves as caretakers of the earth for their descendants. Their purpose is to pass on a trust which they have received from their ancestors. The article by Hayden Burgess in Part IV presents this indigenous philosophy which is relevant to indigenous and non-indigenous alike.

Colonisation

The process of colonisation takes various forms but usually begins with a military invasion and occupation. In Part I we see military oppression and its consequences in French Occupied Polynesia, New Caledonia, Eritrea, Tigray, West Papua, East Timor, Nagaland, Western Sahara, Kurdistan, Namibia, South Africa, Afghanistan, Guatemala, Bangladesh and Chile. In Colombia, Nicaragua, Peru, Surinam and the Philippines, the indigenous people are caught up in warfare which is beyond their control.

Two important features of the colonisation of indigenous peoples are the control of their movements and of their resource. The most notorious example of military control is strategic hamlets. These are settlements into which people are forced to live under close military supervision. They have been reported from Peru, Guatemala, Ethiopia, the Chittagong Hill Tracts of Bangladesh, the Philippines, West Papua and East Timor. Population control can also be achieved through "family planning" whose methods include forced sterilisation, Examples have been described from Guatemala, East Timor and the Chittagong Hill Tracts. The encouragement of transmigration (officially sanctioned and supported migration) is a way of making indigenous people a minority in their own territories. The most famous example is the Indonesian transmigration programme which has already moved 4 million people to the country's outer islands. Other regions where transmigration is taking place are: the Chittagong Hill Tracts, Nagaland, French Occupied Pacific countries, French Guyana and the Brazilian Amazon.

Apart from power over a territory, colonisation has a major objective in the extraction of natural resources. Multinational companies, whether sugar companies in Belize, mining companies among the Hopi and Navajo in the US or cattle ranches in the Amazon are converting indigenous peoples' resources into their profits. The nation state controlling the indigenous territory usually acts as broker in these cases. During expan-

sionist periods of the world economy (such as the pseudo economic miracle in Brazil during the 1960s), indigenous resources are opened up to the highest bidder as the nation states endeavour to reap whatever profits they can. During the periods of recession (such as the present time), the same state bodies dig deeper into indigenous territories to extract whatever means they can to pay off their international creditors.

As their territorial base becomes eaten away by encroaching predators and their resource potential is taken from them, indigenous peoples become ever more reliant on support from outside. From being autonomous self-supporting communities or nations, many indigenous peoples enter the national state economy and become dependent on whatever incomes they can generate from trade, temporary labour or migration. The situation on many reservations in the USA, in Canada and in Australia shows a depressing pattern where unemployment, extreme poverty, disease and desperation have overwhelmed traditional community life.

Ideological features of colonisation also play their part in the destruction of the world views of indigenous peoples. As governments of nation states usurp traditional values and authority, they can easily exploit conflicts of identity and loyalty among the indigenous population. This can lead to rival organisations and divergent political strategies which seriously weaken resistance to the process of colonisation.

The sacred and secular ideologies of colonising powers frequently degrade indigenous cultures and social organisation so that the mystique and meaning of life lessens its affect on the people. Whether man-hunts by the New Tribes Mission in Paraguay, the Javanisation of indigenous peoples in Indonesia or Francization in the Pacific, proselytisation is ideological colonisation because it removes the bases on which indigenous peoples order their lives.

Resistance

Colonisation is a violation of indigenous peoples' rights and their struggle for liberation is consequently a part and an extension of the decolonisation process. In areas where militarisation is strongest - West Papua, East Timor, Chittagong Hill Tracts, Nagaland, Ethiopia, Afghanistan, Namibia etc. - indigenous peoples have formed armies of their own and are conducting armed struggle against the colonising powers. However, all these movements have civil bodies which provide the opportunity for peaceful means to resolve the conflicts.

Where military occupation is not such a problem, indigenous movements appear in the form of organisations. Organisations have several contrasting features (mentioned by Rediske and Schneider in Part IV). Indigenous peoples have been organising themselves since time immemorial against invaders and inter-community alliances which form federations are the backbone of indigenous movements. At the same time indigenous organisations have to deal with functionaries and bureaucrats from national states and must be able to cope with non-indigenous contexts. Although indigenous organisations are unique in many ways, they share similarities with other pressure groups seeking change in society - whether political parties, the women's movement, trades unions, anti-nuclear and environmental groups. In certain circumstances indigenous organisations can work in conjunction with these other movements.

The indigenous struggle for decolonisation is a human rights struggle. It demands greater rights and freedoms within and between nation states. Indigenous peoples themselves are leading this struggle and organisations such as IWGIA work to offer them some support should and where they need it.

The Yearbook is organised into the following four parts: Part I was prepared in the months after the Work Shop in Geneva. The original presentation from the meeting is now the conclusion, and what was a brief survey has now been expanded into a

more substantial and detailed document. The survey does not pretend to be exhaustive. There are events which cannot be included because of lack of space and information. Nevertheless, the report is comprehensive and we hope to build on it in future years. The sources are from journals published in 1986 with additional information from IWGIA's recent material.

Part II is a review of the developments of international standards on indigenous rights during 1986. The report on the ILO meeting is based on IWGIA's participation and analyses the issues raised and the standpoints which were taken there. Even though the Working Group on Indigenous Populations was cancelled, the September Work Shop continued the drafting of provisional principles (a copy of the ten written so far is included). The article by Erica Daes is the first lengthy published statement by a member of the Working Group about the rights of indigenous peoples.

Part III of the Yearbook is an account of IWGIA's work during 1986. Many people are unaware that IWGIA is more than a publishing house. All our material stems from concrete issues which concern indigenous peoples and are frequently followed up with campaigns, projects or specific support for indigenous organisations. IWGIA works by means of a network consisting of over 1000 people and organisations all over the world. From this network IWGIA's information base has expanded over the years and its publications are disseminated to all parts of the globe. The largest readership of IWGIA's publications are indigenous peoples who also provide a substantial proportion of the material which we publish.

The final part of the Yearbook consists of 4 important articles written by two indigenous and two non-indigenous organisations. The article from Gesellschaft fur bedrohte Volker in Germany is a discussion of development. It looks at the rôle and interests of governments and how NGOs can process projects while respecting the right of self-determination for indigenous peoples. The article by Survival International is an important

account of the significance of the revelation by the World Bank at the ILO Meeting. According to the representative the Bank's indigenous and tribal policy is not that published openly in 1981. As the real guidelines have not been made available to indigenous peoples before, the Operation Manual is included in its entirety. This is to enable indigenous peoples to see the criteria which the Bank really uses in preparing its support for projects in their territories. The document by no means advocates wholesale human rights abuses and is in several respects positive. However, criticisms arise from the fact that the restricted Operations Manual is weaker than the Bank's public policy and it still clings to the overall assumption that integration of indigenous peoples into the national society is inevitable and probably desirable.

The two indigenous articles cover the two fundamental aspects of indigenous rights. Paul Coe, an Aboriginal lawyer and head of the National Aboriginal and Islanders Legal Services Secretariat, puts forward the point that Aboriginal self-determination is paramount. The concept of "the state" has been increasingly used by outsiders to reduce the powers of indigenous peoples and it is only by making the concept applicable to indigenous peoples themselves that self-determination for Aboriginal peoples can be recognised. The article is particularly topical in view of the forthcoming "celebrations" of the 200th anniversary of the invasion of Australian Aboriginal territories.

Hayden Burgess, Vice-President of the World Council of Indigenous Peoples, presented his article as a statement to the ILO Meeting in Geneva. After defining the notion of the "territories of the earth", he explains the continuity which a territorial base provides for indigenous peoples and how, without this, there can be no community life.

The Yearbook emphasises the need for individuals, organisations and the media to understand the important place indigenous rights have in the world today. Although in 1986 violations of indigenous rights have continued unabated, their determination to resist is as strong as ever.

1 THE INDIGENOUS WORLD





MAP OF THE ARCTIC AND NORTH AMERICA



Key:

- | | |
|------------------------------|----------------------------|
| 1. Nunavut | 6. Hopi and Navajo nations |
| 2. Innu of northern Labrador | 7. Western Shoshone nation |
| 3. Thule airbase | 8. Chippewas nation |
| 4. Nishga and Haida nations | 9. Apache nation |
| 5. Lubicon Cree nation | |

Total number of indigenous peoples in the Arctic: 100,000

Total number of indigenous peoples in North America: 1.5 million



A shot from the recent film Inughuit set in Greenland (see Newsletter No. 47)

The Arctic

Summer came late in the Canadian Arctic this year but it did not deter the growing campaign for the rights of indigenous hunters and trappers. The organisation Indigenous Survival International established a new phase in its work to defend traditional and contemporary harvesting economies by promoting examples of "environmentally sound sustainable development". The organisation participated in the World Conservation Strategy Conference, held in Ottawa during June, where its workshop concluded that indigenous peoples should be incorporated at all levels of conservation and development decisions which affect them.

On May 23rd, an agreement in principle on wildlife was re-initialised between the Inuit Tungavik Federation of Nunavut and the Canadian government. According to the agreement the Inuit will have hunting, trapping and fishing rights to meet their basic needs. A Nunavut Wildlife Management Board will be set up with equal government and Inuit membership to make decisions regarding conservation in Nunavut.

In January another agreement was signed between the Inuit and the Canadian government. It concerns the benefits arising from northern development and how they should be used to serve the best interests of the indigenous Inuit. These agreements (of which more than 16 have now been made) are preconditions for the eventual land claims agreement covering the Nunavut area. The whole process is leading towards recognition of Canada's first indigenous Province - Nunavut.

The effect of low-flying aircraft on the caribou herds of the Innu people of northern Labrador has given rise to much concern during 1986. A visit by their representatives to Europe in the Spring increased general awareness of the problem which includes the proposed establishment of a NATO base on their land.

During 1986, the Inuit of Thule in Greenland continued their claim for compensation against the Danish state. In 1953

the people of Thule were relocated to make way for a United States air base. They received no compensation for loss of land, the move or the resulting depletion of resources. The latest decision by the Thule municipal authority is to proceed by way of negotiation rather than put in a claim through the courts and it has received support from the Greenlandic Parliament.

One year after the publication of Thomas Berger's report on the Alaska Native Review Commission reviews and discussions have taken place about the Alaska Native Claims Settlement Act (ANCSA). Berger's book, A Village Journey, shows how ANCSA is destroying the Alaska native way of life and recommends transferring assets from village corporations to a tribal government which should have sovereign nation status within the United States. Berger also recommends complete tribal jurisdiction over resource management on native lands and shared jurisdiction over federal and state lands. With the recommendations made, it is now the indigenous peoples of the north who will pursue the case further.

At the end of July, the Inuit Circumpolar Conference (ICC) held its Fourth General Assembly at Kotzebue, Alaska, with the theme "Our Land, Our Strength". During the week-long meeting an international arctic policy was worked out covering Alaska, Canada and Greenland. Hans-Pavia Rosing concluded his two terms as President of the ICC and Mary Simon was elected the new ICC President. Under her leadership, the ICC will continue its strong policies on fundamental rights to land and subsistence harvesting.

Sources: Native Press, Northern Perspectives, Nunavut, Project North and Taqralik.

Background articles from IWGIA:

Alaska (ANCSA): Newsletters Nos. 35 & 36, 1983, pp. 10-30
 Newsletter No. 47, 1986 pp. 1-3.

Canada: (Nunavut) Newsletter No. 37, 1984, pp. 33-52.

Greenland (Thule) Newsletter No. 45, 1986, 73-90.

North America

A major development for indigenous affairs in Canada during 1986 was the publication of Living Treaties: Lasting Agreements. This document is the final report of the Task Force on comprehensive claims (areas of Canada where the government has never made any settlement over land). Referring to the Northwest Territories, Yukon, British Columbia, Labrador and mainland Newfoundland province, the report recommends recognising aboriginal rights to existing land and supporting community development. In spite of weaknesses and a refusal to mention Metis and non-status Indians, the report is a step forward in official understanding of comprehensive claims. It remains to see how the federal government reacts.

In British Columbia, where the Nishga nation has been fighting for legal recognition of its territories, logging companies have been ignoring indigenous rights and ecologically sound forest management. Supported by the government, the companies have devastated large areas of Nisga and Haida lands, including the protected Haida Tribal Park. In March, the Haida organised a train caravan across Canada to draw public attention to the loss of their forests on South Moresby. In spite of public support for the case, the British Columbia government's March report on conservation still advocates extensive logging on Indian lands.

The Lubicon Cree of Alberta have been working throughout 1986 in defence of their land rights which have been violated by multinational oil companies with provincial government support. Apart from an international campaign to boycott the 1988 Winter Olympics to be held in Alberta, there has also been a successful campaign to stop museums sending Indian artifacts to the Glenbow Museum in Calgary as part of an Olympic Arts Festival.

The Indian nations of the United States have been facing many problems over the last year. Unemployment in the reserva-

tions is well over 50% in most states and as high as 80% among the Navajo. Today, 64% of Indians live away from reservations and unemployment for them is just as high. During 1986 reports have spoken of the increase in diabetes in Indian communities (over 10 times greater than in non-Indian areas). Conditions on and off reservations are still extremely difficult for the Indian nations living in the USA.

Four specific cases have dominated the news from the United States during 1986. The Western Shoshone have not only experienced the legalised dispossession of their lands, but also nuclear atomic testing on their Nevada territories. In a plea for world peace, the Western Shoshone called for a stop to nuclear testing at the beginning of the year.

Another nation to lose titles to land are the Chippewas of White Earth reservation. By offering them \$26.6 million and 10,000 acres, 155,000 acres currently held by Minnesota State will not return to Indian hands. The Chippewas are currently preparing a law suit against the bill approving the pay off which was passed in March.

In Montana, Wyoming and Dakota, Indian rights to land mean nothing without rights to water. Only very few reservations have any control over their water and in many cases live off barren soils while local state authorities channel away their livelihood. In neighbouring Arizona, the 9000 Apache from White Mountain have been forced by law to have their water rights controlled by the state.

The Big Mountain Navajo relocation deadline due in July was postponed and since then a new bill has been introduced in Congress to replace the Udall-McCain bill (a proposed solution to the problem which was withdrawn in June). The new Deconcini bill calls for a moratorium on relocation and proposes a new federal arbitration panel. The Hopi and Navajo nations are considering this approach which may offer a solution.

Sources: Akwasasne Notes, American Indian Law Newsletter, Indigenous Press Network, One Sky Report and Talking Leaf.

IWGIA Material:

Newsletter No. 45: 220-226
No. 46: 105-120
No. 48



Leonard Crow Dog, a religious leader from North America in jail at Sioux Falls, South Dakota - Photo: Lars Hjell, 1977)

MAP OF CENTRAL AMERICA AND MEXICO



Key:

- | | |
|---------------|------------|
| 1. Mixe | 6. Izalcos |
| 2. Huastacos | 7. Miskitu |
| 3. Purepechas | 8. Guaymí |
| 4. Quiché | 9. Kuna |
| 5. Maya | |

Total of indigenous peoples in Central America and Mexico:
10 million

Central America and Mexico

In 1986, Armando Agustín Bonifacio, a Mixe leader from Oaxaca, Mexico, was released after almost two years imprisonment. His case illustrates the hold of the "caciques" or "political bosses" throughout the country. Because of his opposition to a local cacique's seizure of Mixe forest land for wood exploitation, he found himself in prison, accused of murder. His charge was eventually dropped as the witnesses admitted giving false testimony. In November a march of Mixe Indians reached Oaxaca to protest at the corruption and power of the caciques who are oppressing their people. The demonstrators do not intend to leave until their problems are recognised.

Throughout Mexico the 56 indigenous nations face similar threats to their lives and territories. In Michiacán, for example, the Purepechas are still struggling for the restitution of 40,000 has. belonging to over 100 communities; in Hidalgo and Veracruz the Huastecos are defending themselves against caciques seeking to take 70% of their land while in Chiapas the indigenous peoples face the construction of no less than 15 hydro-electric dams as part of a massive development programme supported by the Interamerican Development Bank.

In spite of the return to democracy in Guatemala on January 14th, there is still a steady stream of refugees leaving the country to Mexico. Democratic rule has not meant the end of oppression in Guatemala. By the beginning of February, 19 Quiché peasants had been assassinated. In spite of President Cerezo's request for a "period of grace", reports of killings continue nearly a year since the change to democratic government. 33 peasants were shot at the village of Xeucalvitz, department of El Quiché, in July and in August 89 people sought episcopal protection from the military forces.

Apart from killings, 1986 in Guatemala has been dominated by reports of a sterilisation campaign including experimentation which is being carried out on indigenous women. The

President of the Mutual Support Group (GAM) was threatened and detained in November by the armed forces, but was released following an international protest campaign.

In neighbouring Belize, the Maya nation have clearly formulated their demands this year with a proposal for freehold title to 500,000 acres of their territory. The claim includes programmes for self-development and scope for each village to organise its affairs within the homeland. The Cabinet, in February, agreed to consider the proposal but as yet there has been no response.

Throughout the 7 year war in El Salvador, the 500,000 indigenous peoples have suffered over 30,000 deaths. In spite of the paucity of information coming from the country, the Izalcos from the east are known to be facing a continuation of the spate of massacres which took place in 1983.

In Honduras, drought followed by flooding caused havoc among indigenous communities during 1986. Floods were particularly acute in the department of Gracias al Dios where 12,000 Miskito Indians from Nicaragua have arrived since March. Some reports say that the refugees were fleeing bombing of their Río Coco communities by Sandinist armed forces. Others say they were forced across the border into Honduras by the Indian pro-contra force KISAN and drawn into the anti-Sandinist army with threats on their lives.

The people crossing the border from Nicaragua were from 40 of the 50 communities who returned to the Río Coco from Tasba Pri in 1985. The return to the Coco was part of the attempts by the Sandinists and the indigenous peoples of the Atlantic Coast to solve their differences. In 1986 this process continued with the project of Autonomy for the Atlantic Coast. The proposal was discussed at a seminar held in Nicaragua in July. Some see it as a genuine move towards decentralisation in the country, although many indigenous people consider it is inadequate - particularly on issues of land rights and self-determination.

For several years, the 20,000 indigenous inhabitants of Costa Rica have complained at the state-run National Commission for Indigenous Affairs (CONAI) which has no indigenous representation and has done little to alleviate the poor facilities, economic opportunities and land invasions suffered by the 6 indigenous nations of the country. The conflict came to a head in 1986 when the government decreed that there should be an investigation into CONAI headed by a Council of Intervention. The Council (which included ex-World Council of Indigenous Peoples' President José Carlos Morales) organised an open seminar to ascertain the views of the indigenous peoples of Costa Rica. The result was a proposal for a 3 point National Indigenous Plan bringing full representation into CONAI's structure.

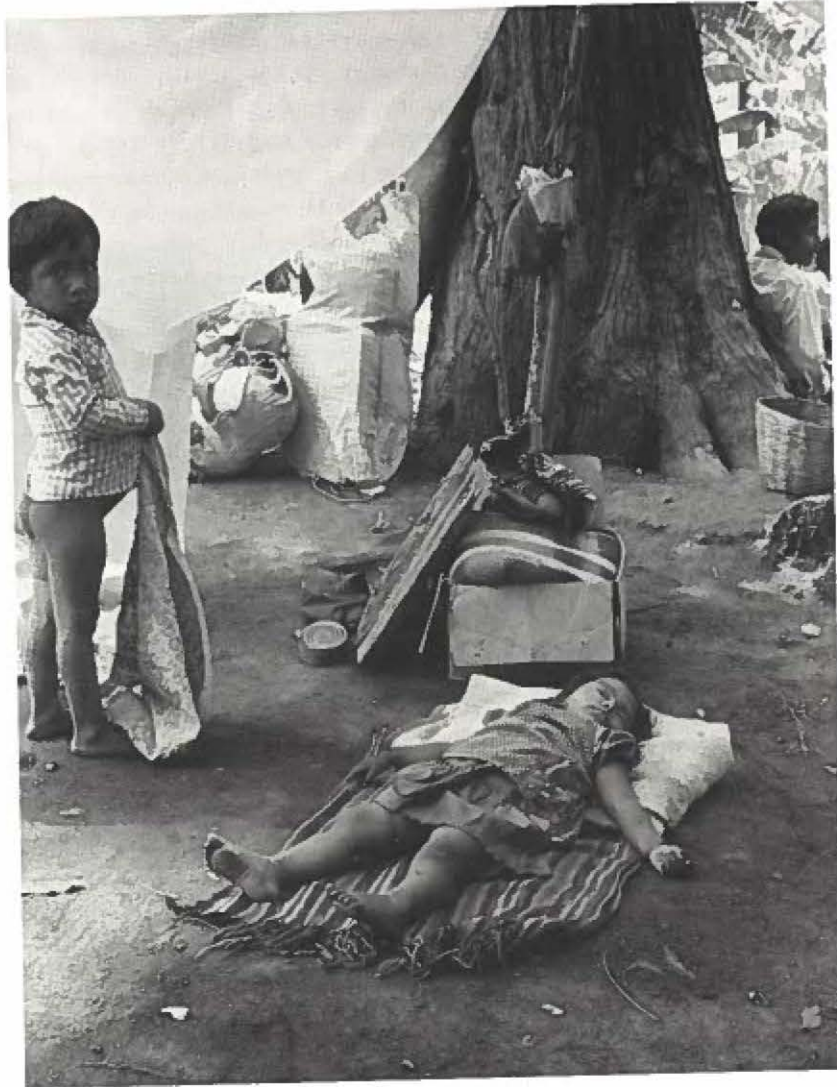
In Panama, the Guaymí nation furthered their claim for a Comarca reservation at their IVth Congress and in actions during September. The government, pressured by ranchers and companies with interests in Guaymí land, has delayed making any decision and people fear that its eventual proposal will be weak. The Kuna have been continuing their defence of Kuna Yala reservation by demarcating the western boundaries where there has been much encroachment. In spite of the advantages of the Kuna reservation, the Panamanian government is constantly trespassing on the rights of the Kuna. They demand recognition of sub-surface and coastal resources and face threats such as military exercises on their lands as well as the introduction of taxation.

Sources: Central American Bulletin, CINDIO, Ethnies, Guatemala Human Rights International Bulletin, Latinamerica Press, Mesoamerica, Pana Pana, Wani.

Background articles from IWGIA

Mexico: Newsletter No. 46, 1986 89-90;
 Newsletter No. 47, 1986 63-80;
 Guatemala: Newsletter Nos. 43 & 44, 1985 pp.86-114;
 Newsletter No. 47, 1986, 44-57;
 Belize: Newsletter No. 37, 1984, 18-21;
 Newsletter No. 46, 1986, 15-20;
 Honduras: Newsletter No. 47, 1986, 58;
 Nicaragua: Document No. 47;

Costa Rica: Newsletter No. 38, 1984, 43-54;
 Newsletter No. 47, 1986, 24-25;
 Panama: Newsletter No. 47, 1986, 92;
 Newsletter No. 48, 1986.



There are currently 400,000 Guatemalan refugees in Mexico
 (Photo: UNHCR)

MAP OF SOUTH AMERICA



- | | |
|-------------------------------|---------------------------------|
| 1. Kalinja, Lokono and Wayana | 13. Huilliche |
| 2. Ye'cuana and Yanomami | 14. Qawasquar, Selk'nam and Onu |
| 3. Barí and Paraujanos | 15. Kolla |
| 4. Peoples of the Choco | 16. Mbya and Aché |
| 5. Guahibo | 17. Toba-Maskoy |
| 6. Puyo and African Palm area | 18. Nambiquara |
| 7. Emergency zone in Peru | 19. Javará |
| 8. Yanasha and Shipibo | 20. Tukano and Banawi |
| 9. Aguaruna | 21. Yanomami |
| 10. Amarakaeri | 22. Waimiri-Atroari |
| 11. Aymara highlanders | 23. Pataxo Ha-Ha-Hae |
| 12. Mapuche | |

Total number of highlanders: 15 million; lowlanders: 1 million



Indians of the Upper Xingu (NE Mato Grosso - Brazil) Photo: World Health Organisation - P. Lambert).

South America

Surinam has dominated events in the Guianas during 1986. There are 15,000 Indians in Surinam 50% of whom are caught up in the fighting between national army leader Desi Bouterse and his one-time body-guard Ronnie Brunswijk. The eastern Surinam Indians (Kalinja, Lokono and Wayana) have avoided the violence but by the end of the year there were an estimated 2,000 refugees in Surinam's capital Paramaribo and about 2,000 across the border in French Guiana. Two Indian families have been killed and eight indigenous leaders have disappeared.

In neighbouring French Guiana the "francization" law which puts all indigenous peoples directly under French control continues unabated and there are still fears that France plans to introduce 30,000 French settlers into the country. A recent report from Survival International France says that there is a law under consideration to grant Indian communities control over public lands. In Guayana, the Indians of the western part of the country still face threats from the government's mining and hydro-electric development programme and many indigenous people affected have been moving into Venezuela to avoid further exploitation.

The indigenous peoples of the state of Zulia in Venezuela have been facing many problems during 1986. The Bari community of Bakubari is in conflict with a local landowner, Luis Osorio, who took over 80 has. of community land, including the crops, for his lumber and commercial interests. In the same region the Paraujanos who rely on the resources of Lake Maracaibo for their subsistence face enormous problems from a proposed tourist resort. Other problems in Venezuela include mining in Bolivar state and the Amazon Territory, the work of the New Tribes Mission among the Ye'cuana and colonisation and tourism among the Yanomami.

The highlands of Colombia have been the centre of armed conflict throughout the year. Five guerilla organisations

are fighting each other, the army and the police. In 1985 and 1986 over 100 Indians have been killed in the fighting and both guerillas and the army have invaded indigenous territory. In September 5 indigenous people were killed in Choco by lumber colonists trying to take over their lands. Similar invasions have taken place among the Guahibo of Tomo-Beweri on the Venezuelan border where a local landowner, Hipólito Cubides Forero has burnt Indian houses and destroyed their crops.

