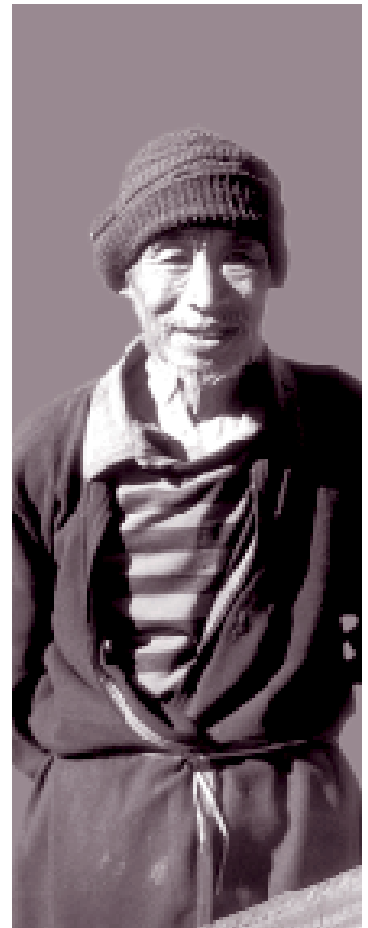


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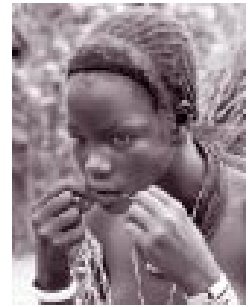
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Tangkul Naga man, Nagalim. Photo: Christian Erni



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MILITARIZATION AND HUMAN RIGHTS VIOLATIONS

Unexploded artillery, Kenya. Photo: Johnson Ole Kaunga



By Marianne Jensen

Horrific atrocities and human rights violations committed by armed forces towards indigenous peoples are still occurring on a far too frequent scale all over the world. Massive military presence is often the response of repressive states towards the legitimate attempts of indigenous peoples to gain respect for their cultures, ways of lives and rights to their traditional lands. In many parts of the world, indigenous peoples are living in extreme poverty, they are facing massive social and economic problems and they are being discriminated against and marginalized from the political processes of the nation state. Their demands for recognition and for self determination in order to survive as peoples and to maintain and develop their cultures and societies on their own terms are only very rarely met with understanding and an open mind on the part of nation states.

Most nation states are still quick to condemn the demands of indigenous peoples for self determination as attempts at “secession”, “uprooting national unity”, “instigation of tribalism and ethnic strife” and so on. In the name of preserving “National Unity”, many authoritarian governments come down hard on any attempts by indigenous groups to raise their voices. Rather than promoting a genuine and fruitful national unity based on respect for diversity, such governments show a profound lack of interest in the well-being of the most vulnerable and marginalized sections of their populations.

The rhetoric of “National Unity” often boils down to the interest of the State in controlling indigenous lands, which are rich in natural resources or otherwise strategically important. Though ethnic conflict is definitely a serious problem in many countries around the world, the concept of “National Unity” is in many instances used by authoritarian governments to justify repression of divergent opinions and to cling on to power rather than to try to find constructive solutions that also take on board the voices of indigenous peoples.

Many repressive governments around the world do not shy away from using any means to force indigenous peoples to silence on the issue of self-determination, and military force is used as an efficient tool of repression. This issue of Indigenous Affairs focuses on the militarization taking place in indigenous areas in various parts of the world, the consequences this militarization has on the daily lives of indigenous peoples and the human rights abuses it gives rise to.

National Unity as an excuse for repression

The articles on Asia give evidence of brutal processes of militarization where severe repression is undertaken in order to silence the demands of indigenous peoples for self-determination and recognition of fundamental human rights.

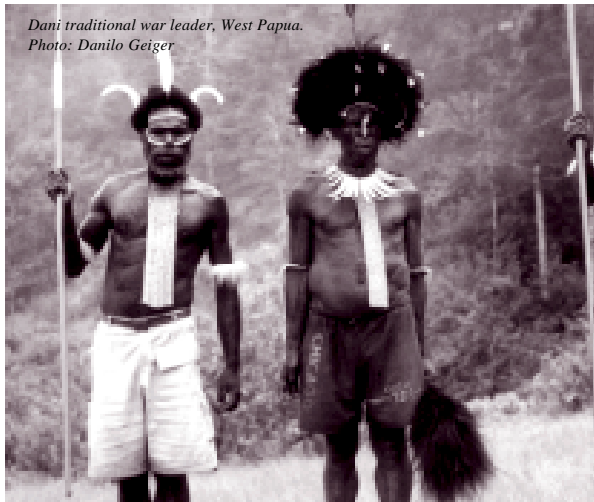
In West Papua, the Indonesian military forces have for years been brutally suppressing the indigenous peoples.



Chiapas, Mexico. Photo: Juan Ramón M. León



*Kalinga village, the Philippines.
Photo: Christian Erni*



*Dani traditional war leader, West Papua.
Photo: Danilo Geiger*



Mru woman at Empo para, Bandarban Dt. Photo: IWGIA archive



*The Naga Army, a people's movement resisting occupation of their
homeland, Nagalim. Photo: IWGIA archive*

As described in the article by Danilo Geiger, the paradigm of “National Unity” and suppression of desires for self-determination are “*a crucial criterion of legitimate political leadership*” in Indonesia. The current president, Abdurrahman Wahid, tried to soften the position of the Indonesian government but he has had to revert back to a tough position. As reported by Amnesty International, the present situation in West Papua resembles that of the past “*resorting to the same tactics of intimidation, arbitrary arrests, torture and killing of persons who are suspected of opposing the government in Jakarta*”. The article “Prison, Torture and Murder in Jayapura” by Oswald Iten gives us a shocking account of the unbelievably brutal treatment and torture of suspected rebels in the municipal jail of Jayapura in West Papua.

Chittagong Hill Tracts (CHT) in Bangladesh has also suffered from heavy militarization for many years. A peace agreement has been agreed between the government of Bangladesh and the indigenous party fighting for autonomy and self-rule in the CHT. However, the armed forces remain as present as ever. The militarization of CHT has its roots in the claims of the government of Bangladesh that they are promoting “National Unity”. As Chandra Roys writes in her article “Militarization and the Chittagong Hill Tracts”:

“The presence of the army in CHT affairs has its roots in Bengali hegemony predicated on the creation of Bangladesh as a separate homeland for the Bengalis. The existence of indigenous peoples in the territorial framework of the Bangladeshi State, with their own identity, cultures and traditions, is a challenge to the concept of a homogenous state. The demands of the indigenous people for autonomy and the right to their own cultural identity were translated as being secessionist, and integration and assimilation became the fundamental pillars of the Government’s policy in the CHT, with the army as its main instrument in this process.”

As in the case of the Indonesian transmigration programmes to West Papua, the government of Bangladesh has promoted a massive settlement of people from other parts of Bangladesh to the CHT. This has resulted in serious conflicts and deteriorating living conditions for the indigenous peoples. The armed forces, often in collaboration with the settlers, have committed and are still committing massive human rights abuses in the CHT.

In Nagalim, in North East India, the Indian State has applied a systematic policy of militarization through counter-insurgency operations to silence the demands of the Naga people to self-determination. As described by Aküm Longchari, this militarization is leading to widespread human rights abuses and seriously impacting on the everyday lives and value systems of the Naga people. There are widespread incidences of torture, disappearances, custodial deaths, rape and violation of women, forced labour and destruction and bombing of villages. The massive military presence also interferes directly with

the everyday lives of the Naga people. People are afraid of leaving their homes as harassment at road checks etc. occurs frequently and the whole atmosphere reflects an occupational force in operation. In 1997, a cease-fire was declared between the government of India and the National Socialist Council of Nagalim. This raised hope among the Naga people of a peaceful, democratic and just solution in which their rights and quest for self-determination would be respected. However, the armed forces are still present in Nagalim and antidemocratic legislation still prevails.

Militarization of the Cordillera Region in the Philippines has been going on ever since the Marcos Regime. As described by Joan Carling and Benedict Solang, militarization followed the successful struggle of the indigenous Cordillera peoples against huge infrastructural and logging activities and the perceived growing strength of the rebel forces in the Cordillera hinterland. President Corazon Aquino launched the “Total War Policy” in 1987 to neutralize the rebel forces and to undermine demands for self-determination in the Cordillera Region. Although this is no longer the officially declared policy, the Cordillera Region remains militarised. During the height of the Total War Policy, around 10,000 troops of the Armed Forces of the Philippines, aided by thousands of elements of the Philippine National Police and para-military forces were in operation and the Cordillera hinterland became a virtual battleground. This militarization caused large-scale dislocation and violation of human rights including killings, torture, abductions, rape, intimidation and illegal arrests. In spite of the Peace Process initiated during the Ramos Regime, there has not yet been a de-militarization of the Cordillera Region. The continued implementation of large-scale development projects, which are often opposed by the indigenous inhabitants, is protected by armed forces. Para-military forces are also currently a major problem, committing abuses in the communities.

In the Philippines, as in other parts of the world, indigenous peoples are often caught between rebels and government forces when both parties are fighting over land that belongs to neither of them but to the indigenous peoples.

In West Papua, the Chittagong Hill Tracts, Nagalim and the Cordillera cease-fires or peace negotiations have been declared but these processes have not yet led to agreements that genuinely respect the demands of the indigenous peoples for self-determination and for proper recognition of their cultures, ways of life and fundamental human rights. A strategy of the various states seems to be the deployment of questionable “development” programmes rather than a sincere will to negotiate peace and truly democratic solutions.

Militarization in indigenous peoples’ areas is a major problem in Africa as well. In the article by Nyikaw Ochalla, the serious situation of the Anuak people in Gambela National State in Ethiopia is described. The human rights

record of the Ethiopian government is very poor in general, and the situation in marginalized states such as Gambela is appalling with massive human rights abuses. The concerns of the indigenous peoples in states such as Gambela are being ignored and opposition towards the Ethiopian government is severely repressed. A climate of fear has emerged and many people are fleeing Gambela.