Invasions and violence by colonists have been reported from all over Colombia, and parallel attacks have been taking place in Ecuador during 1986. On November 25th, the Puyo centre of the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) was burnt by local people hostile to the organisation. The major problem in the lowland region is the continuation of African Palm exploitation which is affecting well over 50 communities and threatens 200,000 has. of forest land. The government has been ignoring indigenous land titles and forming "conservation areas" which it can develop as it likes, regardless of Indian communities. In the highlands the difficulty for community survival increases as thousands of migrants move to the urban areas of Cuenca, Quito and Guayaquil. Religious organisations working throughout Ecuador receive regular criticism that they divide communities. There is also a fear that the Summer Institute of Linguistics will be allowed back into the country after five years' expulsion.

1986 has been the most violent year in Peru since 1980. Revolutionary organisations such as the Maoist "Sendero Luminoso" and the broader based Revolutionary Movement Tupac Amaru have carried out over 30,000 acts in the last two years and, for their part, the government has responded in kind. Apart from the massacre of 300 prisoners on June 18th-19th by the armed forces, peasants in the emergency zone of Ayacucho, Huanavelica and Apurimac have faced attacks by the armed forces, one in November resulted in the deaths of 20 from the community of Pomatambo, Ayacucho. Over the year the violence has spread

to Cusco and Puno. Estimates from within Peru number the dead from the fighting in Peru during 1986 to almost 1,500.

The lowlands of Peru have witnessed some of the violence encountered in the highlands, particularly in the central selva where armed forces, guerillas and drug-traffickers vie for control. The Yanasha community of Tsachopén had their titles to land annulled on the request of the local mission in March, in April the Aguaruna community of Tsuntsuntsa was attacked by a group of colonists and the president, Chu Nuncanquit, was killed and in May, the Shipibo community of San Francisco was invaded by local colonists. There has, on the other hand, been some progress with land titling during 1986. Three Amaraeri communities in the Madre de Dios received titles in May and a Yanasha national park has been established in the Palcazu area of the central selva. On September 26th, 704 indigenous leaders from the jungle met at Pucallpa for a meeting, organised by the government, called "Rimanacuy". At the meeting the community leaders discussed their common problems and presented them to President of Peru Alan Garcia. In December, Evaristo Nukuag, head of the Inter-ethnic Association for the Development of the Peruvian Amazon (AIDSESP) was awarded the Alternative Nobel Peace prize in Stockholm which he accepted together with leaders from the Co-ordination for the Amazon Basin.

In Bolivia many indigenous peoples of the highlands have been supporting the long march of the Bolivian miners in August for "Life and Peace". The march of over 10,000 people was met in La Paz with a state of seige where 100 people were arrested and sent into internal exile in the jungle. Although an agreement between the miners and government was reached in September, many are dissatisfied with the conditions and are on hunger strike. In the lowlands, the Bolivian government used US forces to try unsuccessfully to break the power of cocaine traffickers between July and November. Indigenous groups in the lowlands have complained against both the traffickers

and the armed forces because of the way they are walking over the rights of the original inhabitants of the areas affected such as Beni and Santa Cruz. In May the Centre for Indian Communities and People of Eastern Bolivia (CIDOB) held a meeting in Santa Cruz where they emphasised the need to promote a plurinational state and alternative development for indigenous people.

The Mapuche of Chile have had a particularly hard year. By September, communities in the region of Temuco were under siege by the armed forces who severely controlled movement of local people. On September 11th, the communities of Loncoyan Grande and Hueico Chico were attacked by troops. Three Mapuche were wounded in the attacks and 7 men arrested (three were released a month later). Further south the Huilliche people from Achala Island have had their lands taken over by a hotel owner who prevents the community carrying out their traditional gathering pursuits and other companies which have invaded the traditional coastal territories where the Indians raise cattle. In Tierra del Fuego, the Qawasquar (who number only 40) face extinction from lack of basic medical care and the exploitation of their subsistence fishing pursuits by outsiders. All the indigenous peoples of Chile share problems of invasion and threat to their traditional lands and economies, a theme which the organisation Ad-Mapu emphasised in a public statement made in September.

The Tierra del Fuego of Argentina is the home of the Selk'nam of whom only 35 remain. They currently face extinction. During 1985 the last Onu, a woman living in Tierra del Fuego, died. Among the northern Kolla people there has been a struggle with the authorities to allow their children to be registered with Quechua names. A major event in Argentina in 1986 was the ratification of Law No. 23.302 on "Indigenous Policy and Support to Aboriginal Communities". In several respects this has been a step forward for the indigenous peoples of Argentina as communities are recognised, stolen lands can be claimed and bi-cultural education is promoted. However, indigenous peoples

of the country say that the executive body (the National Department of Indigenous Affairs) which will carry out the law has only a minority and advisory indigenous input.

The basic problem facing the indigenous peoples of Paraguay is land. Mbya Apytere communities in the Caaguazú department of eastern Paraguay have had their lands invaded by the Sommerfield Mennonite colony. More than 40 has. of indigenous land have been deforested by the colony in spite of its being protected legally. To the west, in the Chaco region, the Maskoy continue to fight for 30,000 has. of their land at Riacho Mosquito. South of Asunción, the World Bank funded Caazapa rural development project threatens 1500 Mbya and Aché Indians with deforestation, road-building and large-scale colonisation.

Colonisation of the Amazon is one of the major problems in Brazil. The World Bank-funded Polonoroeste development programme, costing up to \$1.6 billion has brought up to 500,000 migrants into Rondonia. In May, Nambiquara Indians living in Río Corumbiara were harassed and up to 10 were killed by the men of a local farmer, Antonio Vilela. Further west the Polonoroeste project is being extended to the Acre river by means of a paved road which will attract more colonists into the Amazon.

The border areas of Brazil have been particularly hit during 1986. The 3,000 Indians from 12 nations living in the Javari valley to the east of Amazonas state face constant harassment from colonists. Further north, gold prospectors on the Río Negro have invaded the territory of the Tukano and the Banawi nations. The latter work in slave conditions for the Edgar Ronhelt/Goldamazon company. The Yanonami of Roraima also face invasions from mining companies, and as with so many other Brazilian groups receive no recognition of their land rights. The latest projects emanating from Brazil in 1986 concern the Amazon - the Calha Norte is a plan to militarise the areas bordering the Guianas, Venezuela and Colombia and develop the frontiers for colonisation. A more ambitious plan for colonisation of the Amazon as a whole is also in preparation.

In June the World Bank approved a \$500 loan for the electric power sector. Part of the money will be used to complete the Balbina dam which threatens to displace 2000 Waimiri-Atroari Indians from their homelands to the north of Manaus. On the east coast of Brazil, the Pataxo Ha-Ha-Hae still remain surrounded by 3000 gunmen. 30 of them were wounded in November 1985 and in June 1986, 3 Indians were seriously wounded in an attack on a travelling lorry.

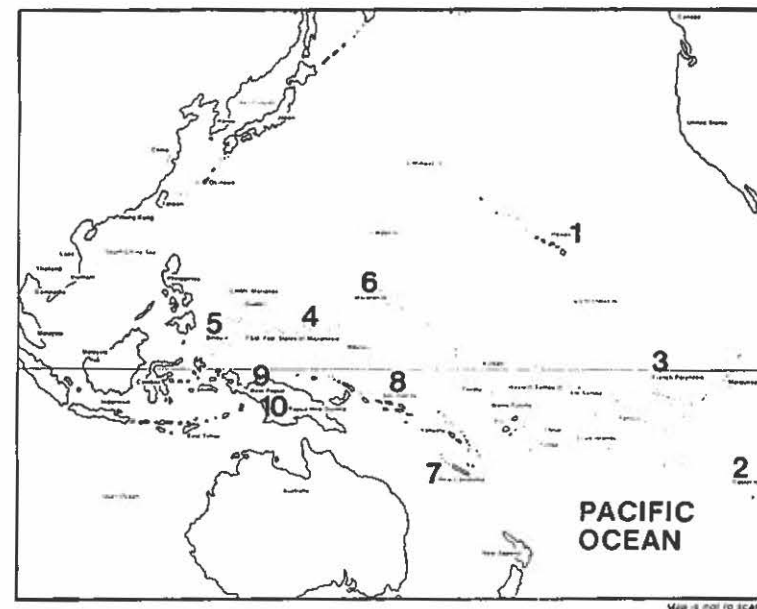
Nationally, 1986 has seen the restructuring of FUNAI. A decentralisation plan was approved by Apoema Mirellas and continued by the current President, Romero Juca Filho. By creating 5 regional bodies to oversee demarcation and other work, the central responsibility for indigenous affairs will be handed over to local political interests who have even more to gain from holding back land rights than the functionaries in Brasilia. Indians standing for election to Congress in November had disappointing results as none was elected.

Sources: Amanacer (Ecuador), Boletín Chitakolla (Bolivia), CISA Boletín, CRIC Boletín (Colombia), Cultural Survival Quarterly, El Trueno (Peru), International Dams Newsletter, International Press Service, Latin America Press, Resumen Seminal, DESCO (Peru), SAIC Bulletin, Survival International News, Survival International Urgent Action Bulletins, Unidad Alvaro Ulcué (Colombia) Voz Indígena (Peru).

IWGIA background articles

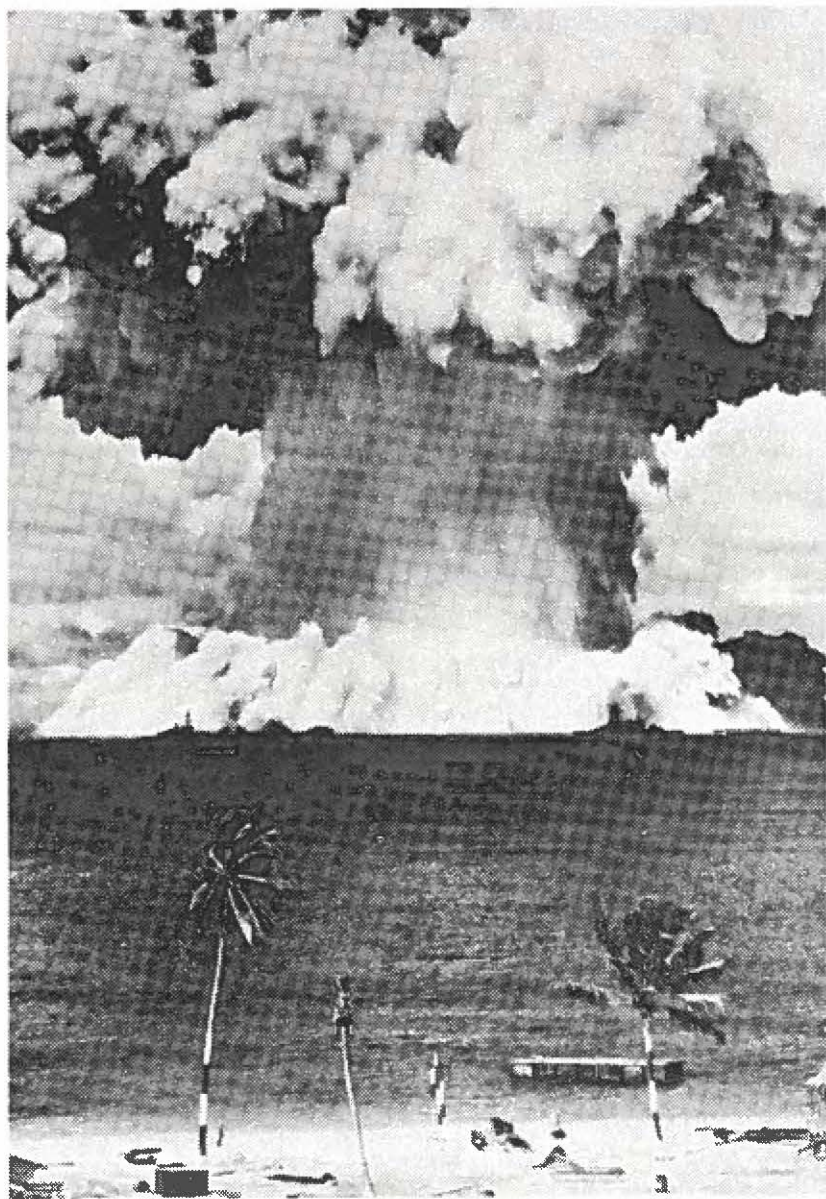
Argentina: Newsletter No. 39: 1-32; No. 47:4
 Bolivia: Newsletter No. 45: 5-9
 Brazil: Newsletter No. 45:15-42; 46:21-22; 47:12-13
 Chile: Newsletter No. 43 & 44: 80-85, No. 47: 14-21.
 Colombia: Newsletter No. 46:33-38, No.47 22-23
 Ecuador: Newsletter No. 46 55-68, No. 47:26
 Paraguay: Newsletter No. 45: 173-178
 Peru: Newsletter No.45: 179-194; No.47: 93-95
 Venezuela: Newsletter No. 42: 198-204

MAP OF THE PACIFIC



- | | |
|------------------------------|---------------------------|
| 1. Hawaii | 6. Marshall Islands |
| 2. Rapa Nui (Easter Island) | 7. New Caledonia (Kanaky) |
| 3. French Occupied Polynesia | 8. Solomon Islands |
| 4. Micronesia | 9. West Papua |
| 5. Belau | 10. Papua New Guinea |

Total population of the indigenous peoples of the Pacific:
 15 million



"Baker" atomic test at Bikini Atoll, July 1946, US Navy Photograph.

The Pacific

Throughout the Pacific the demands of indigenous peoples concern two fundamental issues - nuclear freedom and independence. In Hawaii, the sacred island of Kaho'olawe continues under US military control as a bombing target for the navy. Another case which has been worrying the indigenous peoples of Hawaii has been the proposed burning of nerve gas on Johnston Atoll where there are still 72,000 weapons. The US government is currently constructing incinerators to destroy the gas but fears of spillage and the subsequent pollution throughout the northern Pacific run high and were expressed in a resolution passed by the Board of Trustees of the office of Hawaiian affairs on February 28th.

Another island colonised from the Americas is Chilean occupied Rapa Nui (Easter Island). In June 1985 the US government announced that NASA and the Pinochet government would set up an aerospace station for space shuttles. The agreement was made without consulting the island's 36 clans and the Council of Elders and Chiefs. The Council opposes the base as the indigenous peoples of Rapa Nui do not want to see their island becoming a strategic point for scientific and military interests.

French Occupied Polynesia is more under French control than ever. The Colonial Governor, Gaston Flosse has been appointed first Minister of State for the Pacific and the French government has been advertising in France to increase migration to Tahiti. Currently 25,000 of the people living in Tahiti are non-indigenous while the indigenous population amounts to 160,000. There have been more than 100 nuclear tests in Tahiti and cases of leukemia and ciguatera are much higher than in areas of the Pacific not affected by testing. During 1986, 250 patients were secretly sent to Paris to avoid drawing attention to the high rates of cancer. Charlie Ching, one of the leaders of the four independence parties in Tahiti, is still imprisoned along with 17 other supporters.

In Micronesia the United States has been pursuing its policy of establishing a Compact of Free Association. Belau has rejected the Compact in four votes and have approved their nuclear free constitution seven times. The vote comes in spite of a Belau Supreme Court ruling in September that the Compact is inconsistent with the constitution and that Micronesia is still under the trusteeship of the United Nations. In the Marshall Islands, disturbing reports have emerged during 1986 of the terrible conditions facing the people of Rongelap who after having suffered from the effects of nuclear testing in the 1940s and 50s are facing an uncertain future in appalling conditions.

The major development for Kanaky (New Caldeonia) during 1986 has been the relisting of the country on the UN Decolonisation Committee's non-self-governing territories. The proposal which was passed in December had the backing of the 7 countries of the South Pacific Forum and was vigorously opposed by the French government. During the summer, Kanaky witnessed a 2 day strike which was mounted by the Kanaks to protest at the release of 7 French settlers, arrested in 1984 for killing ten Kanaks. The major problem in Kanaky still remains the French occupation backed by military and police forces and violent actions by the settler community such as the arson attack on the Kanak Liberation Front's Headquarters (FLNKS) on October 18th.

The Solomon Islands face a continuing problem of deforestation which has been destroying vast tracts of community lands. The main culprit is the Levers Pacific Timber Company which cuts half of the logs exported from the country. Although the company changed its policy after a raid by Koroga communities on its camp, much of the damage has already been done. A programme to educate people of the effects of deforestation has been planned during 1986.

Over 1,000 refugees have fled across the border from West Papua to Papua New Guinea during 1986, bringing the total to over 11,000. The refugees have been fleeing from the increased oppression stemming from the occupying forces of Indonesia. Reports say that 4 of the 12 refugees repatriated to West Papua in 1985 have been executed by the Indonesians and 300 who returned have not been settled in their own villages but in relocation camps controlled by the authorities.

At the beginning of the year, two commanders of the Free Papua Movement (OPM), Nyoro in the north and Thomy in the south had surrendered and it was thought that the violence would die down. However, 1986 has seen many clashes between the Indonesian armed forces (ABRI) and the OPM. In November the Indonesians launched "Operation Saute" which is intended to wipe out the OPM before the April 1987 elections. The operation consists of 5 divisions and F5 Tiger aircraft.

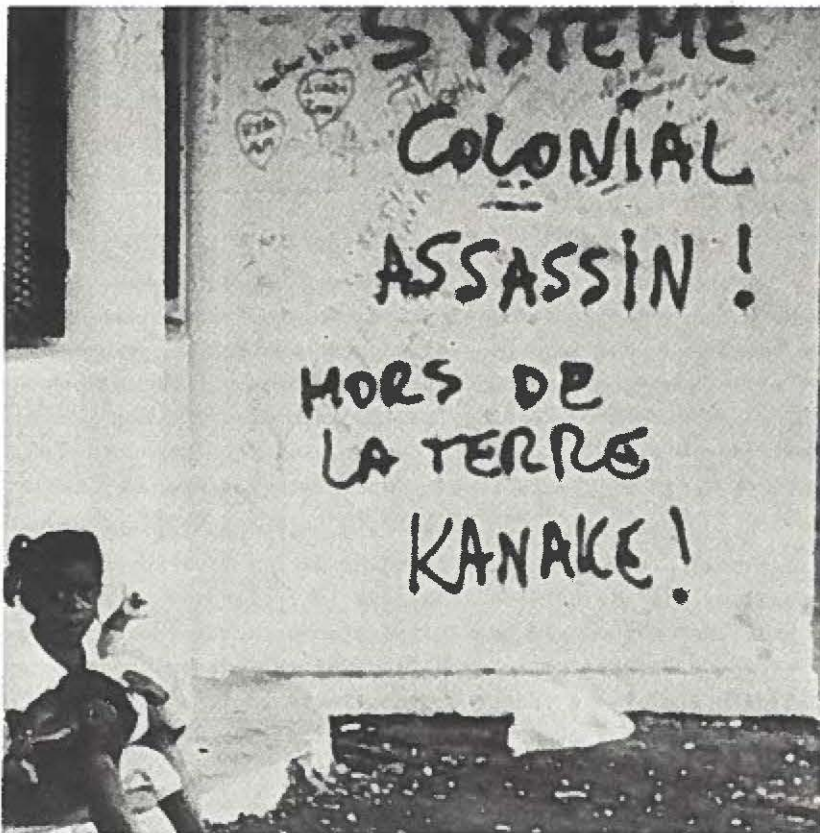
Transmigration to West Papua continues unabated. The Indonesian government has admitted that the indigenous Papuans do not wish to be incorporated into transmigration sites and so will be settled in "reconstructed native villages" with the Indonesian state owning the land and distributing it to members in individual plots. The devastating effects of this "allotment" policy can be seen throughout the Americas and Japan.

Papua New Guinea is caught in a post-colonial dependent relationship with Australia (according to a 1986 report published by the Anti-Slavery Society). With foreign interests controlling copper mining, coffee plantations and other large scale production, the economy is oriented more to export than to the needs of the indigenous population. So in spite of its independence, Papua New Guinea still lives under the shadow of Australian "development aid".

Sources: Anti-Slavery Society Document 3; Cultural Survival Quarterly; IPS News Service; Pacific News Bulletin; SAIC Newsletter; TAPOL Bulletin; West Papuan Observer and West Papua Update.

IWGIA Background material:

Hawaii: Newsletter No. 43 & 44: 115-156, No. 48.
 Easter Island: NL No. 46: 91-98
 French Occupied Polynesia: NL. No. 45: 161-172
 Micronesia: Newsletter No.No. 47, 81-91.
 New Caledonia: Newsletter No. 41: 83-105; No. 48
 West Papua: Document No. 57.



An uncertain future for the Kanaks of New Caledonia (Photo: Diana Vinding - see Newsletter No. 41).

MAP OF AUSTRALIA AND NEW ZEALAND



- | | |
|-----------------------|--------------------|
| 1. New South Wales | 6. Swan Valley |
| 2. Queensland | 7. Kakadu |
| 3. Western Australia | 8. Manukau harbour |
| 4. Northern Territory | 9. Motunui |
| 5. Tasmania | |

Australian Aboriginal Population: 100,000

New Zealand Maori population: 350,000



National Demonstration in Sydney, 1981 (Photo: Nana Jørgensen)

Australia and New Zealand (Aotearoa)

On March 3rd, 1986, the federal government of Australia officially abandoned its Preferred Model of national land rights legislation and announced that in future all land rights would proceed on the basis of state by state consultation. The response was a weakening of land rights for Aborigines throughout Australia. On April 29th the New South Wales government passed its Land Rights Act which amends that of 1983. The result is losses in land, and in the north and northwest inalienable freehold title has been forfeited in favour of lease-hold. In Queensland, the Bjelke Peterson government is taking land from Aboriginal reserves and then leasing it back to them. In Western Australia a unilateral briefing paper on land written by the re-elected labour government in March offered no land rights to Aboriginal communities, only 99 year leases. Aboriginal Lands Trust will benefit from some of the mining royalties but there will be no vetos on mining. In Northern Territory the government is working to amend the Land Rights Act of 1976. The plans are to repeal mining sections to stop any vetos and lessen royalties; it will prohibit using pastoral land for communities and will prevent Aborigines taking the government to court if their rights are violated.

In May, 1986, the Law Reform Commission of Australia produced its report on the Recognition of Aboriginal Customary Laws. In the report the commission recommends that customary laws should be recognised in the Australian courts and supported as a part of a person's defence; it should be taken into account in sentencing; policing should be sensitive with regard to customary laws and traditional marriage practices should be recognised legally.

Other issues in Australia during the year have been the death in custody of 3 Tasmanian aborigines. This took place at a time when Aboriginal deaths in police custody has become a national issue involving a nation-wide information tour.

In Western Australia, the case of the Swan Valley Fringedwellers has been prominent in 1986 because the State Energy Commission wants to bore a pipe-line through a sacred site - Bennet Brook. In spite of opposition, it appears now that the pipe-line will be constructed to cross over the brook. In Northern Territory, after having revoked the decision once before, the government recognised Aboriginal title to 400 sq. km of Kakadu. However, the West German company Uranerz Australia has been given permission to look for gold, platinum and uranium on Aboriginal lands in the Territory.

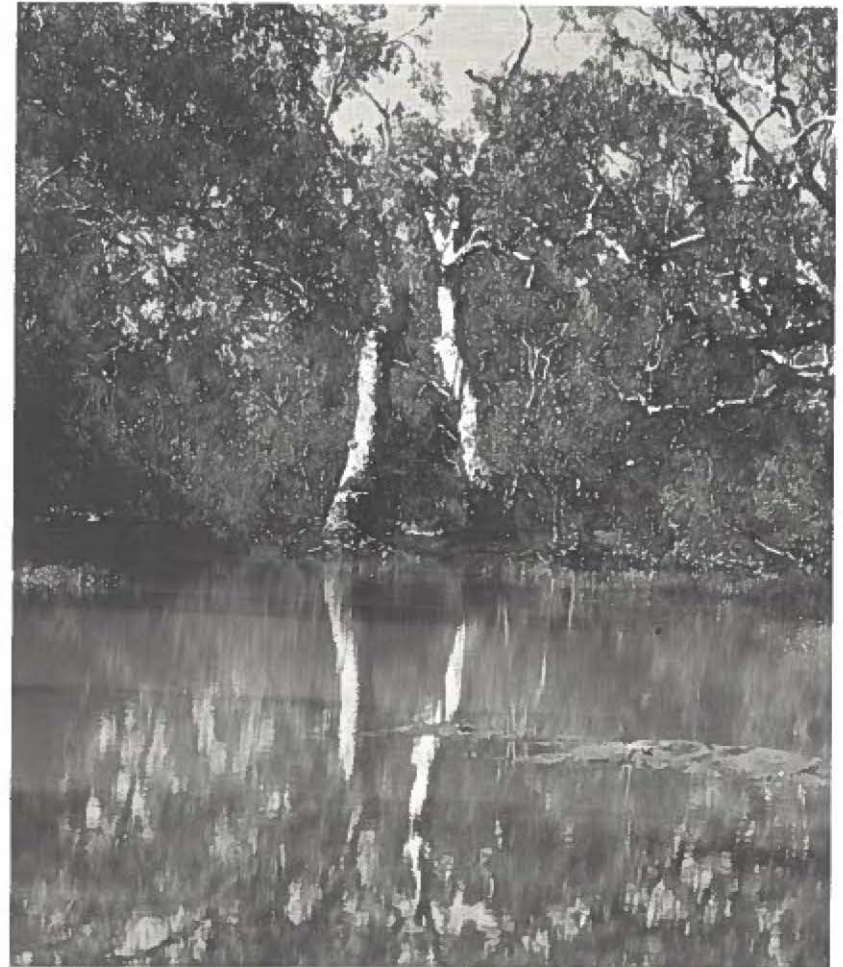
In March the three main Aboriginal organisations - the National Federation of Land Councils, the National Aboriginal and Islander Legal Services and the National Aboriginal and Islander Health Organisation formed a coalition to fight for aboriginal rights. However, the government is threatening to axe its support to these organisations, even though they constitute the prime means of Aboriginal peoples expressing their ideas, aims and aspirations and also provide extremely important services to communities throughout the country.

The Maori people made some significant advances in New Zealand (Aotearoa) during 1986. Since 1975 the Waitangi Tribunal has been a forum for the Maori to air their grievances and provide recommendations to the government. Since 1985 it has been able to comment on any aspect of the original treaty made in 1840 between the British and the Maori people. In 1986 the Tribunal made a report on the Maori language advocating its recognition as an official language for schools, television, the courts and Parliament. Initial reactions from the government are favourable. At the moment a large number of Maori land claims are being prepared for submission to the Tribunal following the line of previously discussed issues such as the Maori claim to the Manukau harbour in Auckland and the damage done to the traditional Maori shell-fishing reefs from the gas-to-gasoline plant at Mot nui.

Sources: Benedict Kingsbury (pers.comm); Care Newsletter, Kimberly Land Council Newsletter, Miniroty Rights Group Report on the Maori (No.70), Stan Pelczynski: Woomera and Yeperenye Yeye.

IWGIA background articles and documents:

Australia: Document No. 54
 Newsletter No.47:5-6
 New Zealand: NL 35&36:131-137



Kakadu Park - Northern Territory (Photo Diana Vinding)

MAP OF SOUTHEAST ASIAN ARCHIPELAGO



1. Fo Mano village near Baucau, East Timor
2. Lampung, South Sumatra
3. Cordillera region of the Ibaloi and Kankana-ey
4. Tasady and Ubo of Mindanao
5. Peoples of Sarawak affected by the Bakun dam

Indigenous population of the Southeast Asian archipelago:
25 million

Southeast Asian archipelago

In August, 1986, the Indonesian armed forces (ABRI) launched a major new offensive on East Timor called Operasi Kikis (Operation Eradicate). 45,000 troops, using local indigenous civilians as protecting "fences of legs" advanced into the centre and west of East Timor in an attempt to wipe out FRETILIN* forces. A reported massacre at the village of Fo-Mano on 3rd August has been followed by attacks throughout the region. 1986 has seen a stepping up of Indonesian oppression on the Timorese people - reports have reached Europe of beatings, torture, extrajudicial killings and detentions. Meanwhile the local population have suffered from epidemics of measles and influenza. A family planning centre based in Dili and funded by the World Bank has also been a cause of great concern in East Timor during 1986.

Internationally Indonesia has not benefitted from its actions in East Timor. The non-aligned countries turned down Indonesia's request for leadership on the grounds of the invasion of East Timor in September. The UN have not taken the issue up in the General Assembly in 1986, although the Decolonisation Committee had its largest number of presentations on East Timor for several years in August. Meanwhile opposition to Indonesia in East Timor was enhanced in March with an agreement between FRETILIN and the Timorese Democratic Union (UDT) who provide the strongest opposition to the Indonesian occupation of East Timor.

* FRETILIN is the Revolutionary Front for the Liberation of East Timor.

The major threat to the indigenous peoples of Indonesia at the moment is the transmigration programme which has re-settled 4 million people from Java and Bali to the outlying islands of the country in the last 15 years. A third of the costs of the programme come from outside Indonesia (\$600 million from the World Bank). During 1986 international opposition to transmigration has intensified from Non-Governmental Organisations in Europe and the United States

Throughout the year the military have participated more than ever in the transmigration programme and have included ex-ABRI personnel among transmigrants to sensitive areas such as the border between West Papua and Papua New Guinea. In Java 3,700 people have been pressurised to become transmigrants to move away from the Kedung Ombo dam, but 1,700 have refused to go. In Lampung, South Sumatra, deforestation (from the high level of transmigration) has led to serious flooding in 1986 with the result that half a million transmigrants will have to be re-transmigrated out of the area. In October there was a decree to encourage 250,000 people from the eastern islands of Indonesia to transmigrate even though they do not suffer from great socio-economic problems. The idea seems to be to avoid the image of transmigration being solely a Javanese based phenomenon.

The deposition of Marcos in the Philippines in February brought new hope for the indigenous peoples of the country. In Luzon, the Cordillera Peoples' Alliance which was formed in 1984 to promote the cause of indigenous of the region, has continued to promote regional autonomy for the tribal nations of the area. In the southern island of Mindanao, on the other hand, indigenous demands have taken the form of reservations for each group because the population is more dispersed.

In the Cordillera during 1986 the Ibaloi have reclaimed their ancestral lands from which they were forcibly expelled

in the late 1970s to make way for a tourist park. They are also facing harassment (as are the neighbouring Kankana-ey people) from the Benguet Corporation which has usurped the gold mining work on indigenous territory in February. In Mindanao an important revelation in 1986 was the long-suspected Tasady hoax where officials of the one-time state run organisation PANAMIN forced groups of Ubo to pose as cave-dwellers.

In Malaysia the main issue in 1986 has been the plight of the indigenous peoples of Sarawak. The Bakun dam is still scheduled to go ahead in spite of threatening 15 longhouse communities of the Kayan, Kenyah, Ukit Kenyah-Badang and Penan. Logging companies have also been a severe problem to the indigenous peoples of the region because they are stripping indigenous territories of their natural resources.

Sources: Inglayan, Survival International Urgent Action Bulletin, TAPOL Bulletin, Timor Link, Tribal Forum

IWGIA Background articles and documents

East Timor: Newsletter No. 45:71-72; 46:39-54 & Document 57
 Indonesia: Newsletter No. 45:108-118 and Document 57
 Philippines: Newsletter No. 45: 195-219
 Malaysia: Newsletter No. 45: 151-158



MAP OF EAST ASIA



1. The Ainu of Hokkaido
2. The Uighur of Xinjiang
3. The Hui
4. The Tibetans

Indigenous peoples of East Asia total about 40 million people

East Asia

The indigenous Ainu of Japan along with the other minorities (Burakumin, Korean and Okinawan) constitute between 2% and 4% of the total Japanese population. The Ainu homeland is the island of Hokkaido where they are not recognised as having any indigenous legal rights. What little land they have is of poor quality. Through their different organisations the Ainu are demanding equal rights and possibilities within Japanese society while at the same time they do not want to lose their identity or submit to Japanese ways of life. In October 1986, the Prime Minister of Japan, Mr. Nakasone, made a statement in which he said that there were no minority groups in Japan. Although challenged, his statement reflects the lack of concern shown to the Ainu people and the other groups in the country. In 1986 there were also reports that the government intends to reform the Former Indigenes Protection Act of 1889 which has marginalised the Ainu and not protected their land base. However, Ainu organisations are still cautious before welcoming a Japanese government initiative on the matter.

China's northwestern province of Xinjiang has been in the news in 1986 because its indigenous Uighur, who constitute about half of the province's 13 million people, have been suffering the effects of radiation from tests taking place at the Lop Nor nuclear testing site. Atmospheric tests have taken place there since 1976. The Uighur are continuing to make their protests known and further their aim for a genuine autonomy. Further east the Moslem-speaking Hui are participating in an enormous irrigation scheme to improve production in the Yellow River desert valley and attract some of the poorer mountain peoples to the north.

Bordering Xinjiang province to the south is Tibet which has, in 1986, also suffered from the effects of testing in Lop Nor. Although religious freedom in Tibet has been improving, the benefits are in specific areas and not uniform through-

out the country. There have been reports of arrests and executions in Lhasa during the year. Meanwhile the Panchen Lama, second to the Dalai Lama and who lives in China holding the position of Vice-Chairman of the National Peoples' Congress, travelled to Australia and Nepal (his first visit outside China for 25 years). In May, the Dalai Lama visited Europe where he met officials and exiled Tibetans. The issue of Tibet still rests on the right of Tibetans to exercise self-determination.

Sources: Cultural Survival Quarterly, Tibetan Review

INGIA material:

Japan: Newsletter No. 45: 119-150; NL No.48.

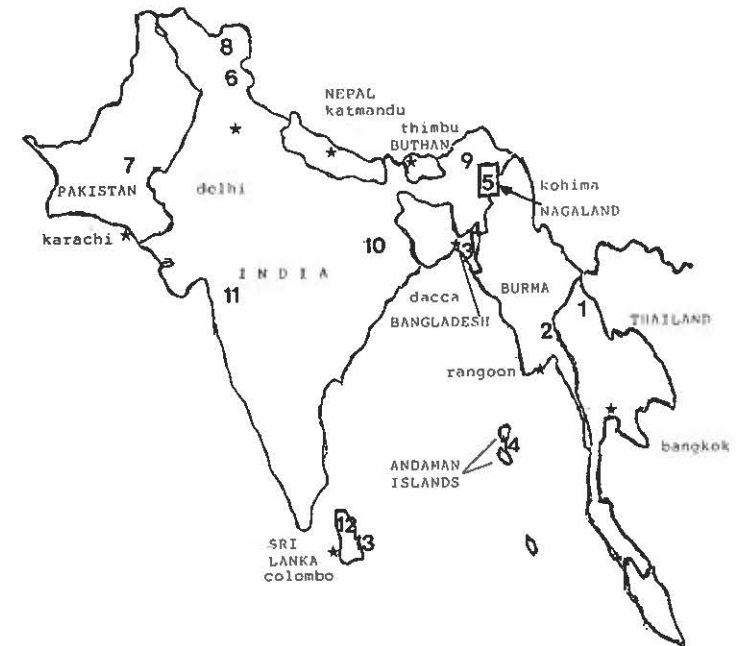
China: Newsletter No. 45: 63-66.

Tibet: Newsletter No. 42: 181-197; NL No. 46:99-104



Tibetan with prayer wheel and prayer bits (Photo Kim Rasmussen).

MAP OF MAINLAND SOUTHEAST ASIA AND SOUTH ASIA



- | | |
|---------------------------|-------------------------------|
| 1. Hmong | 8. Ladakh |
| 2. Karen | 9. Bodo |
| 3. Chittagong Hill Tracts | 10. Sangthal |
| 4. Mizo | 11. Narmada Valley Project |
| 5. Naga | 12. Tamil |
| 6. Gaddi | 13. Vedda |
| 7. Ahmadi | 14. Jarawa, Onge and Andamese |

Mainland Southeast Asia 15 million indigenous people
South Asia 50 million indigenous peoples



Angami Naga in traditional dress - IWGIA Document No. 56

Mainland Southeast Asia

During 1986 the Anti-Slavery Society and Cultural Survival produced a document on the Hmong of Thailand. It describes in detail the way in which the Hmong people are caught in the complex system of opium production in the "golden triangle". Even though groups (such as members of the Kuomintang anti-communist Chinese army) control the production and trade of opium, the Hmong are accused of being the cause of the problem. Similar to the problems facing the highland coca-growing peoples of the South American Andes, the Hmong are treated as insurgents and the cause of environmental destruction. The report argues firmly against these groundless charges.

In neighbouring Burma there are several groups of indigenous forces fighting to hold control over their territories. 1986 is the 10th anniversary of the founding of the National Democratic Front formed by Arakan, Kachin, Karenni, Karen, Mon, Pa-O, Paloung, Shan and Wa peoples. Each group has its own defence force and is fighting to gain recognition as self-governing autonomous territories within a federated union of different peoples.

The 7 million Karen constitute the largest people in Burma seeking self-determination. They have been fighting for 37 years for the recognition of their Kawthoolei state through their organisation the Karen National Movement. Since 1984 violence has increased in the area as the Burmese government of General Ne Win has tried to destroy the Karen-held territory. Throughout 1986 reports of incidents between the armies have continued and in addition civilian casualties have taken place such as in the attack on the Karen village of Ka-marr-hta in January 1986 when after several deaths over 150 villagers fled to the border area.

1986 has been a year of continuing genocide in the Chittagong Hill Tracts of Bangladesh. In April and May there were 3 massacres in the hill tracts at Matiranga, Panchari and Khagrachari where up to 200 tribal people were killed. Burning of villages, killings, looting, torture and desecrating temples continued in June at Dighinala where 5,000 people were made homeless. By October 30,000 refugees had fled to southern Tripura where they have been settled in 4 camps. Increased violence from both the Bangladesh armed forces and the Bengali settlers in the hill tracts during October creating 5,000 more refugees. During the year conflicts between the Bangladesh army and the armed indigenous group Shanti Bahini have continued.

Fears for the fate of the refugees has risen throughout the year after forced repatriations from Mizoram took place in January 1986. The Indian government at one time made an agreement to repatriate 24,000 refugees from Tripura but as yet the implementation of this has been deferred to the relief of support organisations. Meanwhile conditions in the camps are deteriorating and the death rate from disease and malnutrition is reaching as high as 300 a month. However unless international organisations such as the UNHCR and the Red Cross are allowed into the camps, support for the refugees will be limited.

In India, 1986 saw agreement between the government and the Mizo National Front. On July 26th, President Ladenga and MNF soldiers were welcomed into Aizawl. After 20 years of fighting a ceasefire agreement has been made which recognises the MNF's control of the state. In Tripura fighting with Indian forces has continued as the Tripurans seek more autonomy in the state.

There were several demonstrators killed in Kohima, Nagaland, in May, 1986. India has stepped up its oil exploration in the country during the year. Even though some Indian troops have been withdrawn, military control of Nagaland continues, putting a great

strain on village economies where camps are based. Human rights violations and restrictions of basic freedoms provide have been reported from all over Nagaland.

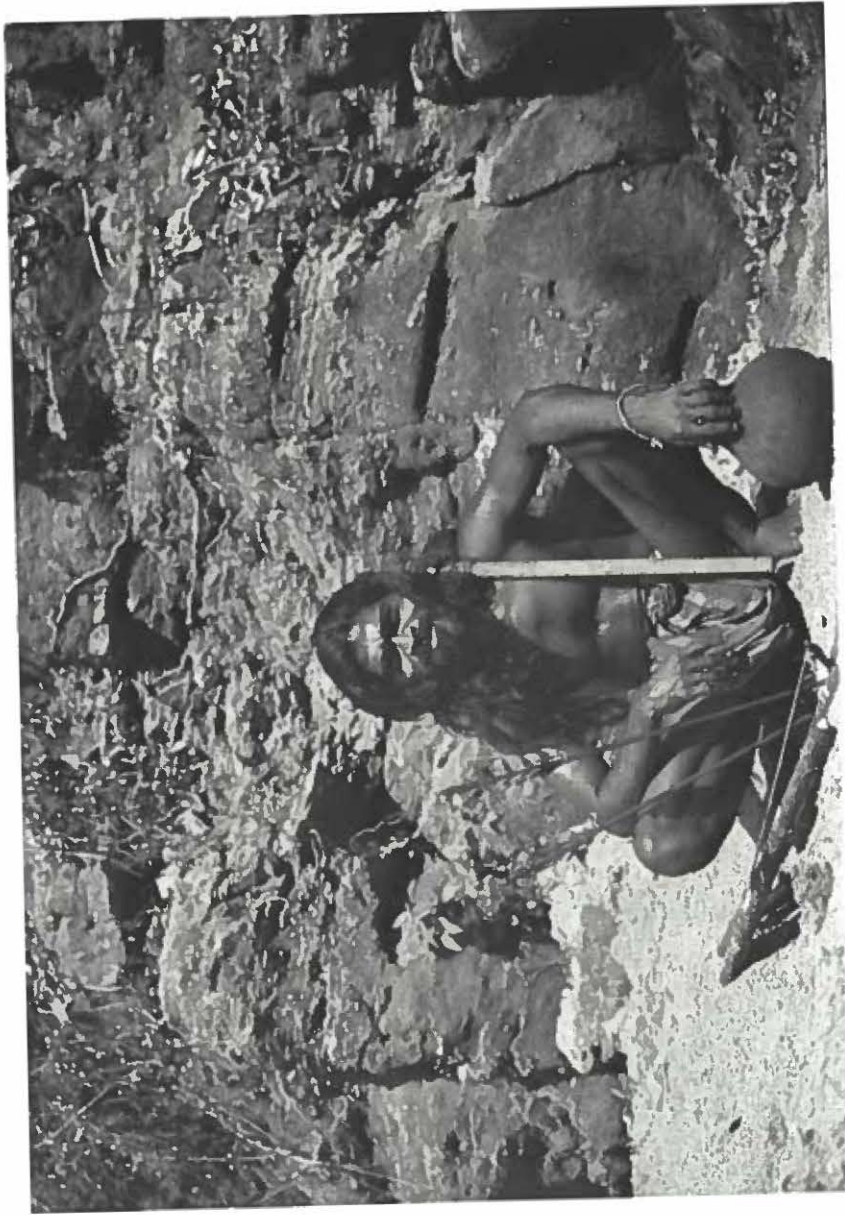
Sources: Anti-Slavery Society and Cultural Survival Report, Karen National Union (KNU) Bulletin.

IWGIA material

Bangladesh: Newsletter No. 46: 1-8; No. 47:7-11.
Nagaland: Document No.56



Naga men in traditional dress



Vedda from Sri Lanka collecting honey (Photo:Wiveka Stegeborn)

South Asia

The major problem facing the indigenous peoples of Nepal is deforestation which is caused mainly from increased population pressure on resources and the development of the tourist industry which has exacerbated the problem in trekking areas. Local people have to travel a long way to get their fuel and find grazing areas for their livestock. One way out of these difficulties would appear to be community based management of the environment, which has had some success in the Kathmandu and Terai regions.

Elsewhere in the hill areas of northern India deforestation is a problem. In the mountain region of Himachal Pradesh a century of deforestation and over-grazing has caused problems for the local Gaddi shepherds, while in neighbouring Ladakh, the rise in tourism is causing many rural families to migrate to urban areas to seek a non-existent fortune. To the east in Assam 90% of the Bodo people live below the poverty line and fear for their lands with increasing migration from the plains. Although the Bodo language has been officially recognised since 1985, reports from the area tell of discrimination from the caste-Hindu Assamese.

The problems of the hill peoples of northern India and Nepal are shared by their counterparts in Pakistan. Further south the Ahmadi moslem minority have continued to receive discrimination from the central government and have had their literature banned, mosques closed and organisations prohibited.

In eastern India, the indigenous Adivasi of West Bengal, Bihar and Orissa face many problems. Land alienation from dams, deforestation and irrigation projects as well as encroachment from protected wild-life parks (such as the Tiger Park in West Bengal) all threaten tribal territorial integrity. A year after 15 Sangthals were killed and 24 wounded by police at a demonstration at Sahebganj, no compensation or disciplining of

the perpetrators has been forthcoming. Although the Koel Karo dam in Bihar has been shelved for the time being, over one million tribal people face relocation from hydroelectric schemes in central India. The Narmada valley project is an enormous complex of dams (including one, Sardar Sarovar which is funded by the World Bank to the tune of \$300 million). It covers the states of Gujarat, Madhya Pradesh and Maharashtra. A parallel development in Bhopalpatnam and Inchampali will affect 40,000 indigenous peoples of Madhya Pradesh, Maharashtra and Andra Pradesh. Two dams are being planned at the moment with up to ten more under consideration for the future.

During 1986 fighting in Sri Lanka has intensified. Since 1983, when up to 2,000 Tamils were killed in rioting throughout the country, Tamils have been increasingly fleeing the country as refugees. Guerilla fighters control certain areas of the north. This is part of the area they want recognised as their own Tamil Eelam state. To the east of Sri Lanka the Vedda still hold on to their traditional homelands, now turned into the elephant park of Madaru Oya, in spite of the government's intention to relocate and integrate them into Sinhalese society.

The Andaman islands contain four indigenous groups - Sentinelese, Jarawa, Onge and Andamanese. The Onge have faced devastation of their lands by development projects, the 500 remaining Jarawa find their reservation lands being encroached while the Andamanese themselves now number only 19. The Sentinelese have so far successfully avoided long-term contact with the outside world. Another major threat is the establishment of a free port on the islands to rival Hong Kong and Singapore.

Sources: Cultural Survival Quarterly, Pogrom, RIOP Tamil Report, Newspaper reports from throughout the region.

IWGIA material

India: Documents 36 & 41, Newsletter No.45:91-107; 46:69-68;
NL: 48

Sri Lanka: Newsletter No. 42:166-180.

MAP OF CENTRAL AND WEST ASIA



1. Kurds

Indigenous minorities in the Soviet Union: 22 million
Kurds and other west Asian peoples: 7 million



Afghan mother and children on horseback (Photo: DEFIS Afghans)

Central and West Asia

After six years of warfare in Afghanistan, the Soviet Union removed a token number of troops in 1986, and set up the possibility of a cease fire. However the devastation which has hit the indigenous peoples of the country since 1979 won't be resolved quickly. Reports from the east of the country say that 56.4% of the rural population have left their homes - many making up the 3 million refugees in Pakistan. Fighting between the Soviet army and the Afghan resistance (the Mujahedin) has taken its toll throughout the country. The occupying forces, in particular, have been accused of gross violations of human rights. Child indoctrination, extra-judicial killings, torture and massacres of entire villages have been cited by human rights organisations during 1986.

The tribal peoples of Iran have been suffering under the oppressive régime of Islamic fundamentalist Ayatollah Khomeini. Apart from suppressing religious and cultural freedoms, reports from Iran talk of up to 20,000 Iranian villages becoming deserted due to rural depopulation. Apart from the effects of the 5 year war with Iraq, the deplorable state of Iran's agriculture and basic facilities has caused massive movements to the cities.

The people of Kurdistan continue to fight for their national sovereignty. Their territory stretches through the nation states of Iran, Iraq, Soviet Union, Syria and Turkey. In Iran and Turkey, in particular, Kurdish language and culture is officially banned, while in Iraq a long history of struggle against the state has placed the Kurds in opposition to the government. Although the situation of Kurds in Syria and the Soviet Union appears to be better than in the other countries, the 15 million Kurds are vigorously pursuing their long fight for self-determination throughout their homeland.

Information from the indigenous peoples of the Soviet Union is scanty, but reports come from time to time of a

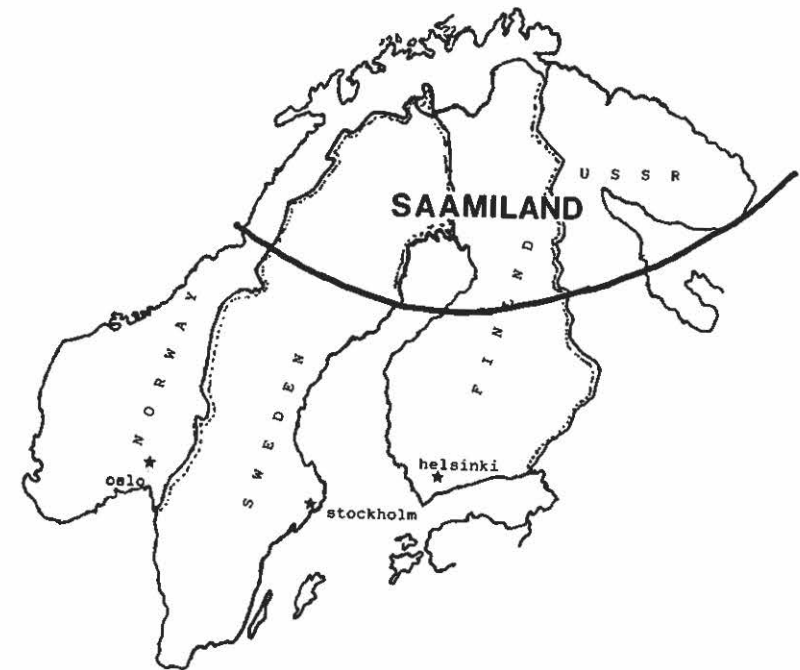
fragmentary nature. Although indigenous languages and folklore are recognised and health and educational facilities are present throughout the country, there have been criticisms that the indigenous peoples of the Soviet Union face several problems. Russification, the settling of nomadic people and the lack of participation by Soviet peoples in international indigenous organisations are those raised most frequently. Reports from Siberia say that in 1986 an indigenous revival has been taking place at grass-roots level with the resurgence of traditional shamanistic practices and interest in the past indigenous heritage. At the end of 1986 fears have been raised for Nizametdin Achmetov, a Bashkirian Moslem poet who was arrested in 1966 for religious and political reasons. He is currently detained in Alma Ata prison infirmary.

Sources: DEFIS Afghans, Human Rights Watch, Iran Liberation, Pogrom, RIOP Kurd Report.



Soviet tank in Afghanistan (Photo DEFIS Afghan)

MAP OF SAAMILAND



Saami population about 40,000



Saami Flag at the XIII Saami Conference (Photo: Jørgen Brøchner Jørgensen).

Europe - Saamiland

Europe - Saamiland

1986 will always be remembered by the Saami as the year of Tjernoby1. On April 26th, the atomic reactor exploded, sending radioactivity throughout Europe. Southern Saamiland lying in central Norway and Sweden was particularly hard hit because the mosses on which the reindeer herds survive became contaminated very quickly. In Sweden 11,000 reindeer had to be destroyed on government orders as were others in Norway. The exposure of Saami themselves to radioactivity has been the cause of concern, but their main fear at the moment is loss of livelihood and the whole continuation of southern Saami society which socially and culturally revolves around reindeer herding.

At the 13th Nordic Saami Conference held at Åre, Sweden, in September, the Saami discussed the problems which have been of greatest concern to them in recent years. Tourism control is very important to protect reindeer pastoralism and Saami children receive no recognition of their own culture in their education. The Saami also asserted their rights to land and water during the conference. These rights are currently under discussion and are the subjects of reports commissioned by the governments of Norway, Sweden and Finland.