Indigenous women are extremely vulnerable in militarised areas around the world. They are victims of rape and sexual assaults as well as being victims of other forms of torture, extrajudicial killings, abductions etc. They are, in many cases, forced to marry men from the occupying armed forces as part of a strategy to neutralise the resistance of the indigenous communities towards assimilation policies. Women are also left to struggle hard for the survival of their families when their husbands are killed, imprisoned or abducted.

A major human rights concern relating to militarised indigenous areas is impunity. The armed forces, paramilitary groups etc. almost always get away with committing horrific human rights abuses without ever being prosecuted. In the case of the CHT, prosecution of law enforcement officials cannot take place without the permission of the government, and those responsible for gross human rights violations and massacres are almost never put on trial for their crimes. Such policies of impunity hamper the development of fundamental processes of accountability, which must be part of any democratic society.

The COCOPA (Commission for Concord and Peacemaking) proposal of 1996 raised great hopes that one of the major conflicts in the indigenous world could be solved peacefully and that genuine autonomy would be allowed to develop. The Zapatista rebellion in Chiapas, Mexico led to massive militarization of the area and human rights abuses towards the indigenous peoples. The COCOPA proposal recognised the rights of the indigenous peoples, including their right to self-determination, expressed by means of a system of autonomy. During the Ernesto Zedillo government from 1997 to 2000, the situation deteriorated and the process of militarization in Chiapas continued. With the victory of Vicente Fox in the presidential elections of July 2000, a process of de-militarization was finally initiated. Unfortunately, the expectations for a resumption in the peace process have again suffered a setback. The visions of genuine autonomy for the indigenous peoples of Mexico are eloquently put forward by representatives of the Zapatista National Liberation Army and the National Indigenous Congress in speeches given in March of this year. We present these two speeches in this issue of Indigenous Affairs, along with a recent update on the latest developments.

Military testing and training

A related aspect of militarization on the lands of indigenous peoples is military training. The re-affirmation of

the Bush Administration to build the US Anti-Ballistic Weapons System is a major issue for the indigenous peoples of the Pacific. As described in the article "The Kwajalein Atoll and the New Arms Race" by the Pacific Concerns Resource Centre, the National Missile Defence System will imply a continuation of the use of the Marshall Islands as testing ground for US military activities. In the 1940s, the Marshall Islanders were evacuated from their homes on Bikini and Enewetak Atolls to make way for a series of US nuclear tests. The islanders were asked to move "for the good of mankind and to end all world wars", as the United States tested its atomic and hydrogen bombs. Today, Marshall Islanders are living with the radioactive legacies of these tests. In 1999 and 2000, the United States tested the new missile defence system from Kwajalein Atoll in the Marshall Islands, thus launching a new era of US military testing in the Pacific, which the peoples of the Pacific are protesting against.

As shown in the article "USA's National Missile Defence Threatens Greenland's Exiles" by Aqqaluk Lyngé, the Inughuit people in Greenland are also worried about the consequences of the National Missile Defence System (NMD). The NMD requires new infrastructure to be built on the Thule Air Base in northern Greenland, putting not only the ancestral lands of the Inughuit at risk but also most of northern Greenland.

The article "War Games Victims" by Johnson Ole Kaunga gives an alarming account of the consequences of British, US and Kenyan military training activities on the pastoral indigenous communities in some of the regions in northern Kenya. Extensive military training activities have taken place in these regions since the 1950s, resulting in many deaths and injuries among the indigenous peoples. None of the armies have bothered to clean up after their military operations and children in particular have been seriously injured by picking up undetonated explosives. The military training activities have also led to environmental degradation and an abuse of cultural values. Some of the victims are now suing the British Army in a case that is being brought in the United Kingdom by British lawyers.

Militarization causes immense suffering among indigenous peoples around the world and it is a powerful tool with which to crush the hopes and attempts of indigenous peoples to achieve peace and recognition as peoples with specific cultures and ways of life and with a right to play a genuine role in determining their own future. Despite attempts at peace negotiations in some of the major conflict areas around the world, there is still a long way to go. But the determined and courageous efforts of those people who are facing persecution and brutal human rights abuses is a sign of hope and shows the amazing degree to which suppressed peoples are able to find ways of resistance even under the most impossible conditions. □



STORIES OF THE VOICELESS

By Aküm Longchari





*'... listen to what they do not say, listen to what they cannot say;
but also do not be blind;
don't listen to their words alone but look at their realities...'*

Max Ediger

The cease-fire declaration of 1997 between the Government of India and the National Socialist Council of Nagalim, as a step towards initiating dialogue and negotiation at the political level, provided an opportunity to assess the damaged social and moral fiber of Naga society. The human rights violations of the Naga people by the Indian State have to be understood within the wider perspective of the political context of the 54-year-old unresolved Indo-Naga conflict. It is imperative to understand that the Naga people are only resisting the 'idea' that they cannot live as free peoples with respect and dignity. The Naga struggle for their right to self-determination is against the political subjugation and occupation of their homeland.

To get an understanding of the impact and nature of the Indian States' militarization on the society, the Naga Peoples Movement for Human Rights (NPMHR), under the initiative of 'A Journey of Conscience', visited parts of the Naga homeland. This facilitated a process by which people could gather, share and listen to stories. This 'journey' is an effort to broaden the democratic space for empowering the people to voice their experiences and enable them to articulate their aspirations and visions of a just political reality.

When assessing the human rights situation of the Naga people, it is fundamental to understand the impact of militarization on the lives of ordinary people. The

Indian State applies a systematic policy of militarization through counter-insurgency operations to destroy the Naga life and value system. In the process, every sphere of human life has been affected and there is not one single family that has remained untouched by this protracted conflict. The stories uncovered tell of how people have been dehumanized and humiliated through a campaign of terror and brutalization, villages burned down, democratic, traditional and educational institutions and social support systems destroyed. Experiences of churches and schools being desecrated, turned into barracks and entertainment centers for the Indian army; playgrounds used as concentration camps and for grouping the civil populace. All of this only reflects the State's policy of unleashing a reign of terror.

The policy of 'village grouping' separates the men folk and the youth from the women folk and children. The villages are burnt down while the people are uprooted and dislocated from their villages and resources, leading to starvation. They are then strategically relocated around army camps as 'human shields' and 'buffer zones' to prevent 'ambushes' by the Naga resistance movement. This has resulted in the destruction of people's inherent capabilities and capacities for self-reliance. The pursuit of the Indian State in fulfilling the 'agenda of militarization' is to systematically suppress the aspirations of the Naga people. Ironically, such oppressive policies to suppress the rights of Naga people have also threatened the very democratic framework of the Indian State and have contributed in weakening the integrity and credibility of democratic movements within the continent itself.

The experience shared here is born out of the common history of the Naga people. Specific incidences of torture, disappearances, custodial deaths, rape and violation of women, forced labor, destruction of villages, bombing of villages and towns have not been mentioned because there are so many that none of them is less important or less significant or less tragic than the other. This is the 'collective story' of the people in terms of how our lives, our homes, our community and the Naga nation is being politically subjugated and exploited by the Indian State.

Experiences

The daily humiliation a person experiences in the face of the Indian army only strengthens the state of isolation and reaffirms the feeling that an 'occupational force' is in operation. The overwhelming presence of the Indian army in the Naga homeland portrays a satirical image considering the fact that in some regions the population of army personnel exceeds that of the local indigenous populace. The common methodology of the Indian army is to occupy strategic locations in civilian areas. The presence of an army camp right in the middle of a town or village is a common sight for Naga people. Its objectives are many - it interferes in people's lives, restricts free movement and

creates insecurity. It negates the local communication system, the social and community infrastructure thereby making the people 'soft targets' and vulnerable to propaganda and suspicion. It creates fear psychoses as well as unstable conditions that force society to close in on itself even further.

People no longer want to venture out of their homes. If they choose to venture out, ordinary people have to face the humiliating experience of the ever-present road checks by army personnel who question in a language they cannot speak nor understand and where they have to produce identity cards to prove their innocence for a 'crime' they have not committed and are unaware of. Stories of detention in army camps, torture, punishment along the road site and verbal abuse due to inability to respond or to produce a 'bonafide' identity card are commonplace in the Naga homeland. In these road checks, passengers have to walk some distance before they are taken into a tent where armed personnel closely examine them against photographs of 'wanted' people; while the vehicle and belongings are thoroughly checked by army personnel with sniffer dogs in their absence.

Most villages and smaller towns have only one main trunk road connecting the whole populace. An army outpost erected right in the middle virtually splits the population in two, thereby affecting the daily lives of the community. It has wider implications on the local economy and livelihood as it restricts free movement without fear and constrains regular supplies of daily basic essentials and commodities to and from neighboring villages and towns when military operations are conducted – which is a frequent affair. Naga villages are located some distance away from their agricultural land – villagers on their way to fields are often harassed or accused of having 'connections' with the Naga armed struggle on the pretext that the 'jungle boots' they are wearing are worn only by cadres. There are regular instances when women, on their way to the paddy fields, have been molested, raped and harassed – as a result, villagers are neglecting their fields out of fear. Militarization has gravely affected the way of life, the local economy and the sustenance of the village. Further, legislation that can declare gatherings of more than five people as 'unlawful assemblies' has been introduced thereby eroding the very essence of the local community system.

Any sign of forestry growth around army camps and road sites frequently used by the army is regularly cleared by ordinary villagers through 'forced labor.' This is part of the counter-insurgency program to turn forests into wasteland thereby creating conditions suitable for military operations. It has affected the fertility of the soil and is causing soil erosions and major land slides. Such policies have led to environmental degradation and are destroying the rich bio-diversity. There are instances where villages have been 'requested' to either relocate or build satellite dwellings in these areas. This means denying the villagers easy access to their ancestral sacred lands and resources thereby creating conditions that would force the

once self-reliant villages to become dependent on the State system for their survival.

The fear of being 'picked up' is very strong in the minds of people, especially considering the fact that all Nagas are perceived as 'suspects' in the eyes of the Indian State. As a result business transaction, social life, free movement of people in towns and 'normal life' virtually come to a standstill by early afternoon. The harassment however does not stop there! Frequent operations in localities and neighborhoods are conducted at regular intervals to search and raid residential homes. Nothing is left to the imagination – the privacy of the family and the home is invaded and violated!