Sources: IWGIA Newsletter 47: 96-101
Forthcoming: article on Tjernoby1 NL 48 and Document 58 on Saami Rights.

MAP OF AFRICA



1. Sahrawi
2. Wollega
3. Turcana
4. Maasai
5. San Bushmen

Total indigenous people in Africa: 12,550,000

Northern Africa

Ten years after the forced annexation of Western Sahara by Morocco, the fighting between the Moroccan armed forces and the Sahrawi people's army, POLISARIO, continues. In order to protect southern Morocco and the phosphate mines of Bou Craa, Morocco has built a 1,500 mile-long wall from Zag, in southern Morocco, to the Western Saharan port of Dakhla. In spite of a heavily armed defence force of 150,000 necessary for the occupation of the country, the Moroccan army has not crushed the Sahrawi struggle for self-determination. The United Nations has, in two resolutions (OAU 104 and UNGA 40/50) aimed at a peaceful solution to the conflict and a referendum of self-determination for the people. In 1986 some negotiations took place through UN auspices but no substantial solution appeared.

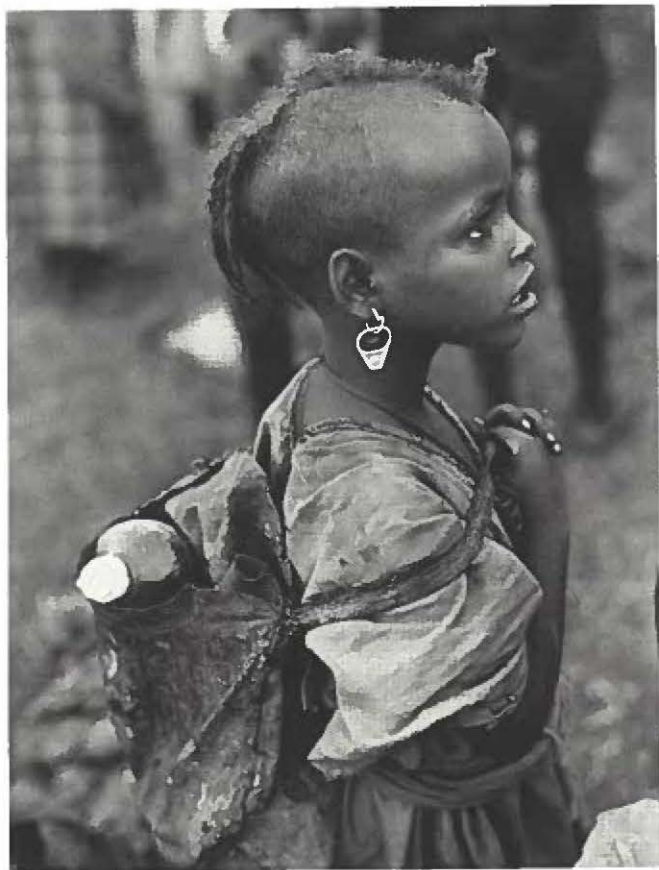
During 1986 the main issues of concern in Ethiopia have been the questions of resettlement and villagisation. An estimated 600,000 people have been moved over the last 2 years as part of a scheme to settle 1.5 million. They were moved from the northern, drought-stricken part of the country to the southern region of Wollega. However, after criticism of the scheme, the Ethiopian government halted further resettlement. The villagisation programme is similarly controversial and involves regrouping scattered homesteads and families into settlements of 3-400 people. Although some people have willingly taken advantage of the scheme, there is strong evidence that many have either succumbed against their will or have fled the country as refugees to avoid villagisation. Some of these refugees were under threat of forced repatriation from Djibouti during November.

In 1986 the rains were better in northern Ethiopia and many refugees returned to Tigray. However a plague of grasshoppers and locusts threatens this year's harvest. The Relief Society of Tigray has been organising the repatriation of the 80,000 refugees and have worked hard to ease the problems facing

them on their return. Tigray and Eritrea are still waging war against Ethiopia for recognition of their separate states. This warfare has impeded much of the relief for famine victims in the region.

Sources: Cultural Survival Quarterly, POGROM, REST Newsletter, SPSC Letter, Survival International News

IWGIA material: Newsletter No. 47:27-49.



Ethiopian refugee child, Wad Kowli, Sudan (Photo: ILO)

East Africa

The Turkana of northern Kenya have had difficulties in getting over the drought of the last few years. Because of a lack of long-term support, these pastoral people have found themselves becoming more dependent on aid. Over the last 20 years there have been attempts by the Kenyan government to settle the Turkana as fishermen and as agriculturalists but both plans ended in failure. The current threat to them comes from the planned Turkwell Gorge Project which aims to produce hydroelectric power from a dam to be built on Turkana territory. Apart from a controversy over the funding of the project, supported by France, the effects on the flow of the river and the resulting irrigation of 12,000 has. of land could seriously upset the ecological balance of the region. The Turkana fear that these consequences will destroy the grazing lands and thus the basis of their pastoral economy.

The Maasai in Kenya and in Tanzania have also suffered from the drought and from the constant attempts by governments to settle them. In recent years the Maasai have been fighting to retain their rights to pastures within the Ngorongoro National Park and retain their cattle grazing culture and livelihood. During 1986, a report presented to the Tanzania Society of Animal Production, said that for the Maasai of Morogoro, in northern Tanzania there is another problem. The recent drive to increase cattle exports has put pressure on the region's pastures. The commercialisation of Maasai traditional economy and its orientation towards exports rather than retaining a surplus within Maasai society will seriously increase dependence in the future.

Sources: IPS Service (Norway), POGROM and newscuttings.

IWGIA material: Document No. 52.

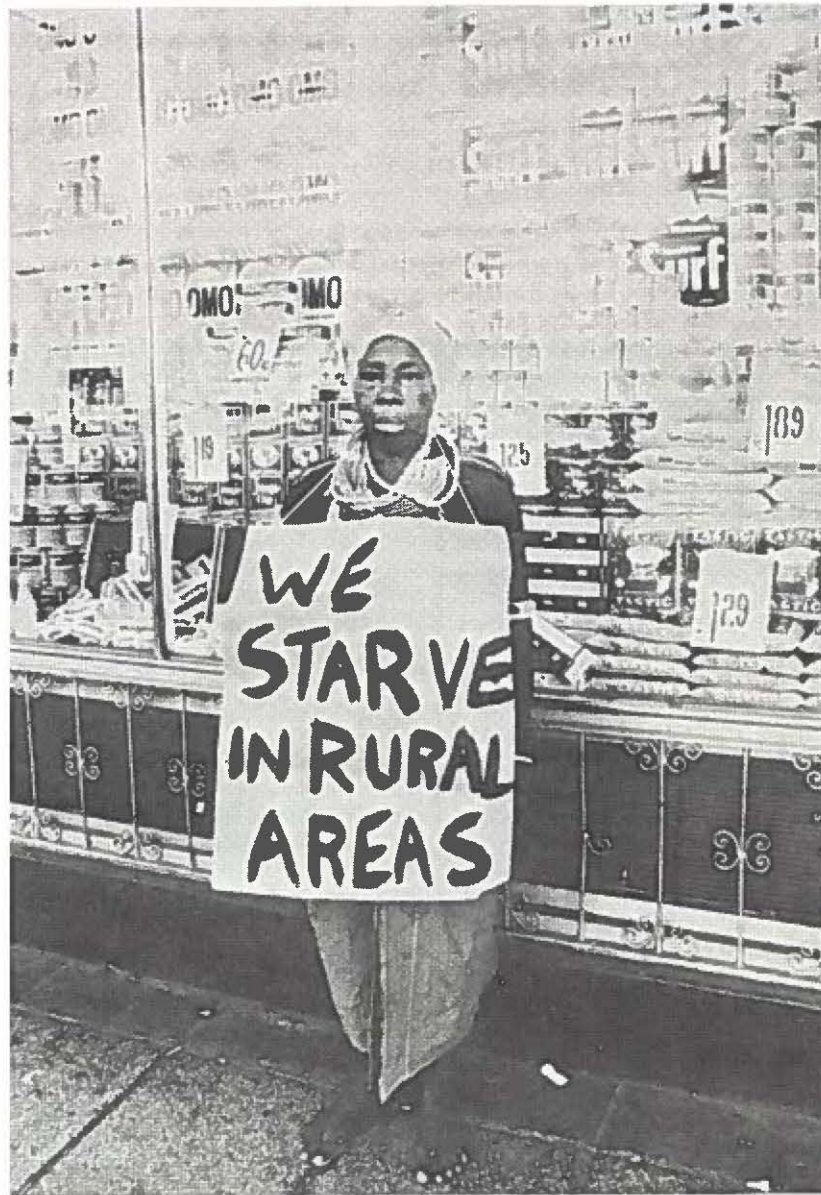


Photo: Gill de Vileg/Afraprix-Socialist Affairs

Southern Africa

During 1986 a report from Botswana demonstrated how one African country has been managing to cope with the drought. Because of an efficient system of drought relief, the disastrous effects of crop failure and livestock losses have been mitigated. The indigenous San bushmen, numbering about 50,000, have faced many difficulties during the drought, causing them to seek food and employment in settlements. However, the government Remote Area Dweller (RAD) relief programme has counteracted these negative trends.

In Swaziland there has been much recent publicity of the Zenzele "do-it-yourself" development organisations. These are run by women in 200 groups throughout the country and work on education, development and health projects. These women's organisations are some of the most active participants in rural development and will play an important part in the Swaziland's Fourth National Development Plan.

The situation in South Africa has deteriorated considerably during 1986 in that the oppression has increased and the violence against the indigenous black community has become more vicious than ever. Even though international concern is growing, the suffering of the black majority continues. The homelands which are similar in some ways to reservations in indigenous territories throughout the world, are still centres for the control of manpower and do not express the exercise of self determination.

Of particular concern in South Africa in 1986 has been the increase in forced relocations of rural indigenous communities. There are many communities with rights to their territories stretching back to before 1913 when land could be bought. In recent years, and particularly since 1981, communities have been burnt by the armed forces and the people moved to areas where subsistence farming is impossible and the families have to rely on an income. In spite of international protests and

and a government statement that forced relocations would stop in 1986, a record 30,000 relocations have taken place over the year. There are currently plans to relocate another 35,000 people thereby dispossessing rural communities of their territories and controlling the population at the same time.

During 1986 South African forces have been at work in neighbouring countries too. The January coup in Lesotho was tied up with the South African economic blockade and a desire to depose pro-African National Congress Chief Leabua Jonathan. In Namibia South African forces continue their occupation in spite of opposition from the United Nations. The liberation organisation SWAPO continues its fight against South African occupation and is making preparation for the needs of future independent Namibia. A series of 1986 health statistics shows how blacks in rural areas face terrible health conditions while the occupying South African forces provide the white population with 50 times the per capita support that the black receive. 90% of traditional black farming lands have now been dispossessed and sold to white South African farmers.

Sources: CARE Newsletter and newscuttings.

IWGIA Material:

Botswana: Newsletter No. 45:9-14 and forthcoming document

Swaziland: Newsletter No. 48.

South Africa: Newsletter No. 40: 50-63.

Conclusion

The conclusion of this report is a thematic summary of the some of the main events which have taken place in the indigenous world in 1986.

1. Mass killings which could be seen as genocidal.

In spite of a return to democracy in three of the following countries, there are constant reports of deaths, disappearances and killings by governments and in some cases non-government forces in Peru, Guatemala, the Chittagong Hill Tracts of Bangladesh and both East Timor and West Papua.

2. Indigenous leaders and members of communities living under constant threat of death

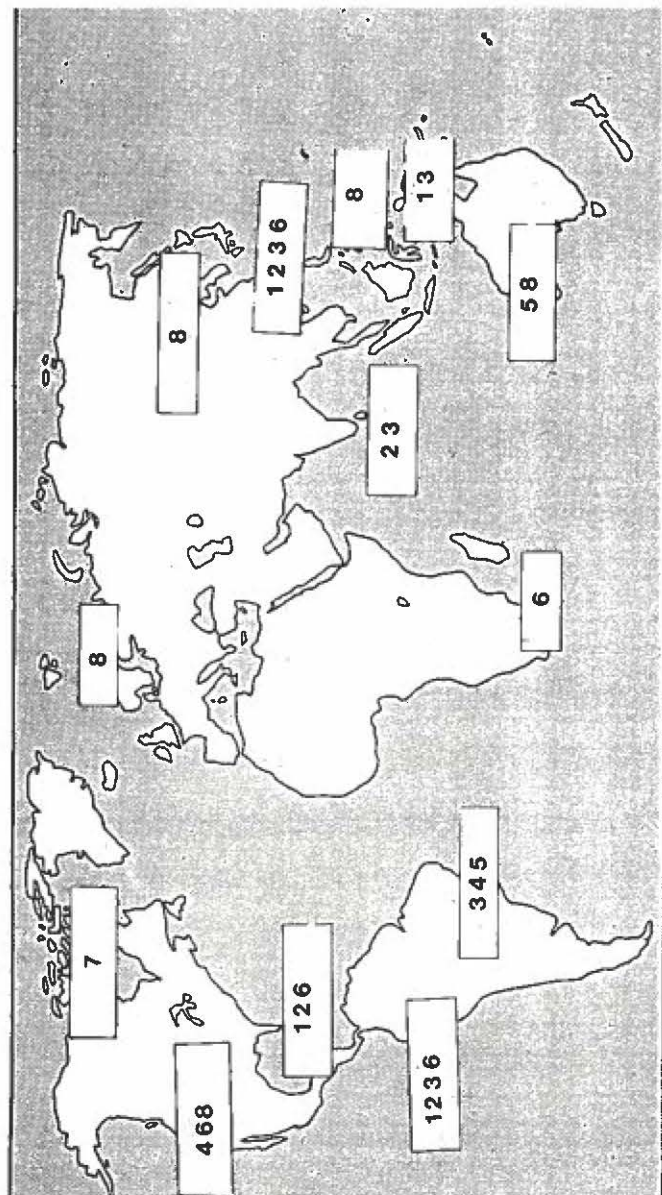
In Colombia, Nicaragua and Surinam where guerilla warfare is taking place, in the forests of Peru, Brazil and Bolivia where drug traffickers threaten and destroy communities and in Mexico and Chile where Mapuche villages are under a state of seige, threats and killings of leaders are on the increase. In Asia Indian community leaders have been shot and Philippine communities have been attacked.

3. Colonisation

The World Bank funded transmigration programme in Indonesia is sending over 1 million families to areas inhabited by indigenous peoples of Sumatra, Kalimantan and West Papua. 10 thousand refugees still face possible relocation from Papua New Guinea back to West Papua. Colonisation programmes are linked to development programmes and the Narmada Valley project in India, the Polonoeste project in Brazil, and Caazapa project in Paraguay are 3 funded programmes still threatening indigenous peoples.

4. Multinational companies

In Ecuador threats to 100 communities of the



A Summary Map of Major Trouble Spots in the Indigenous World - 1986

Amazon have arisen from the feverish desire of multinational companies to exploit the Amazon Palm. There are countless other examples all over the world including that of the Lubicon Cree in Canada who are currently suffering the indignity of putting up with an exhibition of their own artifacts organized and sponsored by the Alberta government and the very multinationals taking over their lands.

5. Land rights and demarcations

Indigenous communities in Peru and Brazil still wait for the demarcation of their lands and their titles. Meanwhile in Colombia and Costa Rica, governments make no effort to respect recognized lands. In Australia, after the fragmentation of a national land rights policy, there are moves under way to take out the most positive aspects of the Northern Territories Act on land rights.

6. Forced relocation and settlement

This last year has seen an escalation of this in Ethiopia, parts of Peru, Guatemala, USA, West Papua, the Chittagong Hill Tracts of Bangladesh and South Africa.

7. Increased militarisation

In Greenland the Inughuit of Thule have still no compensation for being evicted from their lands for a US airbase while in Labrador low flying aircraft exercises and a new proposed NATO airbase threaten the indigenous Innu.

8. Nuclear activity

All over the world indigenous peoples are facing the effects of the growth of nuclear testing and the lack of precautions and protection at power stations. We are familiar with the British nuclear testing in South Australia which paid scant attention to the lives of the Aborigines there. In Micronesia, particularly on the island of Rongelap, indigenous people are still dying from the effects of 40 years of testing around their

traditional territories. These people are currently facing starvation after a voluntary and necessary relocation to a new island. The same effects from testing have been noted in French Occupied Polynesia on Moruroa, and Hawaii where an island, sacred to the indigenous peoples of the area is being bombed. In Nevada, USA, this year, there were also nuclear tests on the lands of the Western Shoshone. The Saami people lost thousands of their reindeers from contamination after the accident at Tjernobyl earlier this year.

This survey is not exhaustive but it shows that indigenous peoples continue to face an enormous variety of threats to their lives, lands and cultures.



Drawing by a Guatemalan

INDIGENOUS RIGHTS



IWGIA Report on the ILO Meeting of experts to Discuss the Revision of Convention 107 Geneva, 1-10 September, 1986

Introduction

The International Labour Organisation has been discussing a revision of its Indigenous and Tribal Populations Convention 107 for several years. The main reason for this is the need for a shift in focus of the Convention from an integrationist perspective to one more in keeping with indigenous peoples' needs and aspirations. Since the Convention was first produced in the 1950s there have been many changes in the indigenous world. Foremost among these has been what can be seen as a shift from an "indigenist" to an "indigenous" approach to fundamental rights. 30 years ago, non-indigenous peoples debated and discussed what was suitable for their indigenous brethren who had to take what they were given or leave it. Nowadays, the rights of peoples to self-determination and the important rise of indigenous peoples' organisations has completely altered the framework for setting international standards.

ILO Conventions are instruments which not only set standards for achievement in the realm of rights, but when ratified create international obligations for the country which signs. A country which ratifies an ILO Convention has to report periodically to the International Labour Office on how it has fulfilled the requirements of the Convention. Two bodies supervise these reports. One is the independent Committee of Experts on the Application of Conventions and Recommendations who are appointed by the ILO Governing Body and who make public or private comments. The results of the Committee of Experts' observations are sent to the second supervising body called the Committee on the Application of Standards who can call governments to appear before them during the annual International Labour Conference.



Convention No. 107 and Recommendation 104 (which was not discussed at the meeting) are the only international instruments adopted by any international organisation for the protection of indigenous peoples' rights. Since it came into operation in 1959 it has been ratified by 26 States, 14 in Latin America and the Caribbean and several in Africa and Asia. If the Convention is revised, ratifications will start over again but those who wish to remain tied to the previous version of the Convention will be able to do so.

The purpose of the Meeting of Experts in Geneva was to advise the Governing Body of the ILO as to whether and how the Convention should be revised. If the recommendations of the Meeting are acceptable to the Governing Body, the ILO secretariat will then draw up a draft Convention for discussion at the International Labour Conference in 1988.*

The Meeting was structured according to the ILO tripartite organisation. Experts were chosen from Employers, States and Workers (5 from each group) and in addition two experts from Non-Governmental Organisations. There were official observers (of whom IWGIA was one) and also unofficial observers who were either concerned individuals or organisations who had not arranged their attendance with the ILO before the April deadline.

The major issues under discussion at the meeting were:

- 1) The need to change the integrationist focus of Convention 107. The discussion centred here around the concept of self-determination, the notions of consultation and participation and the definition of indigenous and tribal.
- 2) Land rights, rights to resources such as water, sub-soil, sea ice etc., protection from forced removal, restitution of stolen lands and the concept of inalienability.
- 3) Indigenous control over development projects which affect them and government policies which threaten them.

* At a meeting of the Governing Body of the ILO in November the recommendations of the meeting were accepted.

The Meeting

The meeting consisted of 8 categories of participants:

1) The ILO Secretariat

There were on average six members of the ILO Secretariat present at the meeting. They had initiated the whole discussion of the revision of Convention 107 and had prepared a working paper in order to define the broad areas of discussion. During the meeting the Secretariat commented on the debate, provided information and made infrastructural support available.

The meeting was effectively a discussion of the possibilities for revision as seen by the secretariat of the ILO. Whereas on one level the meeting was an open discussion of what the different interest groups wanted to see in a revised convention, there were several participants who saw the process as a form of negotiation with the ILO Secretariat as to the parameters of the proposed revision.

The ILO Secretariat's responsibility in the meeting was to ensure that a ratifiable Convention would come out of the revision process (a Convention which would eventually be drawn up by the Secretariat itself). For this reason the importance of the ILO Secretariat and their role at the meeting cannot be over-emphasised.

2) Experts named after consultations with governments

Seven countries were invited to participate at the meeting but India did not appear. Rodolfo Stavenhagen from Mexico was elected Chairman and four other experts participated (Australia, Botswana, Norway and Perú). The governments, with the clear exception of Canada, all showed themselves receptive to progressive ideas about the revision, although within limits. Norway and Mexico took the strongest positions and received support from Peru and Botswana. Australia, eventually broadly shared these perspectives.



Chairman of the Meeting and members of ILO Secretariat at official address (ILO)

The government appointed experts worked largely within the framework of their own national policies, but alongside this it was clear that their own experience in indigenous affairs produced broader perspectives. This was apparent in the cases of Mexico, Norway, Peru and Australia.

3) Experts named after consultations with Employers' members of the governing body of the ILO

Employers' experts came from Brazil, Niger, India and Mexico. The Mexican Fernando Yllanes Ramos was present at the original discussions prior to Convention 107 in the 1950s and led the discussion from the employers' perspective. All of these experts held a common view to give as little ground to changes in the Convention as possible.

The employers were at one end of the range of views expressed at the meeting. Their contribution to the meeting was negative in that their approach was not to produce suggestions which the meeting could develop but to act as a block if the discussion steered away from their interests. Although the employers claimed frequently to be presenting "realistic" views based on the probability of future ratifications of the revised convention by governments, the government experts present disagreed with them more frequently than not.

4) Experts nominated after consultations with the Workers' members of the ILO

Workers' experts came from Brazil, Canada, Australia and Zaire. The first three representatives were markedly pro-indigenous the first having 25 years experience in the field and the other two coming with indigenous advisors. The Workers' experts were receptive to the views of the indigenous peoples present at the meeting.

The constructive mutual support between the Workers' experts and the NGOs present at the meeting set the pace and the framework of discussion. Their position was mainly that the suggested revisions mentioned by the ILO in its working paper did not go far enough and they set out a basis on which the Convention could be meaningfully improved.

5) Experts from Non-Governmental Organisations

Two organisations with consultative status in the ILO were chosen as NGO experts for the meeting. Survival International, a London based indigenous and tribal support organisation, was one and the World Council of Indigenous Peoples, a Canadian based international organisation of indigenous peoples, the other. Both organisations had the possibility of speaking freely during the meeting and to a large extent used the NGO Observers as advisers.

6) Observers from Inter-Governmental Organisations

There were observers from the Instituto Indigenista Interamericano, UNESCO, the World Bank, the UN, FAO and WHO. The representative from the ILO was supportive of the indigenous input into the meeting, while the World Bank representative made several controversial statements. The other organisations made comments appropriate to their interests and concerns.

7) Observers from Non-Governmental Organisations (Official)

There were observers from non-indigenous organisations such as the Anti-Slavery Society, Centre de Documentation, de recherche, et d'information des populations indigènes (DOCIP), the Indigenous World Association and the Four Directions Council. From indigenous organisations the Métis National Council, the Consejo Indio de Sud America, International Organisation of Employers, World Federation of Trades Unions and the International Confederation of Free TUs.

With the observers were several lawyers and other advisers. IWGIA was also one of the official observers and took advantage of the two opportunities available to address the meeting (the text of the main statement follows this report).

8) Observers from Non-Governmental Organisations (Unofficial)

Unofficial observers participated much as did the official observers and had two opportunities to speak. Indigenous representatives of the New South Wales Land Council and the National Aboriginal and Islanders Legal Services from Australia,

and a tribal group called RURAL from India were the most active. In addition there were several unofficial observers who were studying the ILO process as a whole and did not play an active part in the proceedings.

The Discussion

The Discussion centred around the original Convention 107 using as a basis the Working Document provided by the Secretariat. The first day was spent on a general debate as to the defects of the original Convention, concentrating on its integrationist approach and provisions on land rights and development. In effect these were the three major topics of discussion throughout the meeting.

From Wednesday afternoon there was an article by article discussion which lasted until the following Monday. The bulk of this period was spent on looking at land and the rights of indigenous peoples to control their own development. There were also points made on the other articles but these generated less controversy.

From the Tuesday of week two (September 9th) there was a heated discussion on the final report with its recommendations and conclusions. This went through until the meeting was closed the following day. As a whole, therefore, we can divide the meeting into three parts:

I. General: Integration - Participation - Self-determination

The meeting agreed early on that the integrationist terminology employed in Convention 107 has to be revised, the debate centred around how this should be replaced. There were broadly two lines of thought. The first which was based on the Working Document provided by the ILO sought a solution in terms of the words participation and consultation. In this way indigenous peoples would have a say in their own destinies.

The other position which was pushed by the indigenous representatives and the observers was that participation

is a euphemism for integration. The primary issue under discussion is not participation but the self-determination of indigenous peoples. According to this perspective, indigenous peoples will be able to determine the parameters of their relationship with the state.

The advocates of participation and consultation were the employers, the ILO Secretariat and Canada. Their arguments were based on the fear of indigenous peoples getting too much power and a consequent lack of ratifications. The adherents of self-determination pointed out how the UN Working Group on Indigenous Populations is working closely with this right and that in an ILO context only the social, economic and cultural aspects of self-determination would come within its framework. As to whether self-determination should be mentioned in the new Convention, NGO lawyers present considered that a reference in the Preamble, although not legally binding, would introduce the term and that a new Article 2 would essentially be a definition of self-determination without using the word as such. (A copy of the suggested wording follows this report.)