The suppression of people's minds and the violation of the democratic rights of the Nagas by the Indian State has been systematically implemented through various mechanisms and further promoted by the tactical functioning and operational intention of the Indian army. This has consciously contributed to creating an oppressive atmosphere whereby all fundamental rights of the Naga people are suppressed and in which the people are being held prisoners in their own home.

Militarization of civil administration

Since, the arrival of the Indian armed forces in the Naga homeland, the 'existing' civil administration has often found its policies and objectives being determined and overseen by the Indian army. Democratic polities, values, characters and principles have often been bypassed or willfully ignored in order to fulfill the wider intention of co-opting and assimilating Naga society by destroying the worldview, culture, social and value system of the people.

Ironically, in spite of repeated statements by the Indian State reiterating the presence of democratic governance, law and civil administration in Naga areas, the manner in which the Indian army has functioned reflects that military law and objectives have often been upheld over democratic governance and civil administration. The encroachment into civil administration on the part of the army indicates the intention to subjugate the Naga people's aspirations for justice, peace and freedom.

The question that emerges is: if the Indian army is not accountable to civil governance, then who is it accountable to? The argument rationalized by the Indian army justifying its inevitable involvement in civil administration due to corruption and the defunct character of public office has to be perceived within the perspective of the broader political context. The policy of the Indian State reflects its need to create a chronic state of corruption in Naga areas in order to prolong a peaceful, democratic and just solution to the Indo-Naga political conflict.

Increasingly, we are beginning to see greater involvement on the part of the Indian army in the role of the civil administration. It has reduced itself to implementing law and order and is now acting as policing agents, checking



The Naga Army: a people's movement resisting occupation of their homeland and the subjugation of their people. Photo: IWGIA archive

violations of prohibition, illegal forestry products, motor vehicles laws and regulations, voter identity cards – all these while the civil administration is still in place.

Recent strategies indicate that, under the guise of counter-insurgency operations, the Indian army - through its Army Developmental Groups (ADG) - has begun to initiate developmental projects and programs code named 'Operation Good Samaritan' (the mainstream religion is Christianity amongst Nagas) and 'Peace Offensive'. During the current cease-fire, the army has promoted itself as the Sathi Laga Force (People Friendly Force), which is an insult to human intellect. Programs under these operations include building schools, churches and playgrounds, providing health care, educational tours, improving relations with people and the media. For reasons best known to them, the villages are then 'requested' to sign blank papers on completion of any undertaking.

Such projects have implied an even greater degree of intrusion into the daily lives of the people on the part of the Indian State and its military, thereby reflecting its failure to recognize the inherent democratic Naga institutions already in place within Naga society.

These initiatives suggest and propagate the idea that development is the strongest foundation of peace. Such theories are not only misleading but contradictory in terms and bypass the whole question of ethics. The 'developmental' programs initiated by the Indian army largely undermine the wider political issues, thereby projecting and legitimizing it as an 'occupational army'. Such policies, which systematically enable the armed forces to usurp the democratic civil administration is of concern and poses a threat to India's own democratic system of governance.

Psycho-trauma – a reality

So far, we have only looked at the overt consequences and implications of militarization and State terrorism on ordinary people. However, the Indian State - in its efforts to destroy the Naga struggle - has been waging systematic 'Psychological Warfare' as part of its sophisticated counter-insurgency operations, which has proved equally if not more destructive. The implementation of psychological warfare through a three-phased strategy of creating 'rumors - confusion - division' has greatly affected the moral and social fiber of Naga society.

The protracted nature of the Indo-Naga political conflict has left Naga society vulnerable to various transitions, and which in our opinion has become more evident during this period of cease-fire. In a society where human life is brutalized, the degree and intensity of trauma is evident in the every day lives of these very ordinary people – who have to undergo the bitter experience of being humiliated and dehumanized every single day due to their resistance to subjugation and occupation. The increasing evidence of Post Traumatic Stress Disorder (PTSD) must be viewed seriously and cautiously as ordinary

people engage in the challenge of piecing together their lives in order to survive in a highly militarized situation where their basic fundamental right to live in dignity as free people is being denied!

Cease-fire – a policy of containment?

The declaration of cease-fire reaffirmed the aspirations of the Naga people in their quest for a peaceful, democratic and just solution. Ordinary people's hopes were raised as they began to witness the possibility of the inevitable emerging before them – the right to live together as a peoples with respect and dignity! There was a sense of euphoria in the streets. However, with the passage of the cease-fire, peoples hopes were belied.

While recognizing that the democratic space has widened during this period of cease-fire, the increasing deployment of Indian armed forces in Naga areas and their assumed role as law and order enforcing agencies has only reflected the internal contradictions of the Indian State. Such measures prove counter-productive to the world's largest democracy.

Rather than visualizing the cease-fire as a process of facilitating the democratic space in which political negotiations could take place, psychological warfare and developmental works were intensified by the Indian army, thereby undermining the very intention, integrity and credibility of the cease-fire. The cease-fire has, with time, been reduced to nothing more than a cessation of military confrontation with those in armed resistance – which implies that the Indian army has diverted its energy toward the civil population – in order to keep itself busy and battle ready in case the cease-fire fails.

Thus, in its efforts to break the 'will and spirit' of ordinary people in Naga society, violations of civil and democratic rights are occurring on a daily basis. This policy of containment by prolonging suffering and injustice in order to break the will and spirit of the Naga people reflects the lack of political will and critical sincerity on the part of the Indian State towards seeking a peaceful and just resolution of one of the oldest conflicts in contemporary history.

The continued application of the Armed Forces Special Powers Act (1958) and other anti-democratic legislation further negates the very rationale behind the principle of the cease-fire, which was to hold unconditional talks at the highest level (Prime Ministerial) in a neutral country. This has contributed towards destabilizing implementation of the Cease-fire Ground Rules and Cease-fire Monitoring Mechanisms.

Legitimizing the status quo

Various pieces of legislation have been adopted by the Indian State as measures to legitimize its anti-democratic policies towards the Naga people. The Armed Forces



Indian Army on the move, their operation representing an occupational force.
Photo: IWGIA archive



Indian Army on patrol, Nagaland.
Photo: IWGIA archive

Special Powers Act, National Security Act, Nagaland Security Regulation 1962, Assam Maintenance of Public Order 1963, Unlawful Activities Prevention Act and other such draconian laws violate all basic democratic norms and principles and have proved counter-productive.

The Armed Forces Special Powers Act, a most draconian and anti-democratic legislation by nature, provides unlimited powers to the Indian Armed Forces. The Act itself is a legacy of British colonialism, which was re-introduced by the Indian Parliament to suppress the Naga resistance movement. This Act provides powers to a non-commissioned officer of the Indian Armed Forces to 'shoot to kill' on mere suspicion; to arrest without warrant; and to check and raid houses without warrant, and the armed personnel acting under this legislation are provided legal immunity.

Ironically, even the National Human Rights Commission of India has neither the jurisdiction nor the authority to address matters of Human Rights abuses committed by the Indian Armed Forces due to the protective measures provided under this Act.

The constitutional validity of the Armed Forces Special Powers Act was challenged by the Naga Peoples Movement for Human Rights in the Supreme Court of India through Public Interest Litigation in 1982. After 15 long years, the matter was heard in the Supreme Court of India in 1997 where the constitutional validity of the Act was upheld by a 5-judge bench (comprising the then Chief Justice of India and 4 other Justices) with recommendations and guidelines – no changes to the fundamental intention and objective of the Act.

Ordinary people find it difficult to comprehend the fact that while the Constitution of India under Article 21 is guaranteeing 'Right to life' the world's largest democracy has simultaneously upheld an Act that gives powers to take a person's life on mere suspicion.

Hope – our strength!

The Naga people, along with other struggling peoples, has reiterated the fact that nowhere in the world has the armed forces completely succeeded in suppressing a people's movement. It is imperative to realize and recognize that a 'political conflict' can only be transformed politically. There is thus a need for critical understanding and paradigm shifts on the part of Nation-States when addressing and engaging with peoples' struggles for self-determination.

The encouraging sign in the Naga struggle is the emerging voice of Naga social organizations and sections of Indian civil society, who are jointly seeking to promote 'peoples-to-peoples dialogue' in order to create a better understanding and 'critical partnership' between the two nations in the common efforts to strengthen initiatives for a democratic and just solution. This process reiterates the realization that the vibrancy of democracy in the region, the freedom and justice of one nation is tied to the freedom and justice of the other.

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Where Peacekeepers have Declared War: Fact Finding Report