Connected with the discussion on self-determination was that on populations vs. peoples. The Chairman set up the difference as being between population as a demographic and quantifiable concept in contrast to people involving social organisation, culture and some unitary social formation. According to these sociological criteria, indigenous peoples are not simply populations. In UN terms, all peoples have the right to self-determination and so the two terms are bound together.

The discussion here, as in most of the meeting, was a debate over the meaning of words. Several participants kept insisting that what matter are concrete realities, however, it was impossible to stay on a concrete level for long. This was because with so little indigenous participation specific case studies were lacking and in addition the formation of international standards is a politics of semantics. Self-determination vs. participation was a conflict between those who wish to

change the orientation of Convention 107 completely and those who wish to preserve its overall direction.

II. Specific articles - mainly on land

ILO Convention 107 is in 8 parts. The first part is entitled General Policy and sets out the overall integrationist approach of what is to come. Discussions on this part concerned replacing populations with the word peoples and taking out the evolutionary language which sees indigenous peoples as being in a less developed "stage" of socio-economic life. The workers experts and the NGOs put forward the suggestion for placing Article 5 in a revised form as article two. This related to the discussion on self-determination mentioned earlier.

The changes received the support of most of the meeting but the employers and Canada were not too happy. There was some discussion over customary law in Article 7 and the recognition of indigenous institutions. Once again most of the members of the meeting considered this reasonable although the employers feared the setting up of a state within a state.

Part Three of the Convention is on the Recruitment and Conditions of Employment. It was generally agreed that indigenous peoples should receive positive discrimination to ensure they have the same rights at work as other members of the national state society.

It was considered that the fourth part of the Convention, on Vocational Training, Handicrafts and Rural Industries, the fifth on Social Security and Health, the sixth on education and the seventh on Administration should all be extended to encompass any planning, organisation and implementation. Indigenous peoples should not only receive the same benefits as other citizens, but this should be accomplished by means of positive discrimination.

On part eight (General Provision), the meeting agreed that the ILO should do more to publicise the Convention

to indigenous peoples and also make its implementation less complicated. For further details on the discussion on these parts of the Convention please refer to the ILO's own report of the meeting.

The longest discussion at the meeting was on land. Although land issues comprise only 4 out of 37 articles in Convention 107, the discussion was extremely lively and extended. Land is a crucial issue for indigenous peoples and recognition of rights to land are fundamental for their continuation as societies. (Land is covered in Part 2 of the Convention.)

The main points made by the indigenous representatives and NGOs was that land is too restrictive a term and that "territories of the earth" would be preferable. This is because indigenous resources include not just land, but water, air, coastal waters and sea ice as well as sub-surface rights. Indigenous peoples see themselves as custodians of their territories for their future generations and so these resources cannot be "owned" in the same sense as in industrial societies.

Out of this arose the concept of inalienable rights to territory which provides the backbone of the indigenous position on land. Rights of the Convention should then include access to resources under indigenous control, protection from forced relocation, restitution of stolen lands, the right to subsistence from one's territory, protection from invaders, control over development and support for self-development.

The discussion was basically defining the rights of the state to interfere with indigenous peoples' territoriality. A frequent standard brought up was the "national interest" and various countries tried to find ways of ensuring this would not be used at every opportunity. The problem with Convention 107 on land is that it provides states with escape clauses which render the recognition of indigenous land rights meaningless. In the end the meeting agreed that inalienable title should be recognised as an indigenous demand and that wherever

"national interest" appeared to go against indigenous rights the whole process should be passed onto a negotiation procedure established in advance where indigenous peoples would have full representation.

As with the other areas, the NGOs, Governments (except Canada) and the Workers' organisations supported the indigenous view, with the dissent coming from the employers.

III The report, conclusions and recommendations

The Secretariat attempted to bring together the views of all participants in its report in order to find common ground between the employers and the rest of the meeting. Unfortunately the Report and its first set of conclusions and recommendations had the effect of reiterating the main points of the original working document which had been rejected by the majority of the meeting.

On Tuesday, 9th September, the participants and observers were given the morning to read the report. The first reactions allowed to be aired were those of the official observers at the start of the afternoon meeting. There was a considerable discussion among the NGOs what to do. The conclusions and recommendations were completely unacceptable. The expert NGOs considered that we should complain but stick with the process. However, the NGOs (IWGIA among them) did not agree. It was impossible for IWGIA to continue to support a process which produced those conclusions.

Consequently, the NGOs observing all stated that they would disassociate themselves from the implementation of the draft report, particularly its recommendations and conclusions which are the most important and most widely read section. The net result was that during Tuesday evening the Secretariat rewrote the conclusions and recommendations in a form which included the notions of self-determination, inalienability and control over resources and development. On Wednesday, after further debate and some alterations the report was passed.

Conclusions

Evaluation

The revision of Convention 107 cannot automatically be assumed to be advantageous. As it stands, the Convention, for all its faults, is a legal dead letter. There have been no ratifications for many years and it is considered to be of little value. Occasionally organisations have used its mandate to bring governments to task but these cases are not frequent and the Convention lacks any bite.

A revision of the Convention in the same direction as the 1957 version would not only be of little use for indigenous peoples, but positively dangerous. A revamped Convention containing participation and consultation would not only be thinly disguised integrationism once again but it would become an international instrument capable of being used. In practice the result will be that the weaknesses of the old Convention will continue to plague indigenous peoples for another 30 years, with the blessing of the international community.

Another danger of a weak revision is that it will have an effect on the United Nations' work on establishing principles of rights for indigenous peoples. By lowering the standards of what can be expected internationally, the impetus for the UN to provide an instrument clearly addressing abuses of indigenous peoples would lose momentum.

Indigenous peoples have now already stated clearly what their expectations are for international standards - these have been drafted in Panama and Geneva in 1984 and 1985. It is on the bases of these declarations that international lawyers are developing standards for the rights of indigenous peoples. If the ILO ignores these developments the Convention will not reflect the current needs of the peoples it is claiming to help.

The final report has gone a long way to reflect the views of indigenous peoples. The meeting itself was not structured

to receive a large input from indigenous peoples, however, taking this into consideration, the participants put considerable weight on the opinions of the indigenous representatives present. The report of the meeting contains conclusions which are the minimum requirements for a revised Convention as far as indigenous peoples are concerned.

In spite of under representation by indigenous peoples and strong attempts to bring in weak suggestions for a revised Convention, the result of the meeting was positive. The conclusions and recommendations cover the major indigenous positions on international standards and they have been portrayed realistically enough to satisfy the governments present at the meeting. As one participant said after the meeting: "the indigenous cause may not have gained any ground here, but we have been able to hold the ground we have - this in itself is a victory."



Indigenous participants with IWGIA representative (ILO)

Statement by IWGIA to the ILO Meeting of experts,
september 3rd, 1986

Mr. Chairman and members of this meeting,

The International Work Group for Indigenous Affairs would like to thank the ILO for inviting me to attend this meeting as observer and also for this opportunity of speaking. IWGIA was founded 18 years ago - 11 years after Convention 107. Our task has always been to inform indigenous peoples and the rest of the international community through our publications of the oppression which indigenous peoples were, and still are, suffering. The bases on which IWGIA was formed and developed were anthropological reactions to the integrationist and paternalistic approaches to indigenous rights which were then prevalent. It is therefore gratifying for us to see so many distinguished experts taking seriously the issues which we have been advocating for nearly 20 years and hope that maybe our publications may have made some small contribution to this.

IWGIA has a policy that we never usually address conferences on indigenous affairs. This is because we are neither indigenous nor experts. Where there are indigenous persons present we would not presume to speak on their behalf. The fact that I am speaking is in itself a comment on the composition of this meeting and the small proportion of indigenous people present. I hope you will therefore take great heed of what they say in compensation for their limited representation. It is not my position to criticize the ILO for there being so few indigenous peoples present - I only would like to point out some consequences. First: during this meeting there has been much discussion over the concepts of consultation and participation. It is likely that many indigenous peoples will see a precedent here where they had limited participation in a convention designed to promote participation. Secondly: by not including a larger proportion of indigenous people the ILO may

find that it has to "sell" the convention to many indigenous peoples, who, regardless of the potential advantages, will, naturally enough, wonder what rights have been arranged for them on their behalf.

I do not speak to you on behalf of indigenous peoples and I would not presume to suggest to you what is best for them. All I can offer is a few points based on the experience which we in IWGIA have had in meetings with indigenous peoples, discussions with them and visits to indigenous communities. On the bases of these I would like to present the following observations: There are three aspects of the concept indigenous: 1. Pre-colonial and aboriginal peoples who have experienced colonization. 2. Self-definition both in terms of who they are as members of a people and collectively as to what constitutes the people as a whole. In this regard indigenous peoples in their own languages practically universally call themselves "peoples". 3. The notion of disadvantaged or subordinate comes into the definition also but in a slightly different way. To be "colonized" is an aspect of "indigenous", and most peoples all over the world have been subject to domination by an alien power. However in some parts of the world certain indigenous groups have taken over the colonial reigns of their former colonizing masters. This should not deprive the indigenous peoples oppressed in these cases of their rights. Otherwise indigenous rights would only be available to peoples colonized by Europeans.

In this way I would advocate a flexible definition of indigenous which can be applied globally. Whether we take the World Bank, the World Conference to Combat Racism or the fundamental sociological use, "Indigenous Peoples" is the only current accurate term and you must encourage international organs to recognise this.

Another observation here refers to the alternative word

for integration. Several people have put in a plea for the concept of participation. This is a two-edged sword because the meaning of participation is dangerously vague. One area of meanings would put indigenous peoples as participants in a plan which has already been decided. This is a sophisticated form of forced labour. The second area of meanings is where indigenous peoples participate with governments as autonomous equals seeking a consensus where possible and exercising a veto where impossible. This approach respects aspects of their self-determination as members of a pluri-national state. If the first set meanings for participation is used, this aspect of the convention will be useless as it replaces integration with a word which means exactly the same. If the second meaning is adopted then the social, cultural and economic aspects of self-determination will be recognized.

There are therefore two possibilities: integration or qualified self-determination (social, cultural and economic). Self-determination is a bundle of rights which pervades social, cultural, economic and political aspects of indigenous life. This convention is only competent to deal with social, cultural and economic criteria. Self-determination is a thread on which all other aspects of the convention hang. It is the one element which gives coherence not only to the different articles but to life itself.

Self-determination first and foremost orients the positions indigenous peoples would hold on land. Over the next few days I hope we will see positive recommendations on at least 10 issues: i) inalienable territorial rights; ii) control over natural resources by indigenous peoples' - particularly control of access; iii) the right to subsistence from one's territory; iv) support for indigenous self-development; v) protection from invading colonists; vi) protection from forced relocation; vii) demarcation of indigenous territories on the bases of their criteria; viii) recognition of all indigenous people's right to control access to subsurface resources; ix) protection from the detrimental effects of development projects in the

vicinity of indigenous territories; and finally x) restitution of stolen lands.

I would particularly like to address the employers on these points. In many parts of the world indigenous peoples are being wiped out because of temporary economic profits. You have the power to persuade states to respect indigenous peoples' rights and a clear and unequivocal stand by you would do much to reduce the tremendous pressures preventing indigenous survival. In this way an enormous responsibility lies on your shoulders.

I would also recommend to the ILO that when the Convention is finalized indigenous peoples be encouraged to take full advantage of it by making its application clear and straightforward.

This conference is discussing the co-habitation of freedom and equality for indigenous peoples. To seek a lowest common denominator will be a loss not only to indigenous peoples but to all people. We have to seek the highest standards for indigenous rights encapsulated in the rights of socio-economic and cultural self-determination. But don't just listen to me . Listen to the indigenous peoples because you have been given the task of deciding their future.

Final Conclusions and Recommendations of ILO Meeting

Conclusions

1. The Convention's integrationist approach is inadequate and no longer reflects current thinking.
2. Indigenous and tribal peoples should enjoy as much control as possible over their own economic, social and cultural development.
3. The right of these peoples to interact with the national society on an equal footing through their own institutions should be recognized.
4. The meeting concluded that the traditional land rights of these peoples should be recognised and effectively protected, and noted that the indigenous and tribal representatives present unanimously considered that these lands should be inalienable.
5. The meeting agreed that, in order to make these rights effective, ratifying States should take measures to determine the lands to which these peoples have rights, by demarcation or delimitation where this has not already been done.
6. The authority of States to appropriate indigenous or tribal lands, or to remove these peoples from their lands, should be limited to exceptional circumstances, and should take place only with their informed consent. If this consent cannot be obtained, such authority should be exercised only after appropriate procedures designed to meet the exceptional circumstances for such taking and which guarantee to these peoples the opportunity to be effectively represented.

7. In cases where the appropriation or removals referred to in the previous paragraph proves necessary after these procedures, these groups should receive compensation including lands of at least equal extent, quality and legal status which allow the continuation of their traditional lifestyles and which are suitable to provide for their present needs and future development.

8. In all activities proposed to be taken by ILO or by ratifying States affecting indigenous and tribal peoples these peoples should be integrally involved at every level of the process.

9. The meeting noted that the indigenous and tribal representatives present unanimously stressed the importance of self-determination in economic, social and cultural affairs as a right and as a basic principle for the development of new standards within the ILO.

Recommendations

The meeting of Experts recommends to the Governing Body:

- (a) That it place the revision of this instrument on the agenda of the International Labour Conference in 1988 or as early as possible thereafter;
- (b) that full account should be taken of the views expressed at this Meeting in revising the Convention;
- (c) that the scope of the revision should be limited to social, economic and cultural considerations;
- (d) that it take all possible measures to ensure the participation of indigenous and tribal representatives in the process leading to the revision of this Convention and in other

ILO activities in this field;

(e) that the ILO should adopt a programme of activities for the protection of the rights and interests of indigenous and tribal peoples, taking account of the above-mentioned conclusions.

(signed)

Rodolfo Stavenhagen,
Chairman/Reporter.

Proposal for Article 2 by Indigenous NGOs at ILO Meeting

In co-operation with indigenous and tribal peoples, governments shall have the responsibility for developing co-ordinated and systematic action to ensure:

- (a) that indigenous and tribal peoples are able to enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination;
- (b) that indigenous and tribal peoples' territorial rights, economic rights, and political, social, cultural, and religious institutions are recognised and protected;
- (c) that indigenous and tribal peoples be accorded the respect of determining for themselves the process of development as it affects their lives and institutions.

Progress of the Working Group on Indigenous Populations

The following 10 draft principles have already been given preliminary wording by some members of the Working Group on Indigenous Populations. The first seven were drafted at the last meeting of the Working Group in 1985 and the final three were drafted at the NGO Workshop on Indigenous Populations in 1986. Along with the paper by Erica Daes published here they provide the clearest orientation we have as to the direction in which the Working Group is moving.

1. The right to the full and effective enjoyment of the fundamental rights and freedoms universally recognized in existing international instruments, particularly in the Charter of the United Nations and the International Bill of Human Rights.
2. The right to be free and equal to all other human beings in dignity and rights, and to be free from discrimination of any kind.
3. The collective right to exist and to be protected against genocide, as well as the individual right to life, physical integrity, liberty, and security of person.
4. The right to manifest, teach, practise and observe their own religious traditions and ceremonies, and to maintain, protect, and have access to sites for these purposes.
5. The right to all forms of education, including the right to have access to education in their own languages, and to establish their own educational institutions.
6. The right to preserve their cultural identity and traditions, and to pursue their own cultural development.
7. The right to promote intercultural information and educa-

tion, recognizing the dignity and diversity of their cultures.

8. The right to determine, plan and implement all health, housing, and other social and economic programmes affecting them.

9. The right to special State measures for the immediate, effective and continuing improvement of their social and economic conditions, with their consent, that reflect their own priorities.

10. The right to be secure in the enjoyment of their own traditional means of subsistence, and to engage freely in their traditional and other economic activities, without adverse discrimination.



UN Working Group on Indigenous Populations (1984) - Jens Brøsted

International: Native Peoples Rights*

By Erica-Irene Daes**

Introduction.

The issues and problems related to the fundamental freedoms and human rights of indigenous populations are complex, controversial, multiform, acute, timely and of vital importance. Therefore, it is an imperative task of every competent scholar, scientist, human rights organization or higher learning institution and in particular of the organs and bodies of the United Nations system to examine and consider them systematically with a view to their just solution.

Contemporary civilization is basically the civilization of human rights of everyone without any discrimination. Humanity has a sacred duty to protect that civilization by any peaceful means and especially by the rule of law and not to compel man to have recourse, as a last resort, to rebellion against tyranny and oppression.¹

The common ground on which all civilizations meet is that they are composed of human beings, who are born free and equal in dignity.

* Instead of the term "native people" the term "indigenous populations" will be used throughout the present text. The latter term is an accepted one by most States in which indigenous populations live, several indigenous populations organizations and the competent organs and bodies of the United Nations system.

**Chairperson of the United Nations Working Group on Indigenous Populations and Chairperson of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

¹. Preambular paragraph 3 of the Universal Declaration of Human Rights.

The International Bill of Human Rights, which includes the Universal Declaration and the International Covenants on Human Rights, the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination as well as other relevant international human rights instruments, purport to protect everyone's freedoms and rights without any distinction as to race, religion, colour, descent or national or ethnic origin.

It is well known that massive or gross denials of human rights, arising mainly from discrimination and on the aforesaid grounds, outrage the conscience of mankind and endanger the foundations of freedom, justice, peace and security in the contemporary world.

Especially, indigenous populations are entitled to all fundamental freedoms, human rights and humane and just treatment, recognized by the aforesaid international instruments, by other relevant international instruments, including ILO's Tribal Indigenous Populations Convention N^o. 107/1957 and the ILO's recommendation thereto and relevant treaties and agreements as well as by national constitutions and legislations.

Some progress in this direction has already been made, in particular in some economically and socially developed countries - including Australia, Canada, New Zealand, Scandinavian Countries and the United States - but much remains to be done. In this connection and taking into account the political, social and economic factors, which are the main determinants of the survival, fate and future of indigenous populations and the diversity of their social and cultural institutions, traditions and customs, the recognition, promotion and protection of the following basic rights should be considered of vital importance for indigenous populations.

1. Basic Rights of Indigenous Populations

1.1. The rights to life, to physical integrity and to security of person.

The right is a basic human right, recognized in the aforementioned human rights instruments and in several other relevant international instruments. However, this right is grossly and repeatedly violated in some countries in the case of indigenous populations.

Unfortunately, painful reports have been received by competent United Nations bodies, that in some countries even the odious crime of genocide is committed against indigenous populations.

Murder, arbitrary executions, massacres, disappearances and persecution of indigenous communities are carried out by official armed groups. Arson and deprivation of the traditional sources of survival are a direct cause of death. The right to life of indigenous populations is further affected by conditions which are a source of physical and mental harm to individuals. The lack of water, natural food and changes of environmental conditions are also causes of hunger, malnutrition and death. Nuclear and other military testing on indigenous lands constitute a high danger against the life of indigenous populations. They are also suffering in some cases grave violations of their right to life as a consequence of armed conflicts in which indigenous populations are involuntarily involved.

1.2. The right to humane treatment and to not be subjected to torture.

Every member of indigenous populations is entitled to humane and fair treatment. No one member of the indigenous communities shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one member of the above mentioned communities shall be subjected without his or her free consent to medical or scientific experimentation.

1.3. The Principle and the Right to Self-determination.

The principle of self-determination is mentioned in the

Charter of the United Nations and in a great number of other international and regional instruments. In connection with the right to self-determination, Article 1, paragraph 1 of both International Covenants on Human Rights, which already had come into force by 1976, expressly provides that: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The meaning of the principle and the right of self-determination has been the subject of controversy between recognized scholars and the implementation of relevant United Nations resolutions have in a great number of cases been completely disregarded.

The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, has entrusted two of its former members Prof. Gros-Espiell and Dr. Christescu with the elaboration of two relevant studies. The basic aim of these studies is to make a contribution to the ongoing process of securing full implementation of United Nations resolutions relating to the rights of peoples under colonial and alien domination to self-determination and, consequently, to make a contribution to the struggle against colonialism in all its forms. Both studies have successfully analysed the political decolonization which means external self-determination for colonial peoples and territories.

In accordance with my opinion the term "self-determination" can mean: first, the right of an entity to determine its international status, sometimes referred to as external self-determination.

Secondly, the right of a state population to determine the form of government and to participate in the government, sometimes extended to include democratization or majority rule and often called: internal self-determination.

Thirdly, the right of a state to maintain its national

unity and territorial integrity and to govern its affairs without external interference and without violation of its boundaries.

Fourthly, the right of a state and of a state population, especially claimed by the less developed countries, to cultural, social and economic development; and finally, the right of a minority or an indigenous group or nation mainly within State boundaries to special rights related not only to protection and non-discrimination, but possibly to the right to cultural, educational, social and economic autonomy for the preservation of group identities. Indigenous people also want to have property rights to their land added to the above mentioned list of rights related to self-determination.

In any case, I would expressly like to state that in my opinion the interpretation of the term "self-determination" specifically excludes the right of secession. Accordingly, internal self-determination seems to be suited for application in particular in states where indigenous populations constitute the majority of these populations, for example, in Bolivia, Guatemala and Peru.

In some other parts of the international community, indigenous populations have traditional and legitimate Governments, a culture, a history and racial and religious ties, a common economic base, and territories. Thus, such characteristics entitle them to recognition as peoples. In Panama, for example, the indigenous group, the Bocas del Toro is self-governing and has recently requested the Government of Panama that the region they occupy should be preserved.

In some other countries, indigenous populations already have been given the opportunity to participate in shaping the political and social life of a State and consequently it could not be said that these indigenous populations have been totally denied the right to self-determination within the boundaries of the States concerned.



Erica Daes (Photo: Jens Brøsted)

Some government representatives and namely the representative of Canada expressed the opinion at the United Nations Working Group, during its third session, that self-determination in an external sovereignty sense, does not apply in international law to enclave populations within non-colonial States. However, he stated further "practical forms of self-government within the framework of the State are necessary and possible".

1.4. The right to recognition as a person before the law, etc.

Every member of indigenous populations shall have the right to recognition everywhere as a person before the law. The States in which populations live should also recognize indigenous populations as such, as well as their territory, institutions, religion, traditions and customs.

1.5. The right to land and to natural resources.

The land rights of indigenous populations include surface and sub-surface rights, full right to interior and coastal waters and rights to adequate and exclusive economic zones within the limits of international law.

The right of the indigenous populations to continue peacefully in the use, enjoyment and occupation of ancestral land without unwanted intrusion, supervision or development should be respected. Also, the right to ownership over lands traditionally occupied by indigenous peoples should be recognized.

The preservation of the life and the culture of indigenous populations is inextricably linked to indigenous land. Indigenous populations have a unique and spiritual relationship to their land, which is different from the Western European concept of land ownership. For these populations land is not simply a means of production or an exchange value, but it is a territory, an identity, a part of the social organization itself. It is impregnated with emotional, cultural, social, philosophical and religious values. "Land", as they often say, "is our mother"!

Dispossession of indigeneous populations from their territorial base, the displacement to, or resettlement in places with different environmental conditions, the deprivation of natural resources as basic as water and natural food in areas where they lived and the loss of lands and sites, could bring a disruption in the life and social and legal order of indigeneous communities and plunge them into suffering hunger, poverty, diseases and moral despair.

Discovery, conquest and unilateral legislation do not constitute legitimate grounds for States to claim or retain the territories or natural resources of indigeneous populations.

Land rights of indigeneous peoples should be guaranteed by the constitution of the State in which the indigeneous people live.

Accordingly, the right to land and to natural resources and their development and exploitation should be the subject of consultation and consent between the governments of states in which indigeneous populations live and the indigeneous populations themselves, thus avoiding the creation of causes for the eruption of political and violent confrontations between the governments concerned and their indigeneous populations.

Without ownership of their lands, indigeneous populations are vulnerable to exploitation and lack the enthusiasm, concern, ability and financial resources upon which to build a better future.

1.6. The right to maintain indigeneous culture, religion and language.

The cultures of indigeneous populations are part of the culture of mankind. The annihilation of indigeneous culture and of their distinct identity, or the destruction of their archeological sites or religious or historic monuments constitute the crime of ethnocide or cultural genocide.

The original rights to their material culture, including archeological sites, artifacts, works of art and technology lie with the indigeneous populations. States should permit indige-

nous populations to retain their own laws, customs, and institutions in general where these are not incompatible with the national legal system. Indigeneous populations have the right to receive education in their own language or to establish their own educational institutions.

Languages of indigeneous people should be used by states in all dealings between them and indigeneous populations on the basis of equality and non-discrimination. It should be noted that illiteracy rates are alarmingly high in certain indigeneous communities.

1.7. The right of the indigeneous populations to be previously consulted for technological and scientific investigations conducted within their territories.

Indigeneous populations and in particular their leadership, have the right to be previously consulted and to authorize the realization of technological investigations to be conducted within their territories and to have access to the results of such investigations.

1.8. The right to participate in the political life of the State and to be represented in the legislative, executive and judicial authorities of the State.

Members of indigeneous groups of communities should be entitled to participate in the political life of the State on the basis of equality and non-discrimination with other citizens of the State. The indigeneous populations should also be entitled to be represented in the legislative and executive authorities of the State, the Courts and the Civil Service.

1.9. Other political, civil, economic, social and cultural rights.

Indigeneous populations should be entitled to all other political, civil, economic, social and cultural rights which are universally recognized by relevant human rights instruments and especially by the International Bill of Human Rights and by article 5 of the International Convention on the Elimination of

All Forms of Racial Discrimination. In particular, special attention should be paid by states to the protection of the right of indigenous populations to public health, medical care, social security and social services which in some parts of the international community are insufficient and sometimes do not exist at all.

2. The United Nations Working Group on Indigenous Populations.

In connection with the mandate, work and objectives of the United Nations Working Group on Indigenous Populations, the following main points should be highlighted:

The most competent bodies of the United Nations dealing extensively with the protection of human rights and the complex problems of the indigenous populations are the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. As early as 1972 the Sub-Commission entrusted the Special Rapporteur Mr. José Martínez Cobo to elaborate a "Study of the Problem of Discrimination against Indigenous Populations". This study, which is a major contribution to the presentation of the problem of discrimination against indigenous populations, contains a great number of valuable conclusions and recommendations. The Sub-Commission has recommended, and the Commission on Human Rights has duly approved a few days ago, that because of its importance the above-mentioned Cobo's study should be issued in full and widely disseminated to Governments, specialized agencies and other academic and research institutions. In particular, the Commission decided that the conclusions and recommendations of the above-mentioned study by Cobo should be issued in full and widely disseminated by the United Nations Secretary-General.

One of the most useful and important proposals by the Special Rapporteur is the working definition of indigenous populations for the purpose of international action that may be taken affecting their future existence. Thus, in accordance with the pro-

posal of the Special Rapporteur, indigenous populations may be defined as follows:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity; as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."

This definition is accepted as a working definition by a great number of indigenous populations.

Another manifestation of the deep and sincere concern shown by the United Nations' competent organs and bodies for the indigenous populations is the creation of the Working Group on Indigenous Populations. The relevant recommendation was made by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 2 (XXXIV) of 8 September 1981, endorsed by the Commission on Human Rights in its resolution 1982/19 of 10 March 1982 and authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a Working Group on Indigenous Populations to meet for up to five working days before the annual sessions of the Sub-Commission in order to:

- (a) Review developments pertaining to the promotion and protection of Human Rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, particularly those of indigenous

peoples, to analyse such materials, and to submit its conclusions to the Sub-Commission bearing in mind the report of the Special rapporteur of the Sub-Commission;

- (b) Give special attention to the evolution of standards concerning the rights of indigenous populations, taking account of both similarities and the differences in the situations and aspirations of indigenous populations throughout the world.

This Working Group has already had 3 successive annual sessions during which a constructive dialogue between indigenous populations and representatives of various governments has been established. Thus, this Working Group has become the first permanent United Nations forum devoted to the consideration of the rights, elimination of discrimination and the problems of indigenous populations.

One of the most important recommendations by the Working Group was the establishment of a United Nations Voluntary Fund for allowing indigenous populations to participate in the work of the Working Group on Indigenous Populations.

This recommendation was adopted by the Sub-Commission and approved by the Commission on Human Rights two weeks ago.

Also, the Commission on Human Rights approved without a vote, during its last session that ended a few days ago, another important resolution related to the recognition and respect of the rights of indigenous populations and to the future work of the working group.

In this resolution the Human Rights Commission:

- (a) Reaffirms its determination to do everything possible to promote the enjoyment of the rights of indigenous populations;
- (b) Expresses its appreciation to the Working Group on Indigenous Populations for its valuable work;
- (c) Urged the Working Group to intensify its efforts in carrying out its Plan of Action, to develop interna-

tional standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of the Human Rights of Indigenous Populations and of the situation and aspirations of indigenous populations through the world; and

- (d) Requested the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks.

Conclusions and Recommendations

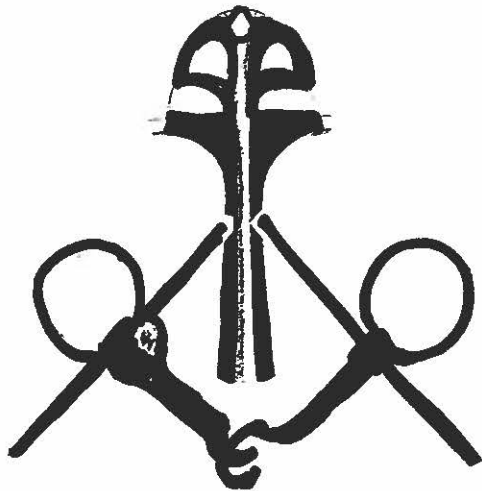
The following are my basic concluding remarks and recommendations:

1. The effective recognition, promotion, protection and restoration of the fundamental freedoms and rights of indigenous populations should, as soon as possible, be implemented. The principles of the rule of law, equality and non-discrimination should be strictly observed.
2. Constitutional safeguards for the protection of human rights including the landrights of indigenous populations and legislative remedies should be adopted.
3. Genocide is a crime under international law and ethnocide and cultural genocide constitute serious crimes. These crimes should be severely punished in accordance with the relevant provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Indigenous populations constitute a vital force which should be properly educated and advanced in order to realize their full potential and to maximize and optimize their contribution to their own welfare and progress and that of the wider societies and countries in which they live; and in which they represent a dynamic and heretofore largely under-utilized human and mental asset.
5. Consultations between governments of states and indige-

nous populations should be started and continued until a just solution to the acute and urgent problems of indigenous populations may be adopted. The work of the United Nations' competent bodies, and especially the endeavours of the United Nations Working Group on Indigenous Populations, should be continued and encouraged.

Finally, faith in fundamental human rights and the dignity and worth of every human person, should be the guiding spirit of our current movement for a better human world in which freedom, dignity, justice, rule of law, security and peace will prevail.

Source: Les Cahiers de Droit, Vol. 27, N^o1, mars 1986, p.123-133.

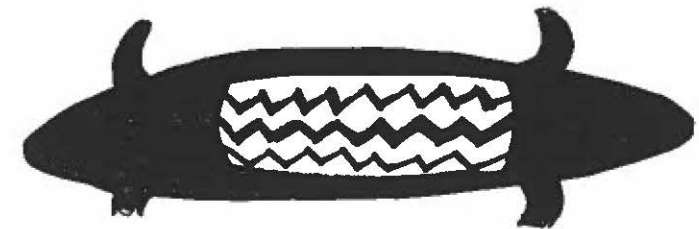


INDIGENOUS AFFAIRS



Report of IWGIA's WORK DURING 1986

In this section of the Yearbook, we review the work of IWGIA during 1986. Our financial situation was more stable this year thanks to the continuation of our grants from the human rights sections of the Scandinavian Foreign Ministries and increased sales and subscriptions. However, although we are managing to publish more regularly, there is always a shortage of money which prevents us from doing all that we would like. For this reason, IWGIA is currently campaigning to raise its subscription level and its national and international profile.



Publications

During 1986, IWGIA has produced, or has in preparation, eight publications in English and three in Spanish (four documents, a Yearbook and 6 Newsletters/Boletines). In addition, IWGIA's first sponsored video-cassette was completed in May. Members of the staff and local groups have also published articles in other fora such as the press, journals and in other documentation series.



Documents/Documentos

Document No. 55 / Documento 5

Andrew Gray, And after the gold rush...? Human rights and self-development among the Amarakaeri of Southeastern Peru.

The Amarakaeri document was written after the author's visit to the Madre de Dios region of Peru in 1985. It is an account of how an indigenous people have managed to cope with a gold rush. The document looks at the effect of gold production on Amarakaeri communities and their reaction to recent land invasions. The book also places local events in a broader national and international context of the world gold economy. In addition there is a description of the issues involved in the formation of the regional indigenous organisation The Federation of Indigenous Communities of the Madre de Dios (FENAMAD). The Spanish version, which came out 8 months after the English, contains an update telling how the Amarakaeri have obtained their land titles for two of their communities in May and how they are soon to gain gold permits for part of their territories.

Follow up

As a result of the document IWGIA opened up a fund for Amarakaeri students needing education beyond primary level. Thanks to the response from readers and other concerned persons, we have been able to send money to help a student prepare for medical school.

During the second half of the year an exhibition on indigenous peoples, concentrating on the Amarakaeri and using material from the document, was mounted in Svendborg and Copenhagen. There have also been several local radio programmes about the Amarakaeri and their problems.

Document No. 56

IWGIA, The Naga Nation and its Struggle against Genocide

There has been no major work on the Naga nation outside of India in the last ten years. Most of the books published on the subject are extremely unsympathetic in their portrayal of the Naga people. This document is a collection of disparate articles, personal impressions and reports from the area which provides a sympathetic and kaleidoscopic view of life now in Nagaland. The book documents historical and ethnographical material and provides detailed accounts of human rights violations. The substance of the document is a personal account of conditions in Nagaland today. This publication calls on the international community to make more of an effort to understand the plight of the Naga nation and treat their problems more seriously.

Follow-up

The Naga document has been received with interest in many quarters, particularly by international lawyers and people who have worked in the region. Apart from raising awareness of the Naga situation, the document served as a basic information document during the visit to Europe of Gen. Mowu Gwizan during November.

Document No. 57

Mariël Otten, Transmigrasi: Myths and Realities - Indonesian resettlement policy, 1964-1986.

The third IWGIA document of 1986 was published as part of the international campaign against transmigration. The book is a detailed exposition of transmigration using primarily sources from within Indonesia. The book compares the "myths" perpetrated by the Indonesian government about the benefits of transmigration with accounts and descriptions of the realities. The author looks at the demographic, ecological, developmental, security and indigenous peoples' human rights problems which have arisen from this enormous programme. 10% of its funding (\$600 million) has come from the World Bank, whom it is hoped will read the document carefully.



Follow-up

The document was officially launched on Transmigration Thanksgiving Day (in Indonesia) on December 12th, at a public meeting in Amsterdam. The day before, IWGIA, the Dutch Indonesia Committee, Survival International and TAPOL presented a copy to the Dutch Parliament's Commission on Development Co-operation. The campaign, of which the document is a part, continues with increased momentum, emphasising the human rights dimension in a campaign which, until now, has largely concentrated on environmental issues.

Newsletters and Boletines

The Spanish Boletines are not simply translations of the English Newsletters. Although many of the articles are found in both publications, the two journals cover different areas in each issue.

Newsletter No. 45, April, 1986

A major theme in this Newsletter is nuclear testing and the effects of militarisation on indigenous peoples. Articles compare case studies from Canada (the Innu), the United States (Western Shoshone), the Pacific (French Occupied Polynesia) and Greenland (Thule air base). Two other important articles in the Newsletter are by Douglas Sanders on the Ainu in Japan and Joanna Carino on the indigenous peoples of the Philippines.

Newsletter No. 46, July, 1986

There are two major interviews in Newsletter No. 46. José Ramos Horta provided a detailed interview during his visit to Scandinavia on the background and present situation in East Timor. The other interview is with Erica Daes, Chairwoman of the Working Group on Indigenous Populations at the UN in Geneva. During the interview she gives her thoughts and opinions on the future of indigenous peoples' rights. Other articles of note in this Newsletter are on the African Palm land invasions in Ecuador, the warfare in Indian areas of Colombia and a review of the Hopi/Navajo land issue in the USA.

Newsletter No. 47, October, 1986

The major article in Newsletter No. 47 is an account of the devastating effects of caciquismo in Mexico among the Mixe people. Another article in the issue explains the oppression of the indigenous community in neighbouring Guatemala which continues under a democratic government. The article from Tierra del Fuego tells of the plight of the last Qawasqar Indians while another, on Ethiopia, describes the villagisation and relocation policies of the government in the wake of the drought.

Newsletter No. 48, December, 1986

This Newsletter contains a major survey of North American Indian literature and its political rôle in the expression of indigenous identity. There are two articles on the military devastation being wrought on Hawaii by the burning of chemical weapons and nuclear testing. An article on the indigenous organisations of the Ainu in Japan complements the paper published in Newsletter No. 45.

Boletín Vol. 6 1/2

A major theme in IWGIA Boletines this year has been indigenous women. Two seminal articles appear in this volume. One, by indigenous women in Bolivia, describes the inter-relationship between colonisation and the position of women in the Andes. The other comes from Hawaii and draws parallels between indigenous peoples' position in the world and that of women. The Boletín covers several Latin American countries in more detail than the Newsletter - there are articles on peoples of Chile, Panama, Argentina and Venezuela.

Boletín Vol. 6 3/4

Continuing the theme of women, this Boletín looks in more detail at the rôle of women in the Andes and contains an interview with two women from Micronesia who visited Europe earlier in the year. There are also articles on the Kuna of Panama, the indigenous peoples of Buenos Aires Province, Argentina, and the peoples of the Isthmus of Mexico.

Other publications

IWGIA staff and Local Groups have published several articles in Scandinavia this year. Morten Jørgensen, from the Secretariat wrote on East Timor, Andrew Gray published an article on development in the Danish anthropological journal Stofskifte and Teresa Aparicio contributed to the Norwegian book on indigenous peoples, One Nation. From the Copenhagen Local Group, Peter Henriques has written on indigenous peoples in the journal Jordens Folk and Claus Oveskov has written in the newspaper Información on the Saami Conference in Sweden and Tjærhøbyl.

IWGIA Films

1986 saw the production of IWGIA's first sponsored film, Indian Summer in Geneva, by Volkmar Ziegler. The film is available on Video cassette from DOCIP, PO Box 59, CH-1211 Geneva 21, Switzerland. It traces the history of participation at the United Nations in Geneva by the indigenous peoples of the Americas. Case studies from USA, Guatemala, Brazil, Bolivia and Hawaii discuss issues such as nationhood, land rights, genocide, ethnocide and self-determination.



Campaigning, lobbying and protests

IWGIA's publications are all lobbying documents because they aim to raise awareness of indigenous affairs throughout the international community. Furthermore, IWGIA protests against the frequent violations of indigenous peoples' rights and co-operates with other organisations in campaign work.

During 1986, IWGIA sent protests over the following issues:

Tukano land invasions in Brazil

Throughout 1986 the Tukano of the Brazilian Amazon have been trying to resist the invasions of gold prospectors while the Brazilian government delays over their land demarcations. In January IWGIA protested about the situation on the Río Negro where most of the invasions are taking place.

Yanomami land invasions in Brazil

The Yanomami are facing similar problems from gold prospectors in Roraima as the Tukano further south. The invasions by armed garimpeiros (mineral prospectors) continue and will not be stopped fully until the Yanomami have their lands and national park. In May IWGIA sent a telex supporting the initiative by Senator Severo Gomes to put forward the National Park proposal to the Brazilian Parliament.

Nambikwara lands invaded in Brazil

Also in May, IWGIA sent a telex to the World Bank asking it to investigate the reported deaths of Nambikwara Indians in Rondonia whose lands had been invaded by colonists. The Nambikwara are living in the area of the multi-million dollar Polonoeste project which is supported by the Bank.

Yanesha lands stolen in Peru

In March, IWGIA protested to the Peruvian authorities about the annulment of land titles to the Yanesha (Amuesha) community of Tsachopén. The titles were taken away from the community by a local mission in 1981 and after five years the appeal was rejected in 1986. The case is currently before the Peruvian Constitutional Tribunal.

Oppression in Guatemala

Even though the democratic process of government has returned to Guatemala, the oppression of the indigenous peoples there remains unchanged. In November, IWGIA sent a letter protesting at the threats on the president of the the Grupo de Apoyo Mutuo (GAM) who has been fighting against the continued attacks on the Indian population. (See Newsletter No. 47.)

Threatened repatriation of refugees from Chittagong Hill Tracts

In December, IWGIA sent a protest telegramme to the Prime Minister of India, Rajiv Gandhi. It expressed concern for the 35,000 indigenous refugees from the Chittagong Hill Tracts area of Bangladesh who are living in four camps in southern Tripura. Apart from suffering appalling conditions in the camps, 6,000 of the refugees fear imminent deportation back to Bangladesh where they face a grim future at the hands of the security forces.

Protests and campaign work in co-operation with other organisations

Protest against detention of Indian leaders in Brazil and Ecuador in co-ordination with the Nordic Saami Council

In March, IWGIA and the Nordic Saami Council protested to authorities in Brazil and Ecuador about the arbitrary arrests of four Macuxi leaders from Roraima, Brazil and head of the Arajuno Indigenous Centre in Amazonian Ecuador. The protests had the desired effect and a short time later the leaders in both countries were released.

Palma Africana Campaign

During 1986, IWGIA has welcomed Ernesto Tseremp Juanka from the Shuar Federation and CONFENIAE (Indigenous Confederation of the Ecuadorian Amazon). We have been co-ordinating a campaign against the Palma Africana plantations on indigenous land in Ecuador. Ernesto's work in Scandinavia in IWGIA has also been extended throughout Europe, particularly the Netherlands and Germany. (See article in IWGIA Newsletter No. 46.)

Dams in Brazil - in co-ordination with many other organisations

In June, IWGIA joined in a large protest letter to the World Bank which has currently approved the Brazilian government two loans totalling \$500 million for the Tucuri and Balbina dams. The effects of these dams on the local indigenous populations will be disastrous (see IWGIA Document No. 44 for details).

Telex urging the Olympic Committee not to hold the games in Queensland, Australia

On 12th October, IWGIA sent a joint telex with Work Group for Indigenous Peoples (WIP) the Netherlands, the Anti-Slavery Society and the National Aboriginal and Islanders Legal Services to the meeting of the Olympic Committee in Lausanne, Switzerland urging them not to hold the games in Brisbane. This was because of the atrocious human rights record of Queensland's State Premier Joh Bjelk Peterson who consistently refuses to recognise aboriginal land rights demands and perpetrates policies described as racist by the aborigines themselves.

Ethiopia and Djibouti

In November, IWGIA joined a protest organised by Gesellschaft für Bedrohte Volke in Germany and Survival International from London protesting at the repatriation of Ethiopian refugees from Djibouti.

The Transmigration Campaign

In May, IWGIA joined the transmigration campaign initiative of Survival International, Friends of the Earth and TAPOL in the edition of the The Ecologist. In December IWGIA launched its Document 57 on the disastrous effects of Indonesia's massive transmigration population resettlement scheme which has already moved 4½ million people. The document, written by a member of the Dutch Indonesia committee, was personally presented by a group of organisations to the Dutch Commission on Development Co-operation on December 11th and provided the basis of joint letters from IWGIA and the Dutch Indonesia Committee to the World Bank who are funding 10% of the whole scheme (\$600 million).

The Chittagong Hill Tracts Campaign

As part of the Chittagong Hill Tracts Campaign, IWGIA, the Bangladesh International Action Group and the Anti-Slavery Society sent a joint telex to the Prime Minister of India and the President of Bangladesh on Human Rights Day (December 10th) expressing their horror at the genocide continuing in the hill tracts and the fear of repatriation for the refugees in Tripura (25,000 of whom are currently under threat).



Projects

IWGIA has been able to raise money for three projects in Brazil during 1986.

Emergency Health Project among the Asurini Indians of Koatinemo

The Asurini Indians live in the Xingu region of Brazil and number only 56 people. They belong to the Tupi language family and were first contacted in 1971. Since then, malaria and tuberculosis have been the major causes of decimation. The project, co-ordinated by Regina Müller, is designed to provide emergency medical support to ensure the survival of the Asurini. First reports from the project say that it is already having a major

effect. IWGIA raised \$12,500 from the Human Rights Section of the Danish Foreign Ministry.

Project of the Upper Negro (Amazonas)

This project consists of buying a motor boat and lorry for the transportation of people and cash-crops to the major markets on the Río Negro. The Tukano are, as mentioned in the previous section, regularly facing land invasions by colonists. They are also seriously exploited by local merchants who control the buying and selling of goods in the region. The Brazilian indigenous organisations UNI (Union of Indigenous Nations) and AUCIRT (Union of Indigenous Communities of the Río Tiquié) presented the Project to IWGIA. In December, the Norwegian Development Ministry (NORAD) supported the project with \$51,563.

Project for the Yanomami Second Human Rights Assembly (1987)

For many years IWGIA has been supporting the Commission for the Creation of a Yanomami National Park (CCPY) in a large medical project financed by NORAD and OXFAM (UK). From March 15th-17th, 1986, the Yanomami held their first Assembly where representatives from 14 communities met at Demini and discussed plans for resisting the violations of their rights by invading colonists and their rights to their territories. The second meeting will continue this important process whereby the Yanomami can exercise their fundamental rights to combat the violations they face. IWGIA raised \$5,000 from the Human Rights Section of the Danish Foreign Ministry for this project.



Support for FENAMAD and Amaraeri education

In Spring the Federation of Indigenous Communities of the Madre de Dios in Peru received \$322 from the Copenhagen Local Group of IWGIA. They had raised the sum from cinemas showing the film Fitzcarraldo and decided to send it to an indigenous organisation whose members are descendants of those persecuted by the film's subject, a ruthless rubber baron who lived at the turn of the century.

IWGIA's Document No. 55 brought in money for the Amaraeri which is being collected to support students wishing to further their secondary education. The total collected at the moment is about \$800 which will be sent out to Peru in the early part of 1987.

Human Rights Fund for Indigenous People

For its contribution to the Human Rights Fund for Indigenous Peoples, IWGIA raised about \$8,000 to enable indigenous peoples from Asia travel to the United Nations in Geneva. Because the Working Group on Indigenous Populations was cancelled in 1986, the money (provided by Danish Church Aid, Swedish Church Aid and Swedish Lutheran Help), will be held over until next year's UN meetings.

Chittagong Hill Tracts Conference

IWGIA raised money for this conference in October which was held in Amsterdam to help indigenous representatives' participate. The total amount (about \$8,000) was provided by agencies throughout Scandinavia.



Visitors

During 1986 IWGIA hosted many indigenous visitors from all over the world. Most of them stayed for several days and took the opportunity to discuss their present problems and the steps they are taking in self-organisation.

Latin America

Throughout 1986 IWGIA worked with Ernesto Tseremp Juanka, a Shuar Indian from Ecuador who is member of CONFENIAE, to support his campaign to inform people in Europe about the African Palm plantations in Ecuador.

There were two delegations from Chile in 1986. José Santos Millao came with other Ad-Mapu representatives in April and Juventino Velasquez from Ad-Mapu came in November. They told of the worsening situation in Mapuche communities in Chile, particularly south of Santiago. Since Spring 1986 several communities have been under a state of seige with police controlling all movements by the indigenous inhabitants.

Two visits from the Consejo Indio de Sud America took place in 1986. Asunción Ontiveros came in the Spring to talk of the work of CISA and what is taking place in Argentina. In September, the treasurer of CISA, Juan Lincopi came to Copenhagen.

IWGIA received two visitors from Brazil in 1986. During September, Carmen Junqueira spent several days at our offices discussing Brazil and her work on the Polonoeste project which IWGIA will be publishing next year. The other visitor, Claudia Andujar from the CCPY, spent several weeks in Scandinavia talking of her work among the Yanomami and fund-raising for the continuation of the health project.

In October, IWGIA received a delegation of indigenous representatives from Panama, Mexico, Guatemala and Argentina who participated in a small conference on the path from dictatorship to democracy in Latin America and the nature of oppresic facing indigenous peoples under both systems.

Europe

In May a four person delegation from the Nordic Saami Council visited IWGIA to explain what is happening in Saami-land at the moment and discuss co-ordination and co-operation between our two organisations. In the following month, Erica Daes, Chairwoman of the UN Working Group on Indigenous Populations, visited IWGIA where she explained her views on the future of the Working Group and discussed indigenous human rights in general (see interview in Newsletter No. 46).

Asia

In July, IWGIA received a visit from Professor Chesku who is a Sangthal from Bihar in India. We discussed the problems facing the Adivasis in India and their plans for self-organisation.

In October, an indigenous persons from the Chittagong Hill Tracts visited IWGIA and described the appalling conditions both in the Hill Tracts and in the refugee camps in southern Tripura, India.

IWGIA received a visitor from Nagaland during November. Gen. Mowu Gwizan stayed for several days explaining the present conditions in Nagaland and his efforts to obtain a peaceful solution of the situation there.

José Ramos Horta from East Timor visited IWGIA in May and described the struggle of his people for self-determination in the face of the Indonesian invasion (see Newsletter No. 47). As a result of this visit, IWGIA wrote a presentation for the UN Committee of 24 in New York for July which unfortunately we were unable to present.

During the same period, IWGIA received a visit from the West Papuan leader, Jacob Prai, who is currently living in Sweden. He explained the problems besetting the peoples of West Papua and explained how the Free Papua Movement had recent-

ly agreed to unite its efforts to present its case internationally.

The Pacific

In March, IWGIA received a visit from Hayden Burgess, Vice President of the World Council of Indigenous Peoples where we discussed an overview of what is taking place in the Pacific and Hawaii in particular.

Later in 1986 IWGIA welcomed two women from Micronesia who were visiting Europe at the invitation of the British Nuclear Free and Independent Pacific Women's Network. They told the history of Micronesia, the way in which Belau's nuclear free constitution is being threatened by the United States government and how, on the Marshall Islands, the people are struggling to survive after having been subjected to radiation from atomic testing.

In October IWGIA spoke to a representative from Tahiti who was in Europe to explain the terrible situation of the indigenous peoples in French Occupied Polynesia. Subject to radiation from nuclear testing and crushed under the strict colonial control of the French, the indigenous peoples of Tahiti find it hard to make people outside the Pacific understand the terrible conditions in which they live.

In December IWGIA received a visit by Margaret Herps from the National Aboriginal and Islanders Legal Services who was accompanied by Julian Burger of the Anti-Slavery Society, UK. During their stay we had very fruitful discussions on the present state of affairs with regard to land rights in Australia. There the government has made no improved suggestion to the "Preferred Model" of Aboriginal land rights which it abandoned earlier in the year (see Document No. 54).

Travels and Conferences

During 1986 IWGIA travelled to the following conferences: Environmental Conference with reference to Indigenous Peoples, Klippan, Sweden. (February)

Teresa Aparicio represented IWGIA at this meeting and spoke on the relationship between indigenous peoples and the environmental lobby, pointing out that the two areas should complement each other better than they do at present.