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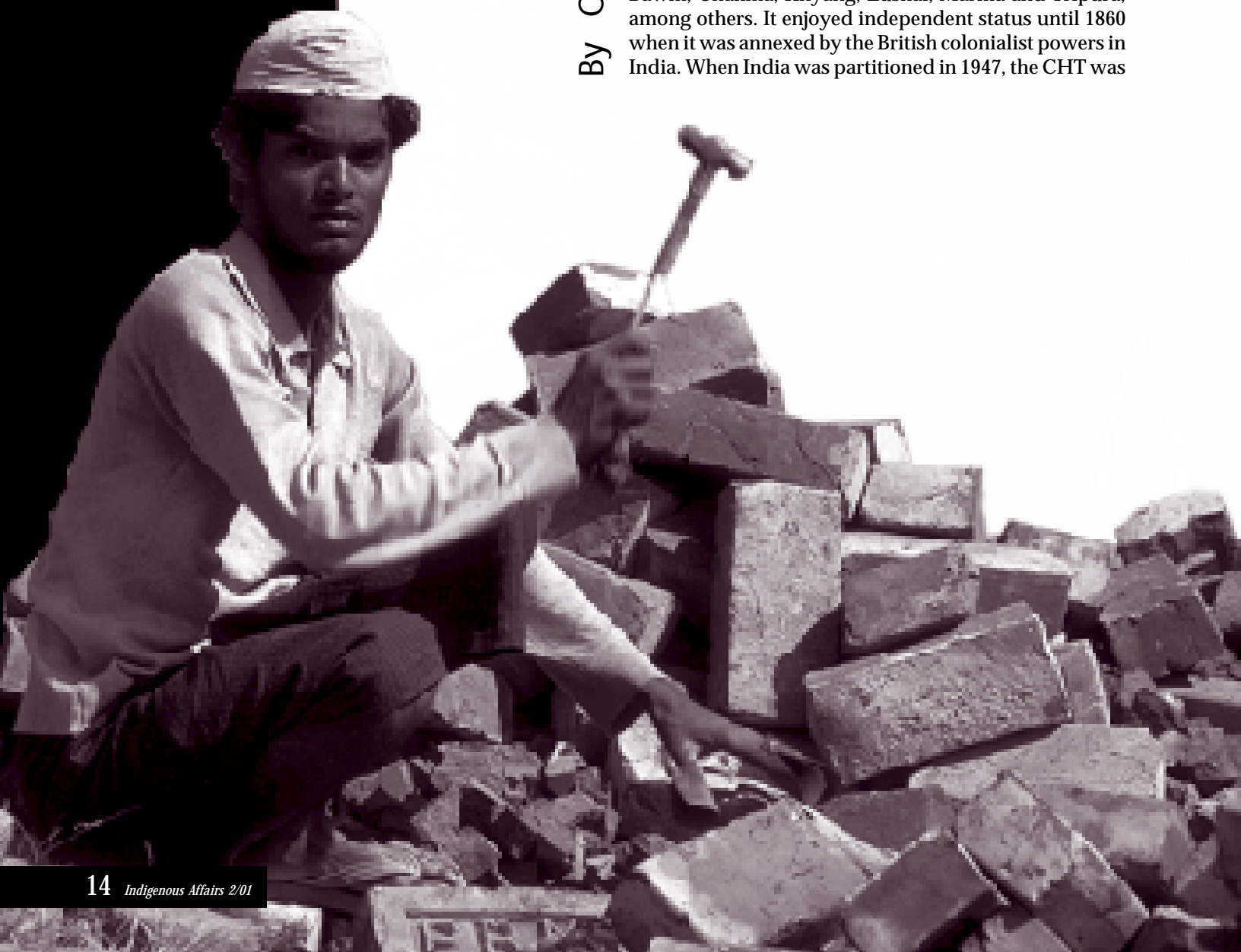
MILITARIZATION AND THE CHITTAGONG HILL TRACTS

An international fact-finding mission to the Chittagong Hill Tracts in 1991 described it as an area under occupation. Ten years later, the presence of the army in the region is as evident as ever. A peace accord, which was agreed in 1997 between the Government of Bangladesh and the Parbattya Chattagram Jana Samhati Samity, the indigenous party fighting for autonomy and self-rule in the CHT, has not resulted in the withdrawal of the army from the Hill Tracts. The Peace Agreement stipulates that only permanent camps are to remain, for the ostensible purposes of security and territorial integrity - and yet, the armed forces remain firmly entrenched in the region. The question therefore remains as to why?

By Chandra Roy

Background

The Chittagong Hill Tracts covers a land area of about 13,189 sq. kms. (5,089 sq. miles), and is the traditional homeland of an estimated 600,000 indigenous people from among 13 different ethnic groups including the Bawm, Chakma, Khyang, Lushai, Marma and Tripura, among others. It enjoyed independent status until 1860 when it was annexed by the British colonialist powers in India. When India was partitioned in 1947, the CHT was



awarded to East Pakistan, contrary to the express demands of the indigenous people, who believed it more expedient to be included within secular India. From 1947 to 1971, the CHT was part of what was then East Pakistan and, with the creation of Bangladesh in 1971 after a bloody civil war, the CHT became a part of this successor State. Whereas religion had formed the basis for the creation of a separate state/s for the Muslim population of India (East and West Pakistan), the 1971 independence war signified a shift in policies and, with the creation of Bangladesh, Bengali nationalism was born. The first constitution of Bangladesh, drafted in 1972, reflects this and denies the cultural diversity of the country. Manabendra N. Larma, the founder of the PCJSS (popularly known as the JSS) and a member of Parliament (CHT North) refused to endorse the new Constitution:

“This Constitution does not recognize the existence of other national communities in Bangladesh.It makes no mention about the CHT. The British had given recognition to our separateness, the 1962 Constitution of Pakistan duly recognized our separate status.the framers of the Constitution have forgotten my land, my people.We have been deprived of our rights, the country has become independent, but we continue to have a cursed life....” (Parliament Debates 25.10.1972:292-295).

Since its creation, Bangladeshi politics have been dominated by the army, and a number of coups and counter-coups have taken place during the country’s brief turbulent history as an independent nation. Two of its presidents, Zia-ur-Rahman (1975-1981) and his successor, General Ershad (1981-1990) rose up from the army corps and took power in violent take-overs. With the restoration of democracy by a mass movement in December 1990, the Bangladesh army has reverted to its traditional role as defenders of the realm, with one major exception – in the Chittagong Hill Tracts. In this region, in south-eastern Bangladesh, bordering India and Myanmar (Burma), the military remains very much in power, not just as a visible presence with surveillance posts on strategic hilltops but also in civilian matters ranging from the CHT Development Board to the requirement of a no-objection-certificate (NOC) from the commanding officer for entrance to higher educational institutions.

Militarization

The presence of the army in CHT affairs has its roots in Bengali hegemony predicated on the creation of Bangladesh as a separate homeland for the Bengalis. The existence of indigenous peoples in the territorial framework of the Bangladeshi State, with their own identity, cultures



and traditions, is a challenge to the concept of a homogenous state. The demands of the indigenous people for autonomy and the right to their own cultural identity were translated as being secessionist, and integration and assimilation became the fundamental pillars of the Government’s policy in the CHT, with the army as its main instrument in this process. As a result, since 1972, the army has been in control of the CHT: *“Consequently, the entire region of CHT has undergone full scale militarisation and the military has been given total control of the administration of the CHT. More importantly, in the name of counter-insurgency gross violations of human rights have been committed in the area by the military.”*¹

Although it is difficult to estimate exactly how many troops are deployed in the CHT, a rough estimate puts the figure somewhere between 35,000 and 114,500. Military officials attest to the fact that one-third of the entire Bangladesh army is deployed in the CHT, an area which accounts for one-tenth of the total territory of the country. With the indigenous people numbering approximately 600,000 this is an excessive amount, by any standard, especially in a country that is not at war, and at peace with its neighbours:

“The CHT has been turned into an army camp. The 24th Infantry Division of Chittagong Division is in charge.

Bengali labourer working on the construction of the road from Chimbook to Thanchhi, Bandarban Dt. Only Bengalis work on the road, and many are brought from other districts of Bangladesh to work on the road for several years. Photo: IWGIA archive

The overall command for the CHT is with the GOC of the 24th Division. The army has four Brigade Head Quarters in the CHT: Rangamati, Khagrachari and Dighinala in the north, and Banderban in the south. There are garrisons in Ruma and Alikadam in the south and there are army base camps in each Upazilla (sub-district) Head Quarters in the CHT as well as in various villages. There are also several army camps on the roads (The CHT Commission 1991:39). At Kaptai, there is a naval base with three gunboats (Ahmed, A. 1993:46). There is also an anti-guerilla training centre at Mahalchari in the CHT (Mey 1984:147). The state does not reveal the exact number of military personnel deployed in the CHT. But from military sources it could be gathered there are 19 Infantry battalions, 11 Bangladesh Rifles [BDR] battalions, three Artillery battalions, one Engineer battalion, 18 Ansar battalions and four battalions of armed police. The military is spread out all over the area. It has five Regional Head Quarters situated in Khagrachari, Rangamati, Kaptai, Banderban and Guimara. Under these five Head Quarters there are 26 zones, 23 are with the army and three with BDR; BDR zones are located in Kaptai, Boli-para and Naikhongchari. There are over 230 army camps, more than 100 BDR camps and over 80 police camps in the area (CHT Commission 1991:40). The total number of men is a matter of conjecture with the figures varying between 114,500 (CHT Commission 1991: 41, Mey 1984:147) to 30-35,000 (CHT Commission 1992:4). However, military officials are of the opinion that Bangladesh has deployed one third of its total army in the CHT², which suggests that the latter figures are more accurate. The current total strength of the Bangladesh armed forces is 115,500, while the BDR (30,000), armed police (5000) and Ansars (20,000) together form 55,000 (IISS 1994:152-153).”³

A retired army officer who served as an infantry brigade and region commander in the CHT from 1989 to 1991 confirms that over 500 camps have been established and maintained by the security forces in the last 25 years⁴.

Counter-insurgency

The initial reason for the deployment of the troops in the CHT was “national security” and justified on the ground that the CHT was in a geographically strategic area bordering the Indian states of Assam, Manipur, Mizoram and Tripura and the Rakhine and Chin states of Myanmar, most of which have ongoing ethnic struggles. However, the deployment of such a large proportion of the Bangladesh army in the CHT signalled the beginning of a relationship founded on hostility and antagonism; the indigenous peoples realized that the Government viewed them as “insurgents” and a threat to national security.

This conviction gained ground when the Government initiated a Settlement Programme (1979-84). Impoverished

families from other parts of Bangladesh were given incentives including land, money and food rations, to come and live in the CHT. The settler families were allocated lands legally belonging to the indigenous peoples, either individually or collectively. Although approximately 54,000 acres of agricultural land had been submerged by the Kaptai Hydro-electric power plant created in 1960, the settlers were promised 11.5 acres of land, including 2.5 acres of paddylands (wet-rice growing fields).

Since most of the CHT lands were already under cultivation or use by the indigenous peoples, measures had to be taken to ensure the settler families received the promised allotments. To this end, the armed forces included another element within their “counter-insurgency” strategy whereby indigenous people were forced to relocate to what were termed Cluster Villages where they were under strict army surveillance, with strict time schedules for free movement and labour. This also had the end result of freeing up their lands, which could then be used for the settlement programme. Through this programme, some 450,000 persons were settled in the Hill Tracts⁵.

At approximately 600,000, with an estimated 450,000 settlers and nearly one-third of the Bangladesh army in the CHT, the indigenous people felt outnumbered and vulnerable.

The actions of the army did nothing to allay their concerns, as the army and para-military forces actively assisted the settler families in divesting the indigenous peoples of their lands and homes, and often taking their lives as well.

In this environment, the relationship between the indigenous peoples and the Government, which was already antagonistic and mistrustful, degenerated rapidly. The indigenous peoples felt betrayed and isolated, and began to seriously consider their alternatives in a nation-state that did not recognize their existence, or their identity. A movement for recognition of the rights of the indigenous peoples to exist as a separate people with the CHT defined as an autonomous area gathered momentum and the Parbattya Chattagram Jana Samhati Samity (JSS) was formed in 1972. In response to the increased militarization and State violence, the armed wing of the JSS, the Shanti Bahini (Peace Corps) began operations in the mid-1970s. The resulting civil war continued for two decades, culminating in the Peace Accord signed on 2 December 1997.

Human rights violations

The human rights abuses committed by the armed forces, often in collaboration with the settlers who had been provided with arms by the government, has been reported extensively including by the UN, the International Labour Organization (which monitors the situation of the indigenous peoples in Bangladesh by virtue of a treaty to which Bangladesh is a signatory - Convention No. 107 on Indigenous and Tribal Populations, 1957), as well as by inter-

national NGOs including Amnesty International and Anti-Slavery International.

Rape, torture and massacres of innocent indigenous villagers by the armed forces in cooperation with the settlers have all been well documented. In its most recent report on the CHT, Amnesty International included a list of year by year accounts of human rights abuses (see *Bangladesh: Human rights in the Chittagong Hill Tracts*, ASA 13/001/2000 of 2 February, 2000 for details). The following are noteworthy:

Kaukhali-Kalampati (15/03/1980): 50 indigenous persons were gunned down by the army when attending a meeting called by the military to discuss the reconstruction of a desecrated Buddhist temple;

Barkal (31/05/1984): 110 indigenous persons, including women and children, were killed by the 305 Brigade of 26 Bengal Regiment and 17 Battalion of BDR, in collaboration with the settlers. Many of the women were gang raped and later shot dead;

Panchari (01/05/1986): The army, and the settlers, killed hundreds of indigenous people (actual numbers are unavailable). Their houses were burnt down and thousands fled across the border and took refuge in camps in Tripura, India;

Matiranga (1-7/05/1986): About 70 indigenous men were killed by the army;

Comillatilla-Taindong (18-19/05/1986): A group of 200 Tripuras fleeing to India were intercepted by the BDR and gunned down;

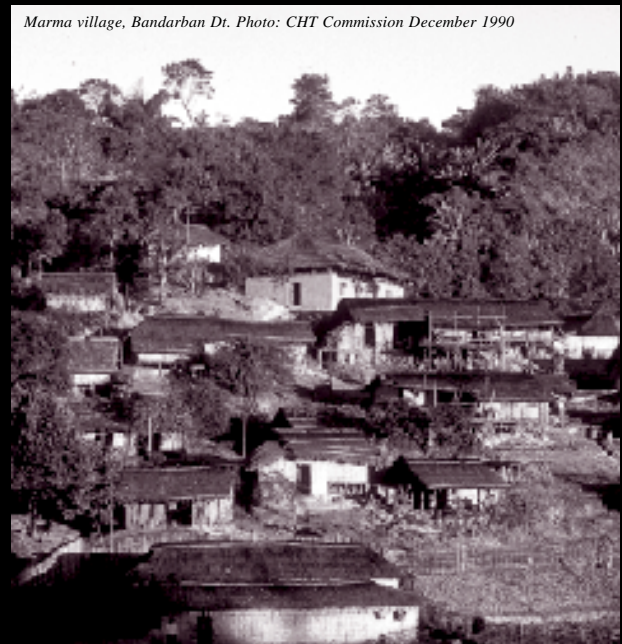
Longadu (04/05/1989): The army, Village Defence Party (VDP, a para-military force) and settlers carried out what has been termed “a human carnage”. More than 30 indigenous people were killed, their houses burnt and temples destroyed;

Malya (02/02/1992): two bombs exploded on a passenger launch. The launch was carrying a deputation of indigenous people who were travelling to Rangamati and Dhaka to protest against army atrocities in the area. Survivors swam ashore but were attacked by armed settlers who were waiting for them; about 30 were killed (CHT Commission 1994:17); and

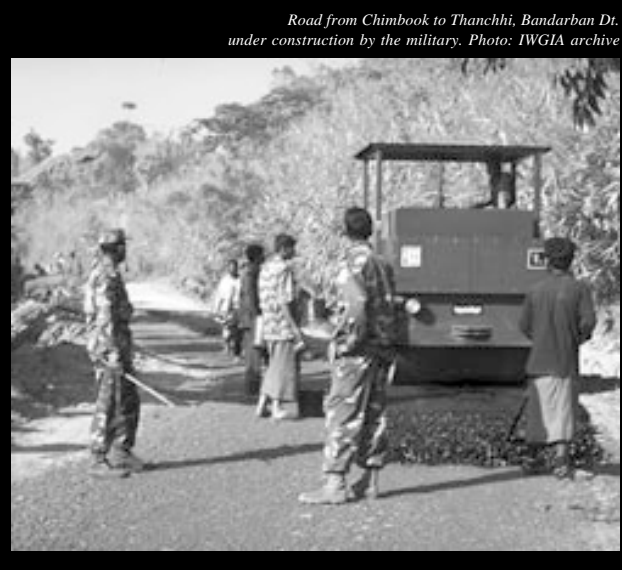
Logang (10/04/1992): Another component of the Government’s CHT strategy was the forcible settlement of indigenous people in Cluster Villages, ostensibly for their protection, but in practice so they could be under strict surveillance and their movements curtailed. A settler cowherd had attempted to rape an indigenous woman, and when others came to her aid, he was injured. In a reprisal attack led by the



Army commander explaining their “social programme”.
Photo: CHT Commission December 1990



Marma village, Bandarban Dt. Photo: CHT Commission December 1990



Road from Chimbook to Thanchhi, Bandarban Dt. under construction by the military. Photo: IWGIA archive

settlers with members of the BDR, VDP, and armed police, many indigenous people were killed, although it is difficult to estimate the exact number, which varies from JSS estimates of 138 to the Government figure of 12. It is reported that the village was sealed off and the houses set alight.

There are also many incidents of rape, many of which never come to public attention. Army personnel stationed in the CHT were encouraged to target indigenous women. This led to many rapes, forced conversions and forced marriages. One well-known case is that of Kalpana Chakma, the organizing secretary of the Hill Women's Federation, who was allegedly abducted from her home in June 1996 by army personnel in civilian attire. Her whereabouts is still unknown. Reports continue of discrimination and violence against indigenous Jumma women, often young girls, on the part of the armed forces.

An element common to all the human rights violations that have occurred, and continue to occur, in the CHT is that those responsible are seldom if ever held accountable for their actions. As Amnesty International reports on the current environment: *"It is further marked by the failure of the Bangladeshi Government to bring to justice those responsible for these human rights violations. Past incidents of gross human rights violations have rarely been investigated. In a few cases when official commissions of inquiry have been set up [e.g. Logang Inquiry Commission] and responsibility for violations believed to be established, the reports were not made public and no action was taken against any army personnel involved."* (Amnesty International 2000: 12).

This is a significant factor in the continuing violation of human rights abuses, which have abated somewhat following the Accord but continue nevertheless. Section 132 of the Bangladesh Code of Criminal Procedure states that no magistrate, police, civil or military officer or any inferior officer, or soldier or volunteer, doing any act in obedience to any order which he was bound to obey, shall be deemed to have thereby committed an offence. (Amnesty International 1993:30). This provides the legal basis for the impunity enjoyed by the armed forces and others in the CHT.

According to Government figures, over 8,500 civilians, soldiers and "insurgents" (alleged Shanti Bahini) have been killed during the two decades of civil war in the CHT, of which 2,500 were civilians. However, the indigenous people believe the actual number of civilians killed by the armed forces is much higher. Human rights violations continue to be reported despite the Peace Accord and, in a recent incident on 18 May 2001, Bengali settlers, in collaboration with the armed forces and police ransacked three villages in the Dighinala area, and set the houses on fire. The Jumma villagers were physically assaulted, many of them seriously, including women and children. What is of even graver concern is that this incident reportedly occurred in the presence of the commanding officer of the Dighinala cantonment and the officer in charge of the police station, neither of whom made any effort to halt the arson or looting.

Civil administration

The armed forces play a key role in the civil affairs of the CHT, and their power and influence is pervasive. For instance, the CHT Development Board was established in 1976 by an ordinance passed by then president General Zia:

*"That the CHTDB was created to counter the insurgency became evident when the General Commanding Officer (GOC) of the 24th Infantry Division, Chittagong was appointed as its ex-officio chairman in 1982 by General Ershad. The CHTDB has implemented projects and programs for construction of roads, telecommunication, electrification, and moving the hill people into the 'model' or 'cluster' villages. Although the stated goal of the CHTDB is the welfare of the hill people, in reality, most villages in the hills do not have telephones or electricity. Although the roads have been beneficial for transporting produce to markets, they have first been very useful for fast military movement. Roads expanded the mobility of the military to combat the Shanti Bahini and helped the businessmen most of whom were Bengalis."*⁶

It is only recently that the GOC has been relieved of his post as chairperson of the CHTDB; however, the armed forces continue to play a role in development issues in the CHT. Another area where the role of the armed forces is evident is land administration. As mentioned earlier, they played a key role in facilitating the settlement of the plains (Bengali) families in the CHT, with the related land losses for the indigenous peoples, many of who were either forced to move into cluster villages, or to flee to India. The third alternative was to join thousands of other dispossessed people as internally displaced.

A related effect of the militarisation of the CHT, and one which is often overlooked, is that the army camps, cantonments and other installations are created on lands belonging to the indigenous peoples. Many indigenous people have been forced to vacate their lands for military purposes, without any compensation whatsoever. This has been a major factor in the current crisis of displacement and landlessness facing the indigenous Jummas. This practice continues, and the military has plans to acquire 30,444 acres of lands in Bandarban to set up an artillery training centre. This will displace some 25,000 indigenous people and, with the loss of their lands, which are the basis for their economic and cultural survival, the indigenous peoples will be further marginalized. There are also plans to acquire another 184 acres to expand the brigade headquarters. This indicates that the army has long term plans in the CHT with no immediate plans for withdrawal, as required under the provisions of the 1997 Peace Accord.