Conference on Ethnic Groups and the Nation-state: The Atlantic Coast of Nicaragua, Stockholm, Sweden

Andrew Gray represented IWGIA at this conference which provided papers and discussion of the situation on Nicaragua's east coast. Much of the discussion centred around the latest autonomy project on the Atlantic Coast.

Meeting with representative of CEDI, Brazil, Berlin.

In February, Teresa Aparicio travelled to Berlin to meet Carlos Alberto Ricardo, from the Ecumenical Centre of Indigenous Documentation in Brazil. The meeting involved exchanges of information and plans for closer co-operation in the future.

Human Rights Conference, Bergen.

In June, Georg Henriksen and Teresa Aparicio represented IWGIA at the Christian Michelsen Institute, Bergen, for a human rights seminar. Papers were given by governments, organisations and individuals concerned with human rights, particularly within Scandinavia and Teresa Aparicio made a presentation about IWGIA's work.

The XIII the Saami Conference of the Nordic Saami Council, Åre, Sweden

In August, Jørgen Brøchner Jørgensen participated as IWGIA's representative at the Saami Conference. The meeting discussed tourism, Saami children policy, the environment and national symbols as well as the Tjernobyl catastrophe. (For a report see IWGIA Newsletter No. 47.)

Geneva, 1986

Andrew Gray represented IWGIA at the International Labour Organisation's Meeting of Experts on Convention 107 on indigenous and tribal populations between September 1 and 10th. He made two presentations in the proceedings and participated as an official observer. During the weekend 6-7th he also took part in the Workshop on Indigenous Populations which was designed to enable the members of the Working Group on Indigenous Populations continue with their drafting work.

Nordic Seminar on Human Rights and Indigenous Peoples

Teresa Aparicio participated at this seminar in Oslo, during September, along with Georg Henriksen and Espen Wähle. The meeting was a round table discussion between the Saami, IWGIA, NORAD, the Norwegian Human Rights Institute and the Human Rights Section of the Foreign Ministry.

Seminar on Indian Philosophy, Ideology and Politics, Cosquín, Argentina.

Between 31st August and 7th September, Jørgen Brøchner Jørgensen participated at the Indianity Conference organised by the South American Indian Council (CISA). The meeting discussed ILO Convention 107, Philosophy and Politics of Indianism and Indian organisations and the Nation State. After the meeting Jørgen Brøchner Jørgensen visited Bolivia, Peru and Venezuela where he made contact with indigenous organisations and visited communities in the highlands and lowlands.

Chittagong Hill Tracts Conference, Amsterdam

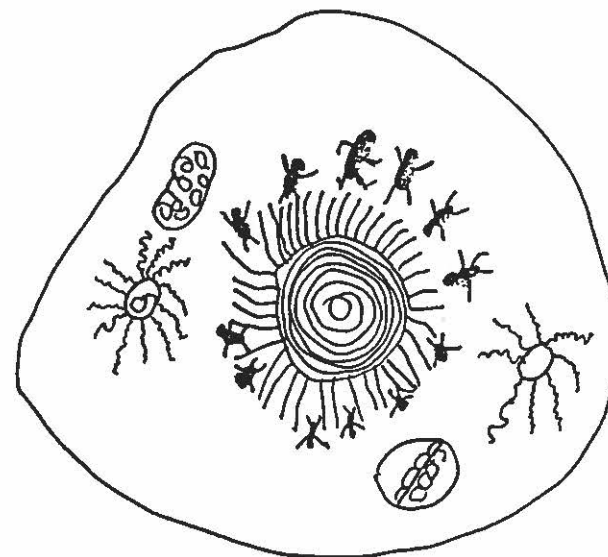
Teresa Aparicio and Andrew Gray were in Amsterdam on the 10th and 11th of October where they participated in the Conference on the Chittagong Hill Tracts. Several indigenous representatives were present there who told of the terrible conditions in both the CHT and in the refugee camps in Tripura.

Leipzig Film Festival

During November, Jørgen Brøchner Jørgensen represented IWGIA in Leipzig where he presented Indian Summer in Geneva.

Transmigration Conference, Amsterdam

Andrew Gray and Teresa Aparicio represented IWGIA at the day conference on transmigration, December 12th, where the latest document on transmigration in Indonesia was launched.



Programmes

IWGIA has instituted a series of long-term programmes which treat particular issues involving indigenous peoples and make information about them more readily available. There are four programmes:

1. The Women's Programme

During 1986 the women's programme built upon its work at the UN Decade for Women Conference at Nairobi in 1985. Throughout the year indigenous women have been contacted to provide manuscripts for a document planned for 1987 which is being compiled by Inese Andersen (English) and Teresa Aparicio (Spanish).

Two visits were particularly significant for the Women's Programme. Lijón Eknilana and Lorenza Pedro, from Micronesia and an indigenous representative from Tahiti spoke on the position of women in the Pacific. They also brought IWGIA into close contact with the "Women working for a Nuclear Free and Independent Pacific" (NFPN Network) with whom we hope to co-ordinate more activities in the future.

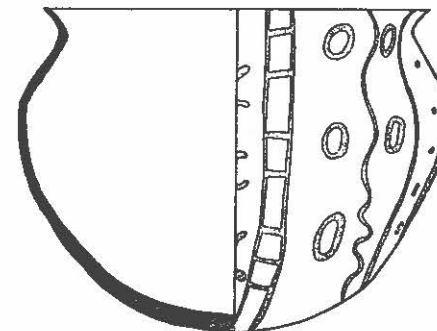
During September and October, Inese Andersen visited Australia for a working-holiday where she established contacts with Aboriginal women's organisations and also with Maori women in New Zealand. It is hoped that a Pacific women's document may eventually come out of all these contacts.

2. Indigenous Peoples and the Environment

IWGIA participated in the Swedish environment conference and wrote papers for the Penang Conference on the environment in 1986. Nevertheless, we feel that many environmental organisations are not taking human ecological questions and human rights issues into account when they campaign. IWGIA will address this whole subject more fully in 1987.

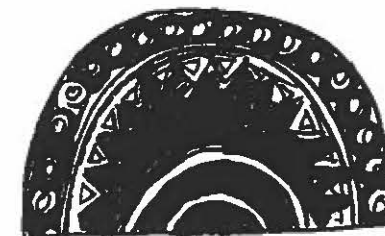
3. Indigenous Peoples and Development

The Human rights and indigenous peoples' seminar in Oslo dealt with the topic of indigenous peoples and development. In addition IWGIA Document No. 55 and an article in the Danish magazine Stofskifte by Andrew Gray looks at the poor record of development agencies in treating indigenous peoples' self-development projects. IWGIA's advisory work on indigenous projects has increased in 1986 and is likely to grow over the next year.



4. The Resource Centre

IWGIA's resource centre has further developed during 1986 so that more documents than ever are available to the general public. Thanks to a grant of \$10,000, recently provided by UNESCO, a major impetus will now be given to the resource centre in the form of a video machine, slide projector and computerisation. The centre will therefore become a multimedia resource for indigenous people, researchers, journalists and the general public.



Local Groups

Denmark

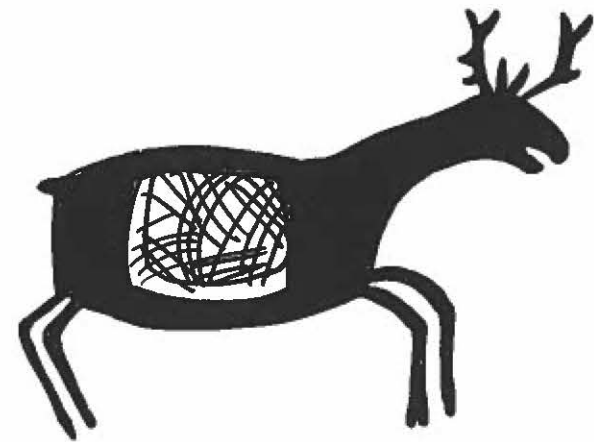
The Copenhagen Local Group is structured in terms of small groups. The Saami group have completed their transcription of the Saami document which will come out in March 1987 (this is in conjunction with the Oslo group). The slide group has collected more than 300 photographs which will be presented to the resource centre in the New Year. A publicity group has been selling badges on the street and writing news and articles for broadcast on local radio and for a Danish Newsletter. The local group sent money for the Peruvian organisation FENAMAD in the Spring. There have been two exhibitions in Denmark during the year, one in Svendborg and the other in Copenhagen.

Norway

The Oslo Local Group has also been working on radio programmes and exhibitions in Norway. It has devised education sessions which have been based on Central and South American, Canadian and Saami issues. The Oslo group has been particularly active with campaign work and frequently liaises with the International Secretariat in Copenhagen when indigenous visitors arrive in Scandinavia.

Sweden

In 1986, the Gothenberg Local Group received full status as a Local Group according to IWGIA's statutes. As in Norway, the group has education sessions based on major texts on indigenous affairs. In addition the Gothenberg group has organised seminars on development, Central America, Ecuador, and the effect of Tjernoby1 on the Saami. They are currently preparing the publication Hvem er de vilde? for publication in Sweden with support from the Swedish development agency SIDA.



Conclusion

During 1986 IWGIA has concentrated on developing those activities which complement publication. By campaigning, travelling, participating at conferences and channelling money for projects, IWGIA can bring all its work into a co-ordinated whole in the service of indigenous peoples. Another important area of development is increased co-operation and co-ordination with other support organisations, both indigenous and non-indigenous. This work can only increase in future with the continued support from IWGIA's subscribers and the members of IWGIA's network.



INDIGENOUS ISSUES



Traditional Territories of the Earth

Intervention by Hayden Burgess, Vice President of W.C.I.P. at the International Labour Organization Meeting of Experts on Convention 107.

Article 11.

The inalienable right of indigenous peoples to their traditional territories of the earth, held in their traditional forms, shall be recognized and protected.

Fundamental to addressing our concerns of the indigenous, tribal and semitribal peoples' rights in the earth is the understanding that: The right of these people to survival is the first and foremost principle of human rights.

For indigenous peoples, life and earth are synonymous. The earth is our foundation, the source of our spirituality, the fountain from which our cultures and language flourish. The earth is the keeper of events and the bones of our forefathers the substantial evidence of our peoples' existence before memory. The earth is our historian, our educator, the provider of food, medicine, clothing, and protection. She is the mother of our races.

The earth is the rejuvenative power of life to indigenous peoples; she is our grasp to economic independence, social and cultural development which will in turn lead to a return of a sense of dignity and pride indigenous peoples can feel in themselves.

If one can appreciate this importance of the earth to indigenous peoples, one then can understand why we can not treat the earth as a commodity that can merely be equated with an economic value.





Drawing by Rogelio Naranjo

The Declaration of Philadelphia, on which the I.L.O. was founded affirms that, "All human beings, irrespective of race, creed or sex, have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity... The attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy....."

Unless indigenous peoples are accorded respect for their traditional relationship to the earth, this declaration will prove to be lofty but empty words and will appear to indigenous peoples as no more than a reflection of the I.L.O. itself.

How does one attain the conditions whereby this aspiration can become possible? How does one properly accord respect to indigenous peoples' relationship with the earth and provide protection for that relationship? Before proposing an approach to this endeavour, however, let me first clarify the use of the term earth.

I have chosen the term "earth" rather than the more frequently used "land" because land does not fully encompass those elements we are describing. Land, to most people, simply means the surface soil and nothing more. "Earth" is a more comprehensive term and much more accurate in describing the approach of indigenous peoples. When I use the term earth, I mean the mountains, the plains and the valleys, the deserts, the jungles and the forests, the oceans, lakes, rivers and streams, the minerals, the gas, the steams however deep they may be found, the glaciers, the ice, the snow and the rain, the air space to where the highest birds fly, and all the plants and animals, fishes and birds wherever they are found.

I propose a simple three-step approach to addressing this matter of the rights of indigenous peoples to their traditi-

onal territories of the earth.

First Step: Understanding the Relationship of Indigenous Peoples to the earth.

There are two aspects to understanding this relationship. The first is as it relates to territory and the second as it relates to the possessor of this relationship. First, indigenous peoples' relationship to the earth takes several forms. Over some territories we have territorial control which exceeds the mere concept of fee simple ownership. Over these territories we have developed whole systems of social institutions: legal, medical, religious, social and political systems. Thus, we not only have exclusive possession but also control and jurisdiction (the conceded right to control) over this territory. In other territories, indigenous peoples have had, instead, a right to use the earth along with other peoples.

The principle uses of these areas have been for hunting or fishing, for gathering herbs and food, or for taking a number of other materials for the continued development of indigenous peoples. At other times, we have used the earth simply when passing from place to place for social interaction, for religious worship at sacred sites, etc. There were many reasons for the nonexclusive use of certain areas of the earth but these were still an essential aspect of indigenous survival. Thus, for those territories over which we have had no exclusive use, there has still existed a condominium of rights for sharing the same territory.

The second aspect relates to the possessor or user of this relationship with the earth. To understand who or what entity has the right to this use of the earth, one must understand an aspect of understanding which is common to all indigenous peoples. Everything exists on a time continuum. Indigenous peoples are no exception. We see our races not in fragmented

sections of this time continuum but as integral parts of this continuum stretching from the time of Creation, the Dream time, the God time. From that time came our ancestors, even those who have existed so long ago that their spirits and bodies are often integrated into the mountains, the clouds, and streams etc. Another important part is our people today, those of us who are the next link in the long chain of our peoples. And of course there is the future, for as long and as far as the possibility of imagining and beyond. We see all parts of our indigenous races as having a right to the continued use of the earth, no generation of people ever having the right to deprive the future from their time of enjoyment of the earth.

Second Step: According this Relationship Recognition and Protection.

Having reviewed some basic characteristics of our indigenous relationship to traditional territories of the earth, what principles will accord indigenous peoples the recognition of this relationship and assure that this relationship will continue? First we should address the territorial characteristic of this relationship.

We can begin with the principle that all activities conducted by those foreign to indigenous communities shall not invade indigenous territories. Thus in those territories in exclusive possession and control of indigenous peoples, there should be no foreign intervention except with the consent of indigenous peoples. In those "condominium"-use territories, the use of these territories by nonindigenous peoples should be limited to nondepletion of the renewable resources; there should be absolutely no pollution of resources; and there should be a limitation on the use of shared resources so that indigenous peoples will always be assured of sufficient resources for our continued existence. Furthermore, access to passage across territories to carry out our cultural, religious, subsistence and any other traditional practices, must always be safeguarded.

A note should be made here that when we describe the traditional practices of indigenous peoples, it should be clearly understood that indigenous peoples, like all peoples, are not locked into a snapshot of time. No one should assume we automatically conform to practices which must have been used by our ancestors. Indigenous peoples must be accorded the same attributes of all human beings in that we are people traveling with time, adopting, adjusting and improving different methods of surviving. Thus as we practise the substance of our traditional lifestyles, we are to be accorded the full range of new methods to carry out these traditions. For example, the Saami people developed the technique of reindeer herding over a period of time. But they cannot be relegated to herding only in the forms used by their ancestors. Those that remain reindeer herders have every right to use snowmobiles rather than chasing the reindeers on foot; of using synthetic ropes rather than leather. The point is that reindeer herding itself is a traditional practice and as such should be protected.

The second aspect regards the possessor of this use of the earth. As we have discussed earlier, indigenous peoples must be seen as part of this time continuum. Therefore, there must be no permanent damage to our traditional territories of the earth. Renewable resources must always be available. There should be no alienation of lands because alienation constitutes termination of their use for the future. In the event of any one taking over our territories, it must be understood that this can only happen if the area can revert to its indigenous possessors once the necessity for such a taking has expired.

Third Step: Protecting and Interacting with indigenous societies.

I repeat the proclamation of the Philadelphia Declaration that

the attainment of the conditions in which "all human beings have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity" must constitute the central aim of national and international policy. How shall states accomplish this condition; what legal personality do states use when dealing with indigenous peoples? The variation of indigenous peoples and conditions under which we now exist prevents us from creating a single model. However, it does not prevent us from establishing basic principles as we create models for each situation. I submit the following principles:

1. As institutions or governmental agencies are created to interface with indigenous peoples, regard and respect must be given to the traditional institutions of the peoples themselves. Often the people, customs and traditions have already formed our methods of social control. These methods are obviously consistent with the belief systems of indigenous peoples and should be left intact.
2. To reiterate the caution made earlier, indigenous peoples cannot be locked in time. Therefore, our traditional models of decision-making must be expected to develop according to changing conditions around us. But as these models develop we should do so under indigenous initiatives and control. We should not be forced to adopt methods of decision making simply because they fit into the scheme of the state, either for convenience or because of a state's current political philosophy.
3. The state must work with flexibility in dealing with indigenous peoples. It cannot create notions of land relationship which carry concepts of land from a foreign place and time. The laws and concepts of real property as developed in Europe or within European mentality are not necessarily applicable

to the views of the indigenous peoples. A new attitude, therefore, must be taken; one which will accord to indigenous peoples the dignity of our own conceptualization of the earth and our relationship to it. And this new attitude must carry with it the political will to support and promote this dignity within the state.



World Bank Renounces Tribal Policy

Survival International

After years of being criticised for its development programmes in tribal areas, the World Bank has finally announced that its published policy guidelines are not, in fact, those it observes. Mr. Carlos Escudero, one of the World Bank's senior legal experts, announced that the Bank's real policy for the development of tribal areas is described in a confidential document which is not publicly available. Mr Escudero was speaking to a Committee of Experts, at the International Labour Organization (ILO) engaged in revising the ILO's Convention on Tribal and Indigenous Populations, which met in Geneva in early September.

The news that the World Bank's publication does not describe Bank policy at all, came as a surprise to the experts. The World Bank's document makes repeated statements concerning 'Bank policy' and was indeed cited by others at the meeting as a progressive document containing many valuable insights into the problems that the development process poses to isolated tribal societies. In July 1982, when the World Bank first launched its new document amidst a shower of publicity, it specifically stated in its press release that 'The World Bank's policies for projects that may affect tribal people are outlined in the paper Economic Development and Tribal Peoples: Human Ecologic Considerations (1). The document received wide praise in the media (2). Not all were so impressed at the time, however, and some pro-tribal activists raised cries of warning that the Bank's rhetoric was not to be counted on (3).

Sadly, events since the launch of the controversial document have proved the sceptics all too right. The human rights organization, Survival International, points to a large number of recent Bank projects which have proved devastating to tribal lives and cultures. In Brazil, the Polonoroeste project,



The new President of the World Bank - Mr Barber Conable

a bank-supported colonization scheme, has caused the deaths of Indians, decimated by diseases introduced along the Bank-funded highways. In Paraguay, the Caazapa Rural Development project is promoting settlement directly on Indian lands, leaving them with mere fragments of their former territories. In India, tens of thousands of tribal peoples are being forced off their lands to make way for hydro-power projects. While in Indonesia the Bank continues to fund the now notorious Transmigration Programme despite the catalogue of human rights and environmental abuse associated with it (4).

According to Mr. Escudero, the Bank's (confidential) internal policy guidelines regarding tribal peoples do attempt to ensure respect for the maintenance of tribal identity, but have to be taken in conjunction with the Bank's policy on resettlement and rehabilitation (also kept secret) which is applied following compulsory removals to make way for development. Speaking to the meeting in Geneva, Mr. Escudero rejected the notion that the consent of tribal peoples should be sought before the implementation of projects on their lands. Such a concession would effectively give privileges to tribal peoples not even enjoyed by members of the dominant society. If anyone is to be privileged, said Mr. Escudero, it should be the dominant section.

The Bank has steadily tried to distance itself from its policy guidelines since they were first made public in 1982. When, in 1984, it produced a Spanish translation of the document, the title page carried a lengthy waiver, not found in the original, stating that the document was 'unofficial' and did 'not necessarily represent the Bank's official policy' (5). Now, the Bank has finally denied its original announcement altogether, taking refuge in the secrecy of its internal Operational Manual statement which is not available to those not employed by the Bank itself.

The Bank's candid admission that the policies guiding all its projects are confidential, while its published policy documents carry no weight at all, comes at a time when it is under increasing pressure from the international community to be more open and accountable. But the Bank has not responded favourably to these overtures.

A meeting to be held 'off the record' in London in October between the Bank's critics, Bank staff and Government representatives had to be cancelled. It appears that the Bank felt unable to counter the well-researched critiques that had been made of its projects in Brazil, India and Indonesia. The announcement also came only weeks before the Bank's Board of Governors met to welcome the new President of the World Bank, Barber Conable. Non-Government organizations carried out protest actions internationally to draw attention to the socially and environmentally ruinous nature of many Bank schemes.

An examination of the Bank's internal policy guidelines on tribal peoples (reproduced below) reveals why the Bank is so anxious to distinguish between these and the published document. The published version explicitly states that 'the Bank will not support projects on tribal lands, or that will affect tribal lands, unless the tribal society is in agreement with the objectives of the project'. The document asserts that the Bank adopts an intermediate policy between accelerated integration and enforced isolation, based on the principle of self-determination.

'Such a policy of self-determination emphasizes the choice of tribal groups to their own way of life and seeks, therefore, to minimise the imposition of different social or economic systems...'

In contrast, the internal guidelines reveal a somewhat weakened resolve on the Bank's part. According to it, projects

should be designed 'to mitigate undesired social effects'. The Bank's commitment to the principle of self-determination, with the corresponding right of tribal peoples to veto projects on their lands, so prominent in the first publication, has vanished.

World Bank under pressure

The Bank's increasingly defensive reactions come at a time when the NGOs' campaigns to curtail the worst excesses of certain Bank projects have really begun to bite. The temporary suspension of the Bank's loans to the Polonoroeste project in 1985, was the first sign of the NGO's real influence, and was followed later in the same year by a delay in the disbursement of loans to the Sardar Sarovar hydropower project in central India.

Instrumental in achieving these initial, minor victories was a long series of hearings at the US Senate, at which NGOs presented testimony on the social and environmental performance of Bank projects. As a direct result of these hearings, in December 1985 the US Senate passed legislation making the appropriations of funds from the US Treasury to the World Bank and other multilateral development banks conditional on the banks carrying out certain reforms.

The banks have been sluggish to heed these signs that the Senate meant business. In August 1986 the Senate announced that it was

'especially concerned about the impact of large-scaleagricultural resettlement schemes in tropical forest regions inhabited by indigenous peoples. Neither borrower nor donor nations can afford to invest large amounts on failure-prone colonization projects in tropical forest areas with generally poor soils.

It would seem ill-advised to continue funding such pro-

jects, if those projects are going to result in massive deforestation and public health problems. The Committee would call to the attention of the Treasury Department that environmental, socio-cultural and economic risks associated with resettlement project continue, as evidenced by testimony of environmental groups concerning the Indonesian Transmigration Programme' (6).

In September 1986, the US Treasury made stinging cuts to its budgetary allocations to the World Bank and other MDBs for the coming year. The chairman of the Appropriations Committee, which allocates US Treasury funding to the World Bank and other MDBs, reported

'The multilateral development banks have failed to meet the fundamental environmental concerns of this Committee regarding resources management, conservation and protection of indigenous people. One of the reasons the Committee has reduced funding for the MDBs is due to the banks' failure to address the specific criticisms this Committee has made.... The Committee is deeply concerned that despite urging by the Committee and the administration, the multilateral development banks have not adequately considered, nor acted, to prevent unacceptable environmental consequences of a large number of projects currently being funded or selected for funding' (7).

The Senate's statement provides clear evidence that the campaigning organizations can really have an effect on Bank funding. But does this affect the schemes the Bank funds? That it does was made dramatically clear in early 1987, then the Indonesian Government announced massive cuts in its Transmigration programme. From a target of 25,000 families per year, the Government reduced its planned resettlement to only 1000 in 1987. According to the Indonesian press (8), these heavy cuts were a direct result of the pressure that the Indonesian Government had come under from the World Bank, which had in turn been heavily criticised for its involvement in the project by a loose coalition of NGOs world-wide (9).

Indians meet with World Bank President

On 17 December 1986, three delegates from the Co-ordinating Committee of the Indian Organizations of the Amazon, Evaristo Nukuag Ikanan (Peru), Jose Uranavi (Bolivia) and Jose Narcizo Jamiyo (Colombia) met with Mr. Barber Conable, President of the World Bank, in his office in Washington. The meeting was arranged by Survival International USA, and followed an earlier meeting in September between SIUSA and Mr. Conable, who said on that occasion 'This is the first time that I have had to consider the indigenous question'.

Evaristo Nukuag told Mr. Conable that 'This meeting will be a concrete reminder to you of our existence. Too often we are forgotten, left out of the development process. The fact that we have dialogue demonstrates an advance in thinking'. Jose Narcizo also noted

'We want to get our voice into the process. It is very important to us to have input into the development process for the different regions. The Bank should make it a requirement, a prerequisite, that governments take into consideration local indigenous people. Also, the Bank itself should maintain dialogue with the Indian peoples. We would like clarification on what the Bank's policy is toward indigenous peoples, so we can discuss it among ourselves and give feedback to the Bank so as to improve it and have it be favourable to the Indians and to the role of Indians in development'.