Jumma family coming from their field. Photo: IWGIA archive

Conclusion

Bangladesh is one of the poorest countries in the world with a population of nearly 129 million, of which 35.6% live below the poverty line. It is a major recipient of foreign aid with an external debt of US\$16.5 billion (1998). The UNDP human development indicators (HDI), which are calculated on the basis of infant mortality rates, literacy, health, education etc. placed Bangladesh as 143rd in 1997, 147th in 1998 and 150th in 1999, the lowest in South Asia. In contrast, the defence expenditure has steadily increased from 1% and now accounts for between 1.5 and 1.7 % of GDP.

The defence budget for 2000 was 7% higher than the previous year, and Taka 32 billion has been earmarked for defence as revenue expenditure and an additional Taka 720 million for other defence expenditures (CHT Commission 2000:20). In stark contrast, although Bangladesh has the highest infant mortality and the lowest life expectancy in the world, 2% is allocated for health and social welfare. To maintain the army in the CHT, it is estimated that the Government has to spend approximately US\$125 million annually, with a daily expenditure amounting to Taka 1.5 crore⁷ daily (CHT Commission 1994:2). With a Peace Accord in place in the CHT and peaceful relations with its neighbours, it is questionable whether this huge outlay on defence-related spending in a poverty stricken country like Bangladesh can be justifiable. The presence of the military in the CHT only serves to perpetuate the isolation and marginalization of the indigenous people.

The Peace Accord stipulates that all temporary army camps, Village Defence Parties (VDPs) and Ansars are to be withdrawn from the CHT and that only the border security force (BDR) and permanent army camps at the three district headquarters and at Alikadam, Ruma and Dighinala are to remain. However, three years on, there are no signs of the army withdrawing from the CHT and a reported 31 out of 500 camps of Ansars and VDPs have so far been dismantled (Report on the Implementation of the CHT Agreement, JSS,

September 2000). In addition, the 1973 executive order imposing military rule in the CHT remains in force, thereby legalizing the presence of the army in the area.

President Zia, who was instrumental in initiating the militarisation of the Hill Tracts, is reported to have had his doubts regarding this policy: “*We are doing some mistakes there. We are being unfair to the tribes. It is a political problem that is being dealt with by police and army action. Yet it can be settled very easily. We have no basis for taking over these lands and pushing these peoples into a corner. We should at least call a meeting of these tribal leaders and ask them their demands.*” (The Guardian, London, 29 July 1980 as reported in Philip Gain 2000: 115).

For Bangladesh to progress as a nation, it has to address the CHT issue in a much more concerted manner. Sheikh Hasina has recognized the existence of the indigenous peoples in the CHT, and been awarded the UNESCO peace prize for her role in finalizing the 1997 Peace Accord. Yet, unless the military is withdrawn from the CHT, and the Peace Accord implemented in its entirety with the indigenous peoples given the opportunity to decide their own future themselves, peace in the CHT will remain an elusive dream.

Notes

- ¹ *The Politics of Nationalism: The Case of the Chittagong Hill Tracts, Bangladesh*, Amena Mohsin, University Press Limited, Dhaka, 1997.
- ² “This was stated to the author by military officers (1993-1994) who had served in the CHT. They further posed the question that, if the army has to be withdrawn from CHT then where will they be stationed?”
- ³ Amena Mohsin 1997:171-172.
- ⁴ *Allowing Peace in CHT a Chance*, by Brigadier M. Sakhawat Hussain ndc, psc, (Retd), The Independent, Internet Edition, 15.11.2000.
- ⁵ For a detailed analysis of the Settlement Programme, see *Land Rights of the Indigenous Peoples of the CHT, Bangladesh*, by Rajkumari Chandra Roy, IWGIA Document No. 99, 2000 pp. 110-122.
- ⁶ *Life and Nature at Risk*, by Philip Gain, in *The Chittagong Hill Tracts: Life and Nature at Risk*, edited by Philip Gain, Society for Environment and Human Development (SEHD), July 2000, p. 34.
- ⁷ One crore = 10,000,000

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MILITARIZATION IN THE CORDILLERA REGION, THE PHILIPPINES



By Joan Carling and
Benedict Solang

The Total War Policy

Since the successful struggle of the Cordillera indigenous peoples against the building of four megadams along the Chico River and the commercial logging activities of the Cellophil Resource Corporation in the late 70s to early 80s, militarization of the Cordillera countryside has always been part of the State Policy, from the Marcos Regime to the present. This is also because of the perceived growing strength of the rebel forces known as the New Peoples Army (NPA) in the Cordillera hinterlands.

In 1987, former president, Corazon Aquino, declared a Total War Policy against the insurgents. This Total War Policy employs the strategy of a gradual constriction of suspected NPA stronghold areas and a “four-part process of destruction and development of winning the hearts and minds of the people”.

The first stage is the “clearing” of identified insurgency areas through wide-scale mobile military operations, using heavy artillery such as bombings, artillery shelling and massive ground attack operations aimed at neutralizing “rebel shadow governments and elements of the New Peoples Army (NPA) in the region”.

The second stage known as “hold and defend” consists of the establishment of checkpoints and detachments around the perimeters of villages and temporary food blockades. The consolidation phase, as the third stage, includes the establishment and recruitment of the paramilitary (armed civilians) and civilian intelligence units in the various villages as “territorial Defense units”. Civilian Auxiliary Forces Geographical Units (CAFGU) and other paramilitary forces like the Cordillera Peoples Liberation Army (CPLA) were recruited from amongst the residents of the area.

The fourth and last stage of the Total War Policy is the “development phase”. This involves the implementation of development projects, such as infrastructure, in areas already “cleared” and the rehabilitation of rebel returnees as part of the Amnesty Programme for rebels. This also involves the maintenance of regular AFP (Armed Forces of the Philippines) units and units of CAFGU in particular areas, and maintenance of checkpoints and detachments, especially in areas where government development projects, such as on energy and mining, are being implemented.

An integral component of the Total War Strategy is the employment and maximization of Psychological Warfare or psywar operations, aimed to instil fear and more easily subjugate the civilian populace. Likewise, it also includes the “neutralization” of influence and activities of Non-Governmental Organizations, especially those who are perceived as “anti-government”.

Under the term of Corazon Aquino, the Total War Policy only reached the first two stages— the clear, hold and defend stages. Though the Total War Policy was not officially declared by the Ramos administration when he came into power in 1992, it contin-

ued to implement the “consolidation and development stages” of the Total War Strategy. Likewise, there was no change in military strategy under the former President Joseph Estrada or even the newly-installed government of Gloria Macapagal-Arroyo. The Cordillera Region remains militarized, and the consolidation and development stage remain to be implemented as part of the overall Military Strategy in the Cordillera.

Such militarization in its various evolving forms continues to victimize Cordillera indigenous peoples, particularly peasants in interior areas who are determinedly opposing oppressive laws and destructive, anti-people projects like mines and dams. The progressive and militant mass movement in the Cordillera together with advocates of human rights and indigenous peoples rights thus struggle on in the campaign against militarization.

The conduct and impact of the implementation of the Total War Policy: 1987-1994

Former President Corazon Aquino’s declaration of the Total War Policy in February 1987 immediately resulted in the heaviest military deployment ever in the Cordillera Region: around 10,000 troops of the Armed Forces of the Philippines (AFP) aided by thousands of elements of the Philippine National Police (PNP) and para-military forces, including the Cordillera Peoples Liberation Army (a splinter group of the New Peoples Army that is in partnership with the AFP for counter-insurgency operations). A series of wide-scale military offensive operations were let loose on the Cordillera countryside - Oplan Red Buster, Oplan Pakilala, Oplan Nakilala and Oplan Salidummay.

The Cordillera hinterlands became a virtual battleground. These military offensives and assaults on the territories of indigenous peoples caused large-scale dislocation and violations of human rights and indigenous peoples’ rights, especially in the provinces of Apayao, Kalinga, Abra and Mountain Province. Under “Oplan Red Buster” and “Oplan Pakilala”, two military offensive operations conducted in Kalinga and Apayao, certain areas were declared “No Man’s Land”, such as the Valleys of Marag, Paco and Zinundungan in Apayao -the ancestral homeland of the Agta and Yapayaos and Puguin in Conner, Apayao. Bombing and artillery shelling of the AFP forces took place in these areas. This led to the mass evacuation of more than 1,000 Agta families, with no relocation sites or basic provisions.

Several fact-finding missions led by human rights organizations revealed that 9 children had died in Marag Valley and more than 200 villagers were suffering from various diseases after having been exposed to the elements and from lack of food. In Conner, Apayao, the village of Daga, comprising 16 houses, was completely burned to the ground, while more than 30 houses in the village of Puguin were ransacked by AFP troopers. A



record 2,035 individuals in Tabuk, Kalinga and outlying areas were also forced to evacuate at the height of military operations. The destruction of the crops, properties and livelihood sources of thousands of villagers has been immeasurable, and the victims never compensated. In other villages where wide-scale ground operations were conducted under OPLAN Salidummay, such as in Pinukpok and Balbalan of Kalinga, and Malibcong of Abra, thousands of civilians fled for safety, leaving behind their property and crops. Cultural practices such as indigenous wakes for the dead and bodong renewals could not be observed because of militarization.

Illegal arrests and temporary detention for questioning of village leaders became a standard operation in villages controlled by the military. Food blockades were declared in certain areas and villagers were restricted from going out of their villages, even to tend their farms for periods lasting from a few days to two weeks. Curfews were also declared. Checkpoints were set up all over the place and civilians were subjected to regular searches, without warrants. Even their houses were used as military shelters and detachments, subjecting residents to danger and intrusion of their privacy. Villagers were even used as “human shields” during military operations, by using them as guides in their search operations. An atmosphere of fear and terrorism reigned in the various villages occupied by the AFP forces and paramilitary elements. The then Cordillera Regional Command (CRECOM) Commander, Brigadier General Juanito Aquias, was quoted as saying, “We must dislodge the rebels at all costs”.

At the height of the Total War Policy, legitimate organizations were not spared and were, in fact, targets of the military and paramilitary's reign of terror. CPA leaders, organizers, community volunteers and human rights workers were subjected to harassment and intimidation through threats, illegal arrests and temporary detention in military barracks and detachments. Daniel Ngayaan, a tribal leader in Kalinga and the Vice Chairperson of the CPA at that time was abducted and killed by elements of the Cordillera Peoples Liberation Army (CPLA) in October 1987. Romy Gardo, a CPA organizer in Abra, was also abducted and killed by the CPLA in December 1988. NGO staff Robert Estimada and Ferdinand Bragas were also salvaged by AFP/PNP elements in Bontoc, Mountain Province in 1988. Chris Batan, a human rights worker in Mountain Province, was shot dead by CAFGU elements in Betwagan, Mountain Province in February 1990.

Marcelo Fakilang, a tribal leader and CPA leader, was severely tortured by troops in front of the villagers in Betuagan, Mountain Province. Ama Mangatam and Ama Domin-eng, both respected elders and founders of the CPA, were harassed and interrogated by the military and accused of aiding rebels. Pansing Begnalen, a sixty year-old woman of Lat-ey, Bangilo, Abra was tied up and fired at close to her body when she denied the soldier's accusation that she was hiding rebels in her house. Scores of other local leaders and suspected NPA supporters were also subjected to military brutality and abuses.

Sexual harassment and abuse of women villagers by AFP troopers were also reported. There were more than 20 cases of local women in Mountain Province and Kalinga marrying soldiers and being abandoned with no support for them or their children. Soldiers marrying local villagers was employed as a tactic by which to gain the acceptance and protection of the villagers and tribes. Three incidents of rape were also reported in Kalinga and Mountain Province. Likewise, numerous cases of sexual harassment by drunken soldiers and paramilitary forces were also reported.

The forced and massive recruitment of CAFGUs was highly deplorable. Even old men aged sixty plus and youths were forced to join the CAFGU, otherwise they would be continually subjected to military harassment and intimidation. Local officials were forced to join and were given a CAFGU recruitment quota for each village by military officers. In 1994, the membership of CAFGUs in the Cordillera reached 20,000 individuals, based on AFP reports. In the last quarter of 1993, General De Villa, the then AFP Chief of Staff, claimed that the Cordillera was the last frontier of rebels in the country. Military operations would thus continue, and CAFGUs or para-military building would also be likely to continue.

Kalinga woman. Kalinga Province in the Philippines. Photo: Christian Erni



The consolidation and development stages of the Total War Policy: 1995 to the present

The Ramos administration continued to implement the “consolidation and development stages” of the Total War strategy. Civilian-Military operations were employed, as a shift in counter-insurgency techniques away from wide-scale offensive military operations using heavy artillery. Small infrastructure and other projects such as road construction and repair were implemented by engineering battalions of the AFP. Likewise, socio-civic activities such as sports competitions, the showing of videos, “clean and green” community campaigns and medical missions were initiated by the military aimed at “winning the hearts and minds of the people”. Local government officials were used in the negotiations for surrender of NPAs and the implementation of rehabilitation projects for rebel returnees.

However, there was no let-up in the use of psywar tactics against the villagers, including intimidation, harassment and threats to active leaders and members of peoples’ organizations usually suspected of being NPA sympathizers. Sowing of intrigues, such as redbaiting and mis-information, and moves by the military to isolate a certain individual or clan in a “divide and rule tactic” has weakened community unity and developed mistrust amongst the villagers. This results in the undermining and breakdown of village unity.

Likewise, the local activities of villagers were monitored and attended by the military and/or para-military forces and movements of community leaders were closely monitored. Villagers were actively discouraged from interacting with Non-Governmental Organizations (NGOs) whom the military suspected of being NPA supporters. Even NGOs implementing socio-economic projects or conducting services such as medical missions requested by villagers were suspected of providing aid to rebels, and were harassed and intimidated by the military.

In spite of the Peace Process between the GRP (Government of the Republic of the Philippines) and NDFP (National Democratic Front of the Philippines), initiated during the Ramos Regime, there has been no de-militarization of the Cordillera Region. Furthermore, public consultations conducted by the National Unification Commission in the Cordillera identified militarization as a key obstacle to peace in the region. It also concluded that militarization is not the solution to the insurgency problem. But military operations continued in the Cordillera, while Ramos was speaking of “peace” to the national and international community.

The efforts at peace negotiation were stalled during the regime of the warmongering Joseph Estrada. This was more reason for the government to militarize various parts of the country. While the government claimed that the insurgency problem in the Cordillera Region had significantly weakened, heavy military presence persisted, even

up to the present regime of Gloria Macapagal Arroyo. AFP units are still in Cordillera villages, numbering about 2,000 regular troops, and more than 10,000 CAFGU elements also under the control of the AFP. Each municipality maintains either a platoon (26-34) or company (60-80) of police officers.

The military’s continuing recruitment and training of CAFGU elements amongst villagers has become an effective means of “dividing and ruling” as it has been a major source of community disunity and even clan and tribal conflict. The arming of a section of villagers by the State as part of its military machinery under its command is outrightly subverting the Cordillera indigenous peoples own system of security, cooperation, unity and brotherhood. Numerous cases of abuses committed by these CAFGU forces against villagers, such as looting, physical assault, indiscriminate firing, sexual harassment of women, are not being subjected to customary law and, at the same time, are being almost completely ignored by military officials, as long as those responsible remain “loyal” to the military.

The “power” given to CAFGUs by the military has created “monsters” beyond the control of elders, and thereby compounding community problems. Abuses committed by CAFGU elements belonging to other tribes have led to tribal disputes and even tribal wars. In Kalinga, more than 7 tribal disputes were reported as instigated by CAFGU elements in the year 2000. The notoriety of CAFGU in various villages is now a major social problem in the Cordillera countryside. Yet the government continues to support these para-military elements, who clearly have no form of accountability.

Checkpoints and detachments at various roadsides and in communities remain the main posts of regular military forces while CAFGU elements freely roam around the villages carrying their arms. Surveillance and intelligence monitoring remains active, and local officials are issued VHF radios to report on people and activities. Military patrol and offensive operations against NPA are active in Kalinga, Apayao and Mountain Province.

“Development” activities

This pattern of deployment is not just in suspected “NPA controlled areas” but also in areas of government development projects. This includes the areas of mining applications of multinational mining companies and targeted areas for energy projects such as geothermal plants and dams, among others.

Given the Development Agenda of the government in the Cordillera as a resource base for expropriation and exploitation for so-called “national development”, militarization is seen by the government as a means to ensure the implementation of its grand development plan and to quell opposition from the affected villagers. Since



these development projects violate the rights of indigenous peoples, especially their right over their land and resources, spontaneous and organized protests and resistance have always been the response of the Cordillera indigenous peoples to these projects. Villagers therefore believe that part of the reason for the militarization of the Cordillera Region is to subjugate them through divide and rule mechanisms.

In Kalinga, Abra and Mountain Province, survey teams of mining companies and government agencies are often escorted by military and or paramilitary units. Villagers who have openly expressed their opposition to government projects are subjected to military threats and accusations of being NPA supporters. Their communities are under regular military surveillance and patrol operations. The ongoing implementation of infrastructure projects is also protected by military units. In Apayao, commercial logging and the construction of the Agbulu Dam are under the protection of the military and the road construction in Abra is likewise guarded by the military.

Militarization violates the collective and individual rights of indigenous peoples. The government remains unresponsive to villagers' petitions against military and para-military abuses, and demands for the withdrawal of military troops and the dismantling of the CAFGU and the CPLA.

Continuing militarization and ethnocide in the Cordillera

Until the aspirations of the majority of the Filipino people are realized – the oppressed and exploited peasants, workers, indigenous peoples, fisher folk, professionals, small and nationalist entrepreneurs - there will be insurgency in any form because oppressed and exploited peo-

ples will always assert their rights in all forms. And the government's response to insurgency has been and continues to be unbridled militarization. The prospect of militarization in the Philippines, and particularly in the Cordillera, is thus a continuing reality.

The particularity of militarization in the Cordillera is that it is launched as a necessary component for the implementation of destructive and anti-people laws on land and resources, programs, and projects. Villages that oppose such projects are the targets of militarization. As a consequence, not only armed insurgents but whole villages, including women, children and the elderly, are victims of militarization. Village livelihood, subsistence agriculture, cultural practices and the day-to-day life of militarized villages are disrupted. These effects of militarization, which at times go beyond disruption to irreparable destruction of indigenous village life, is what we describe in the Cordillera as ethnocide. Militarization has the effect of ethnocide in Cordillera villages, especially those on the site of prospective dams, mining and other destructive projects.

Given the prospect of continuing militarization in the Cordillera, the militant mass movement and its supporters must persevere and continue to seek wider support for the struggle for human rights and indigenous peoples' rights.