Report from Survival International

Notes:

1. 'Tribal peoples in World Bank-Financed Projects', World Bank News Release, July 27, 1982. The World Bank in fact published its document 'Economic Development and Tribal Peoples: Human Ecologic considerations' in a blue cover version in 1981. It was this version which was reviewed in the press. The only slightly modified red cover version was published in 1982 with the title 'Tribal Peoples and Economic Development: Human Ecologic Consideration'.
2. 'The rethink that could mean reprieve for tribes', The Guardian, August 12, 1981.
3. 'Tribes should not bet on World Bank', The Guardian, September 1, 1981.
4. 'The World Bank and Tribal Peoples', Survival International News, Special Supplement, 1987, summarizes the organization's concerns regarding the impact of World Bank project on tribal peoples.
5. 'Poblaciones Indigenas y Desarrollo Economico: Consideraciones Ecologicas-Humanas', World Bank, 1984. The same waiver is now found in the latest edition of the English version of the document, printed in late 1986.
6. Report of Senator Obey of Wisconsin from the Appropriations Committee to the Committee of the Whole House on the State of the Union, dated 5 August 1986, report 99-747.
7. Report of Senator Kasten from the Committee of Appropriations dated 16 September 1986, titled 'Foreign Assistance and Related Programs Appropriations Bill, 1987' report 99-443.
8. 'Tempo', 10 January 1987.
9. 'Banking on Disaster; Indonesia's Transmigration Programme', special edition of 'The Ecologist', 16 (2/3), 1986 in collaboration with Survival International and Tapol.

THE WORLD BANK: OPERATIONAL MANUAL STATEMENT

Tribal People in Bank-Financed Projects

Introduction

1. This OMS outlines Bank (1) policy and procedures with regard to those Bank-financed projects that may affect tribal people. Further background is provided in Economic Development and Tribal Peoples: Human Ecologic Considerations, World Bank (July 1981).

Characteristics of Tribal People

2. The term "tribal people" refers here to ethnic groups typically with stable, low-energy, sustained-yield economic systems, as exemplified by hunter-gatherers, shifting or semipermanent farmers, herders, or fishermen. They exhibit in varying degrees many of the following characteristics:(2)
 - (a) geographically isolated or semi-isolated
 - (b) unacculturated or only partially acculturated into the societal norms of the dominant society;
 - (c) nonmonetized, or only partially monetized; production largely for subsistence, and independent of the national economic system;
 - (d) ethnically distinct from the national society;
 - (e) nonliterate and without a written language;
 - (f) linguistically distinct from the wider society;
 - (g) identifying closely with one particular territory;
 - (h) having an economic lifestyle largely dependent on the specific natural environment;

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- (1) The term "Bank" in this statement refers to both the World Bank and IDA.
 - (2) This OMS focusses on those tribal groups that are relatively isolated and less acculturated. It is not concerned with projects designed specifically for tribal people as the direct beneficiaries, but rather with other types of projects that impact on tribal people.

- (i) possessing indigenous leadership, but little or no national representation, and few, if any, political rights as individuals or collectively, partly because they do not participate in the political process; and
 - (j) having loose tenure over their traditional lands, which for the most part is not accepted by the dominant society nor accommodated by its courts; and having weak enforcement capabilities against encroachers, even when tribal areas have been delineated.
3. Partly as a result of these characteristics, most tribal people do not receive all the national or local social services- particularly health, communication, and education services - normally available to other citizens. This lack reinforces tribal people's low national status and limits their capacity for change and adaptation to new circumstances.
 4. Experience has shown that, unless special measures are adopted, tribal people are more likely to be harmed than helped by development projects that are intended for beneficiaries other than themselves. Therefore, whenever tribal peoples may be affected, the design of projects should include measures or components necessary to safeguard their interests and, whenever feasible, to enhance their well-being. Sound project planning and design reduce the risk that tribal people will suffer from the project's consequences or disrupt its implementation. More positively, tribal people may offer opportunities to the wider society, especially by increasing the national society's knowledge of proven adaptation to and utilization of fragile and marginal environments.

General Policies

5. As a general policy, the Bank will not assist development projects that knowingly involve encroachment on traditional territories being used or occupied by tribal people, unless adequate safeguards are provided. In those cases where

environmental and/or social changes promoted through development projects may create undesired effects for tribal people, the project should be designed so as to prevent or mitigate such effects. The Bank will assist projects only when satisfied that the Borrower or relevant government agency supports and can implement measures that will effectively safeguard the integrity and well-being of the tribal people. Measures at either extreme should be avoided; either those that perpetuate isolation from the national society and needed social services; or those promoting forced, accelerated acculturation unsuited to the future well-being of the affected tribal people. The Bank would not be prepared to assist with a project if it appears that the project sponsors had forcibly "cleared" the area of tribal people beforehand.

6. Some practical issues concerning tribal people are difficult to resolve. For example, how can the government harmonize its interest in the development of a rich ore body or a major hydro potential with the need to safeguard the rights of tribal people in the project area? These are matters for judgements guided by the principle that Bank assistance should help prevent or mitigate harm, and provide adequate time and conditions for acculturation.

The Tribal Component in Development Projects

7. Since successful acculturation is slow and gradual, development projects having tribal people in their zone of influence must provide time and conditions for acculturation. Such projects will require a tribal component or parallel program which includes: (a) the recognition, demarcation and protection of tribal areas containing those resources required to sustain the tribal people's traditional means of livelihood; (b) appropriate social services that are consonant with the tribe's acculturation status, including, especially, protection against diseases and the maintenance

of health; (c) the maintenance to the extent desired by the tribe, of its cultural integrity and embodiments thereof; (d) a forum for the participation of the tribal people in decisions affecting them, and providing for adjudication and redress of grievances. It should be recognized that in some instances the time required for acculturation will extend beyond the period of project oversight by the Bank. A commitment should be sought that this requirement will be honored.

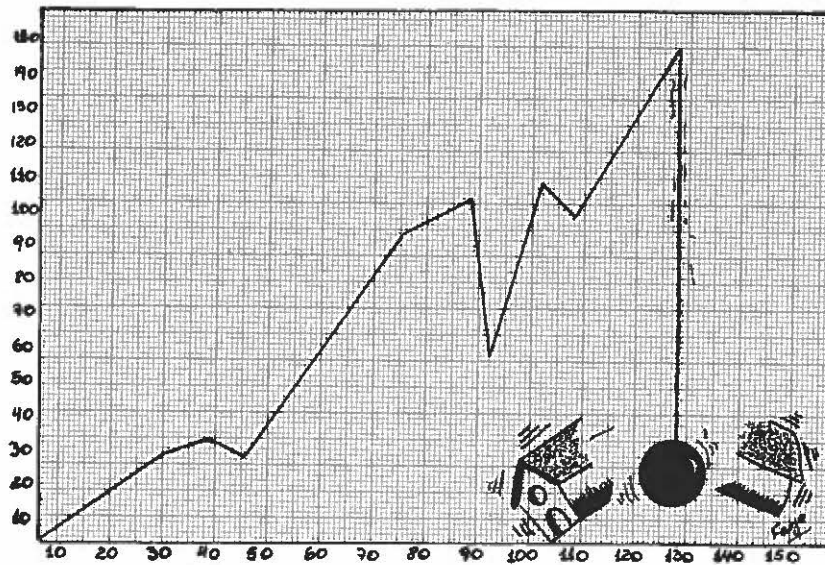
8. The design of an appropriate tribal component depends upon detailed, contemporary knowledge of the peoples to be affected. Tribal societies are complex and information gathered on a particular society may not necessarily be ascribable even to neighboring tribes. To the extent that project designers are unfamiliar with the affected tribal peoples, pre-investment studies will be necessary, employing qualified indigenists and related disciplines. The Bank, through its Office of Environmental Affairs, is prepared to assist in these endeavors.

The Project Cycle

9. Consideration of tribal peoples likely to be affected by a project must be a continuing process throughout the project cycle.
10. The presence of tribal people should be identified in appropriate country sector work and regional reviews. During project identification, the approximate numbers, location, and degree of acculturation of tribal people in the general region of the project should be ascertained. The relevant government agency and its procedures, programs, legislation and plans for such peoples should be determined. The status of demarcation and delimitation of tribal lands and their enforcement should be outlined. In certain cases (e.g., tribes in early stages of acculturation), an anthropological reconnaissance should be included in pre-feasibility studies.

Pre-investment funds could be used for studies to inform the tribal people about the proposed project and obtain their views.

11. The tribal component (paras. 7 and 8) is best designed before or during project preparation. This is based on information provided by the relevant government agency, from pre-feasibility and/or anthropological studies and from site visits, including consultative procedures (paras. 7c and 7d) necessary to ensure the participation of the affected people. The relevant government agency should be strengthened, as warranted, so that it can satisfactorily implement the tribal component. Demarcation of tribal areas should be completed during preparation. If the project area contains tribal peoples who have had limited or no contact with the national society, special care -particularly disease control- will be necessary. Land tenure and water rights may need special attention.
12. Project appraisal assesses the adequacy and appropriateness of the tribal component, the need for legislation concerning the relevant government agency and other aspects, and the capability of the designated agency to implement the component.
13. During project implementation and Bank supervision, the information and judgements with respect to the tribal component need to be updated and reassessed, since they are often subject to change. To the extent Bank staff are less familiar with the tribal than with other components, specialist input in supervision may be necessary. In view of the special needs of the tribal people and the need to monitor progress by the relevant government agency, the supervision of this component may extend over a longer time period than the supervision of other components. To accommodate these needs, a specific monitoring and evaluation system may be necessary.



Development Aid - Minorities - Human Rights: 10 assertions

By Michael Rediske and Robin Schneider
(Gesellschaft für bedrohte Völker)

1. Many of the disputes taking place in the "third world" at present follow ethnic or religious lines-between neighbouring states as well as within nation states. Reference to social and class conflicts alone can often fail to explain the power relationships underlying the disputes. However, we can sometimes understand the conflicts if we take into consideration the consequences of colonial rule which led to the preferential treatment of some ethnic or religious groups and to discrimination against others.

2. In the case of post-colonial nation states containing many ethnic groups, but dominated by élites composed of one or two groups, we can speak of internal colonialism. This internal colonialism and the internationally organized dependence of nation states are intertwined. On the one hand multinational companies have interests in the development of "peripheral" regions (such as tropical forest areas) and in the exploitation of their natural resources. The national governments on the other hand try to gain full control over their nation states' territories and work for the integration of "backward" areas to serve what they call "progress". Instruments which they use to integrate the state are the following: the control of local politics by central government; discouraging subsistence

Michael Rediske is a social scientist and a journalist living in West Berlin. Robin Schneider is a social anthropologist and a staff member of the West German human rights organization "Society for Threatened Peoples". This article was translated by Sarah Wayer.

production by the creation of an integrated national market and - on the ideological plane - the destruction, integration, or reshaping of autochthonous traditions and religious rites. Often these ends can only be achieved by the pacification of minorities, not only by preventing collective means of cultural survival (ethnocide), but also by banishing millions of people and physically eradicating whole peoples (genocide). The oppression and the pacification of groups can also take place where ethnic-territorial conflict is not involved, such as where caste systems uphold social dependence (as in some Asiatic societies).

3. International development policy which unquestioningly accepts the premises of the nation states of the "third world" supports internal colonialism and becomes its accomplice. Foreign development aid tolerates the destruction of cultures and the oppression or assimilation of minorities and obscures this with the semblance of humanitarian disaster relief or "help for self-help" projects. Food aid can use resettlement programmes in the fight against hunger for "want of an alternative" while resettlement itself can serve power politics against oppressed ethnic groups (Ethiopia). Roadbuilding, which integrates peripheral areas into the national economy, attracts a stream of new settlers and leads to the expulsion of the original inhabitants. Educational systems are - even when they incorporate the language of an ethnic minority - aimed at the assimilation of the cultural ideal of the "national language" rather than at strengthening the culture of the minority and making it equal. Even programmes of integrated rural development or decentralized health services can support internal colonialism when they originate in and are controlled by authorities of the central government.

4. The economic cooperation of donor countries, despite all professions of their policies being aimed towards basic needs,

self-help and human rights, are more than ever guided by their own economic interests, foreign policy and military considerations. The rights of minorities turn up on the periphery - if at all. They are only of interest when they can serve other political purposes.

For "third world" countries, the tendency towards export strategies and large multilateral projects reinforces - even for minorities in those countries - a fatal logic. The bases for this logic are: increasing integration into the world market, expansion of the national market, repression of local and subsistence production and the suppression of "unproductive" development projects. The rights of ethnic minorities or other negatively affected groups in the population are only included in these calculations when severe negative consequences are at stake: ecological disasters in the case of gigantic dams, an alarming decrease in domestic food production or a too forceful awakening of international public opinion. Minority rights are being made the subject of a political offensive in "third world" countries only when they can be used against recalcitrant governments, as in the case of the ethnic conflicts on the Atlantic coast of Nicaragua.

5. Over against the alliance between interests of the governments of industrial nations and internal colonialism of developing countries, collective minority rights must be explicitly asserted, but this will inevitably limit national sovereignty and the scope of power exercised by the domestic majority.

For ethnic or religious minorities, these collective human rights concern the following: decentralized control over natural resources; political self-determination at the regional, local and non-governmental levels; and the recognition of the right to be different, while enjoying equal rights with other citizens.

6. Development policy which is interested in rescuing cultures and protecting the lives and environments of ethnic or other groups peripheral to the national economy, has to support a decentralized development. In Spanish this is called "Etno-desarrollo" - ethnic self-determined development.

Foreign aid with this claim cannot formulate a universally valid concept of "development". It can only work generally to stimulate the forces of resistance of these minorities against changes outside their control. Furthermore, aid should support the development of these peoples' own economy, culture and social organization - whether these are themselves autochthonous and original or have already been reshaped by colonialism and capitalism.

7. Decentralized or ethnic self-determined development cannot be initiated from outside, and the strengthening of independent social organizations must not mean creating them out of nothing from the outside.

Of course, development projects which try to promote the poorest sectors of the population while circumventing domestic power structures or avoiding the use of community organization, are doomed to failure. Still, even such grass roots minority based organizations can only bring about self-determined development when they have already achieved a sufficiently strong position to ensure that outside support neither impedes nor manipulates their independence.

8. Independent indigenous organizations should not be idealized, however. Even with their full co-operation, a self-determined development which tries to minimize external influences, can only take place within narrow limits. As social movements of minorities, they are moulded, and in part determined, by the discrimination the minority has experienced

as well as by the possible strategies which the minority can make within the national political system.

These organizations are as different from one another as are the cultures they come from. For this reason they are of no use as models. Idealizing from outside and only wanting to see in them the autochthonous and the particularly characteristic aspects of a culture or a group transfigures their "two-faced-ness": their representatives, with whom our political support or development policy is concerned, are mediators between two cultures. Within their group they appear, as Mark Münzel has expressed it in the case of the Indian organizations of Mexico, "agents of modernization, as precursors of Westernization. On the other hand, for the outside world they represent the special interests of the Indians and so are thwarting Westernization" (Mark Münzel, "The two faces of the Mexican Indian Organization" Pogrom No.112, 1985, p.35). This role as mediator toward Western "donors" makes them in any case susceptible to the logic of a development policy which creates dependence and supports assimilation to western culture.

9. For the advocacy of collective minority rights, the same is true as for other areas of solidarity with the "third world": the ambivalence of every intervention - even the non-governmental or "alternative" one - forces us to consider the positive and negative consequences of each intervention precisely.

It is impossible to avoid having to evaluate critically grass roots organizations and consciously selecting support targets from among organizations which are often competing with each other - even in support given in the spirit of political solidarity. But solidarity with minorities, which in extreme cases (such as preventing genocide) must make use of an exclusively "advocatory" solidarity, runs the risk of no longer reflecting on

its own intervention and the choice of a partner to support.

10. With development projects for the benefit of, or including minorities, we should, in general, first assume that the projects will be harmful and reverse the burden of proof: we must ascertain why any project will fulfill an indispensable protective function, and whether development desired by the minority itself will not be prevented by this intervention from outside.

As far as sociologists or ethnologists are given an opportunity in development policy to indicate the detrimental consequences of a large project for autochthonous populations, they have to bare the burden of proof as opposed to planners who presuppose the economic success of the project.

In view of the outcome of foreign aid up to now - chiefly detrimental and to a large extent without effect - the burden of proving the "non-detrimental nature" of a project should be shifted to its supporters - specifically for projects dealing with minorities. It is not possible to establish lists of general "positive" criteria which would ensure the success of such self-determined development projects. Instead, criteria should be established for eliminating the conditions under which projects should in no cases be recommended.

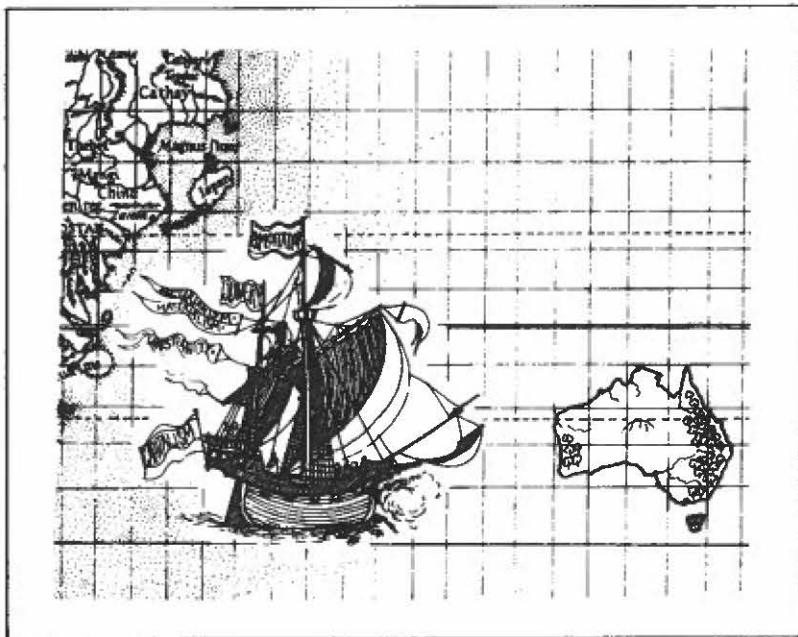
Aborigines Demand Self Determination

By: Paul Coe*

My discussion is about the actions that we have been taking, that the Aboriginal nation has been taking, in the international arena. I stress that since the coming of Cook and Phillip (agents of the British Crown) the relationship between the Aboriginal nation and the invading nation and its successor in title, the Commonwealth of Australia, has been one that is rightfully a matter of international concern. The people who arrived, dispossessed us and failed to recognise our claim for statehood, have done so on a basis that was wrong at the time and is still wrong today.

The position that we occupy, from a perspective of Aboriginal people around the world is rather unique; (1) there were never any treaties signed between the Aboriginal nation and the Commonwealth of Australia or the British Crown; (2) there has never been any act of decolonisation by the Government of Australia or the British Crown so we are in a situation where we are an entire race of people that occupies an entire continent. We are not divided like many indigenous groups where one continent is divided into a number of so-called separate states.

The actions that the Aboriginal people have been taking ever since the early days of settlement by Phillip up to the establishment of an Aboriginal Embassy in Canberra in 1972 when the Aboriginal people formally declared to the world at large that our state still exists, have been directed towards, and forcefully demonstrated, the fact that there does exist a nation within a nation. We do not possess the means to enforce our nationhood but that does not detract from our argument that the Aboriginal people have never ever relinquished our claim to the existence of our own nation on our own terms. By the establishment of our Embassy and by the raising of our own flag,



we showed to the Australian communities and, more importantly, to the international community that we have never ever regarded ourselves as a people who have agreed to the terms of settlement by the British Crown and by their successors in title, the Australian Government. We have always rejected that.

The actions that we have taken since 1972 have highlighted this rejection. To illustrate the absurdity of the claims based on British "discovery", the Aboriginal flag was planted on the shores of England in 1976. We handed out red trinkets and they were exchanged for possession of England. The difference between us and the British Crown was that we did not have the military means to enforce our claim but the acts that we carried out were exactly the same as the act that Cook carried out when he planted the English flag, the Union Jack, on Botany Bay some two hundred years ago. The Aboriginal nation sanctioned our actions as the British Crown sanctioned the action of Cook and so what is the difference between the two acts? Some may say that the difference comes because states have arranged for this convenient carving up of the world's resources and indigenous peoples' territories for the betterment of settler states. We reject that view and continuously reject it. Australia is still a state based upon dispossession, a state based upon mass murder, a state based upon the principle that might is right and whilst that philosophy and attitude continue to exist the Aboriginal people will continue to resist and fight for their recognition of three most important things: (1) the right of self-determination of the nation of the Aboriginal people; (2) the right to land on our terms; (3) the right to continue to survive as a people.

Those three elements have been fundamental in everything that we, as representatives of NAILSS, and other Aboriginal groups, have been doing within the UN forum. We have been proceeding through the Human Rights Commission of the Economic and Social Council of the U.N. and one of its offshoots, the Working Group on Indigenous Populations to draft standards applicable to indigenous peoples' rights. We talk about our-

selves in terms of people rather than population. We develop that by saying that we are a nation of people. It is a very small step between what is a village, what is a community, and what is a state. The Aboriginal nation may lack the paraphernalia of what is a modern state but the line is fine between what is a nation and what is a state. International law recognizes many small economically underdeveloped sovereign states.

In my view we have all the inherent qualities of a state. We have persistently expressed this view. As to whether or not our claim, our legitimate claim, will be acknowledged by the international community is a matter for negotiation; is a matter as to whether or not there is sufficient goodwill in the international community to acknowledge that rights of people like ourselves, who are unique in the world, will be based upon the rights of indigeneous people or will be based upon the protection of settler states according to their old-boy network.

The process of decolonisation which has occurred since the Second World War is connected to the indigenous struggle. The crucial difference between the Australian colonial state and that of South Africa is that South Africa is clearly seen in the eyes of the international community as being a state which has dispossessed and is still disenfranchising its indigenous people. That is one difference between the state of Australia and the state of South Africa. The other African states and other Third World states that have used the process of decolonisation, have been fortunate enough to maintain an indigenous majority or at least some resemblance of a majority. We have been unfortunate to be like the American Indians and the New Zealand Maoris who have become, by virtue of immigration, a minority in their own country. But that does not detract from the argument that we and they still constitute ourselves as a state. International law must ultimately recognise that we are a state.

We always have been, we always will be a state. The only way that the colonisers will ever stop us from being a state is to wipe all of us out. Maybe they will do it one day but in the meantime we are pursuing the course that as a state we are entitled to certain basic standards applicable to all states of the international community; that our boundaries are to be acknowledged; that our lands are to be sacrosanct; that our lives are to be left alone; that we are to live our lives as we see fit. We are to have the resources to enjoy the quality of life that we so determine without the interference of some other aggressive state.

The Aboriginal nation regards the Australian Government and the states under the Commonwealth as an aggressive power; it enjoys the benefits of its aggression by denying us our rightful existence as a state. It is a matter of current debate as to whether the U.N. Working Group or the International Court of Justice will take the extreme step of recognising that the Aboriginal people of Australia do constitute a state and, as such, the Aboriginal state is entitled to arbitration between itself and the Commonwealth of Australia. Whether or not that will become a reality, all we can do is to fight for it. That is what has been going on in the international arena since 1976. The issue has developed a momentum since the Working Group was established after efforts of the North American Indians in 1977. Since then we have gained momentum in terms of asserting the view that we are entitled to all the advantages of statehood, that our claim is not just based upon the fact that we had prior ownership of the continent of Australia, but also, in the fact that we exercised full control over all the resources of land.

It is, for many people, unrealistic to assume that one day the Commonwealth of Australia will capitulate and acknowledge the Aboriginal state but I do not see that as being an idea that is so remote that is an impossibility. I remain

optimistic because the international community, like the Australian community, is not a fixed and changeless organism. Both the international and domestic environment is very fluid and the balance of power changes all the time. The question now is whether or not we indigenous people and the other indigenous people around the world, can find enough friends in international communities to influence that balance of power. To change the definition of state because the current definitions of statehood exclude us on our terms. We are in the process of changing the definition so that we can be included in the catchall phrase, to use the advantages of being a state under present international law. To use the advantages of the international courts to ensure negotiations between ourselves and the Commonwealth of Australia are carried out on equitable terms so that we are not the victims of any sort of an agreement that is forced down our throats by the Commonwealth and the States. We desire this, so that when the Aboriginal people and the Aboriginal states and the Aboriginal nation bargain with the Commonwealth and the states those negotiations can be based upon a principle of equity and not just the fact that we are in the minority and do not possess a military force.

If the Australian Government is to continue to ignore the rightful claims of the Aboriginal state, I can foresee the Aboriginal nation inviting in a friendly neighbour to protect our interests. That might sound like a far fetched idea but it is not as far fetched as people think. The whole of the North of Australia is practically uninhabited. There has never been a white man in many areas of Australia. One day colonial Australia may wake up and find there are other people there who might be more sympathetic to the Aboriginal peoples point of view. Hopefully we will not have to go to that extreme. If we have to go to that extreme we will do so. The views that we are expressing are not that we want to overthrow the Commonwealth of Australia or that we want to have a movement back to Europe or wherever the immigrant population who are now the

majority of Australia have come from; no, we don't want to do that. What we are saying is that the Commonwealth of Australia and the States must recognise the Aboriginal community and if it doesn't we will continue to fight. It will mean that Aboriginal people will continue to die in prisons at the rate that we are dying, it will mean that our communities will continue to be destroyed. It will mean once and for all that the mentality that might is right is and still remains the basis of society within Australia.

That's about all I can say. There are a great many more specifics that we could put in terms of painting the picture as to the ideas that have been put up by the Aboriginal people of Australia before the international community. But they are specific rather than the general and it is the general that I am more concerned with in this article. And the fundamental message I want to leave with you is that we are a state and that we are working to be acknowledged as a state.

Paul Coe is an Aboriginal lawyer who directs the National Aboriginal and Islanders Legal Services Secretariat (NALSS) in Australia.

IWGIA LOCAL GROUPS:

Copenhagen: Fiolstræde, 10
DK 1171 Copenhagen K
Denmark

Århus: c/o International Forum
Fredensgade 34,
8000 Århus C
Denmark

Oslo: pb 20, Blindern 0313
Oslo 3
Norway

Göteborg: c/o Dan Rosengren
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414 65 Göteborg
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