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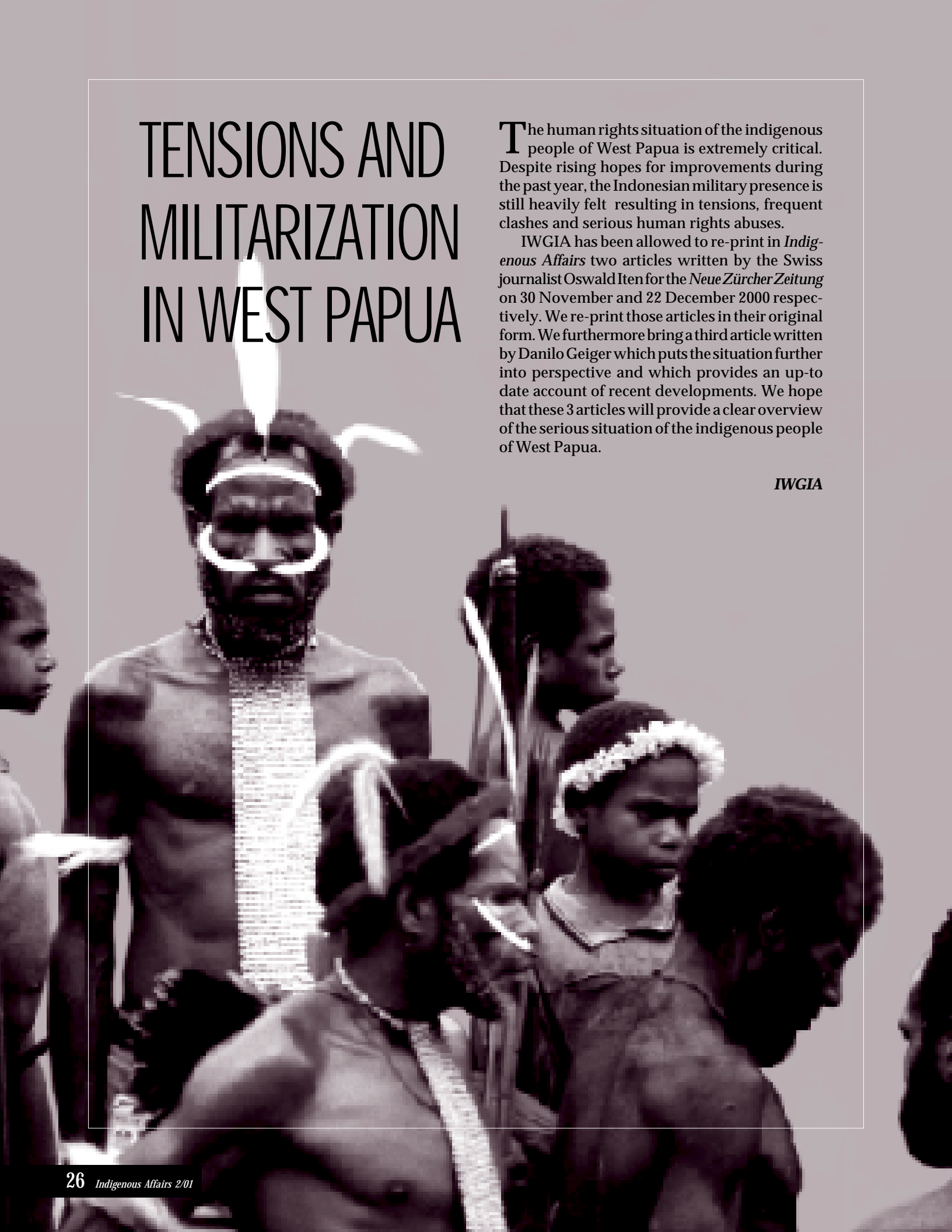
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TENSIONS AND MILITARIZATION IN WEST PAPUA

The human rights situation of the indigenous people of West Papua is extremely critical. Despite rising hopes for improvements during the past year, the Indonesian military presence is still heavily felt resulting in tensions, frequent clashes and serious human rights abuses.

IWGIA has been allowed to re-print in *Indigenous Affairs* two articles written by the Swiss journalist Oswald Iten for the *Neue Zürcher Zeitung* on 30 November and 22 December 2000 respectively. We re-print those articles in their original form. We furthermore bring a third article written by Danilo Geiger which puts the situation further into perspective and which provides an up-to-date account of recent developments. We hope that these 3 articles will provide a clear overview of the serious situation of the indigenous people of West Papua.

IWGIA



PRISON, TORTURE AND MURDER IN JAYAPURA

Twelve Days in an Indonesian Jail

A member of the NZZ (Neue Zürcher Zeitung) editorial staff, Oswald Iten, was held in the municipal jail of Jayapura, Irian Jaya, from 2 to 13 December. The charge: illegal journalistic activity. Most of his fellow inmates were Papuans fighting for West Papua's independence from Indonesia. Iten witnessed the incredible brutality that marked the prisoners' everyday life.

By Oswald Iten



When the door to the cell slammed shut behind me, the first thing I noticed was the stench of urine and other human excreta. Then I saw, through the dim, humidly hot air, bodies lying on the filthy concrete floor, packed one next to the other like sardines. It was one o'clock in the morning. Someone in the line-up of bodies handed me a cardboard box, so that I'd at least have something clean to lay my head on.

The police had taken me into custody the previous day and grilled me for nine hours, because on 1 December I had taken "political photos" ostensibly not permitted by my tourist visa. That was the day on which Papuans fighting for independence from Indonesia commemorated the day in 1961, while the Dutch were still the colonial masters, when a declaration of West Papuan independence was made which was acknowledged by no-one else in the world. Since then, the flag with the morning star had been their symbol of freedom, and anyone raising that banner had had to reckon with the danger of being shot by occupying Indonesian troops. President Wahid, who took office last year, has issued a directive permitting limited use of the flag but the Indonesian security forces, who have been operating with increasing autonomy, had declared that this year's 1 December would be the last day on which the morning star banner would be permitted to flutter unhindered beneath Papua's skies.

Poorly organized rebels

So there I was, in a cell with about 40 other prisoners. Among them were 26 members of the "Satgas Papua," a militia of the independence movement which had established posts throughout Irian Jaya and was responsible for guarding the freedom flag. Despite the ultimatum issued by the police, the militia's top leaders had let

themselves be taken by surprise and rounded up like snails - which says a great deal about the Papuan rebels' level of organization. Among the prisoners was militia chief Boy Eluay, son of Theys Eluay, the head of the Papuan presidium (a body of selected leaders advocating independence) and Alex Baransano, city commander of the Satgas in Port Numbay, as the West Papuans now call Jayapura. Mixed in with the dark-skinned Melanesian prisoners were a few Javanese who had come to Irian Jaya under Indonesia's hated "transmigration" (that is, settlement) program and were now accused of some violent crime or other.

The members of the Satgas Papua were physically unharmed. That could not be said of all the prisoners. During my first night in the cell, a drunk was hauled in, and the guards punched and kicked him in the face. Almost every night some drunk was brought in to sober up and, this being the month of Ramadan, was treated to special physical abuse designed to leave him with a lasting souvenir in the form of a missing tooth or a broken nose. At first I tried to get the guards to ease up but they grew angry and completed their violent work in the guardroom near the entrance to the cells. Dizzy from both alcohol and the beating, the victims were then thrown into our cell and released the following morning.

At 4:30 A.M. on Thursday, 7 December, noise from the guardroom penetrated the stuffing I'd put in my ears to help me sleep. At first I thought the guards were doing some rhythmic gymnastics but it also sounded like blows landing on a body. My fellow prisoners were wide awake, and they tried to hold me back when I went to the entranceway of our cell block. The upper part of the door was merely barred, so I had a view of the guardroom. And what I saw there was unspeakably shocking. About half a dozen policemen were swinging their clubs at bodies that were lying on the floor and, oddly enough, did not cry

out; at most, only soft groans issued from them. After a few long seconds, a guard saw me looking and struck his club against the bars of the cell block door. I quickly went back to my usual spot, from where I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood, and blood sprayed the walls all the way up to the ceiling. Sometimes I saw the policemen hopping up on benches, continuing to strike blows from there or jumping back down onto the bodies below (which I could not see from my cell).

Thousands of blows

Thousands of blows must have descended on what was to me an unknown number of people. I thought: that's what it means to "thrash" somebody.

By about 5:15 A.M. things quieted down and I heard the sound of water from a hose. But then the orgy of torture resumed, apparently with a new load of prisoners. My fellow inmates told me that a police post had been attacked during the night. At one point, a guard came into our cell and indicated to me that what was going on outside was to be understood as the normal retribution for the death of policemen. The attack had taken place at 1:30 A.M. in the suburb of Abepura, and two policemen and a private guard had been killed in the course of it.

At 7:30 A.M. the torturers went outside for morning muster, things quieted down and I looked over into the guardroom: the floor was covered with blood, as in a slaughterhouse. Some of my fellow prisoners were ordered out to clean the place up. Shortly before 10 o'clock, noise broke out again. The cell block door was opened and, with the ends of their staffs, the guards drove about three dozen new prisoners in whose hair had been marked with white from a spray can, like sheep earmarked for shearing. The newcomers were jammed into a single cell. Then the cell block door was opened again and one body after another was tossed into our already crowded cell, some of them more dead than alive.

Disfigured faces, damaged bodies

Most of them remained motionless where they fell, either unconscious or utterly exhausted. They must have been the men who had been tortured earlier that morning. A mask maker would find it difficult to conjure out of his imagination such horrifically distorted faces and damaged twisted bodies. One of the tortured men was virtually blind and had to be led in by the hand by another prisoner; I couldn't tell whether his eyes had been totally destroyed or were merely swollen shut. The last one to enter was a large man, who fell over the bodies on the floor and lay there groaning horribly. He tried repeatedly to straighten himself up, only to fall back down again. Now and again the faces of guards appeared at the barred window, look-

ing down impassively at the tangle of maltreated bodies. In the back of the big man's head, there appeared to be a coin-sized hole through which I believed to spot some brain tissue. After nearly an hour and a half of groaning and spasmodic movement, his suffering visibly neared its end. About two meters from me, his powerful body raised itself again and his head struck the wall. A final labored breath issued from him, then his head dropped down onto the cement floor. At last his agony was over. After a while, three lackeys came and dragged the body out.

Later I learned that the man who had been tortured to death was named Ori Dronggi. I saw a picture of his corpse in the newspaper *Cenderawasih Pos*. The dispatch said that three dead Papuans had been brought to the morgue, and the police stated they had "died in the fighting." I don't know how the other two men died; one of them may have been the second man I had seen with a hole in his head, who had wiped his blood away with the same rag my cellmates generally used in their attempts to keep the toilet clean. I had no longer seen him among the prisoners the following day. (All the men who had been arrested after the attack on the police outpost were released after 36 hours.)

Ori Dronggi was one of 18 men from the highland town of Wamena, all of whom had been arrested in a dormitory near the university in Abepura immediately following the attack on the police post. The chances are he had had nothing to do with the attack; the same was true of the 35 other men who had been tortured (I had counted them the following day). A rumor went around that the police post had been attacked because one of the men on duty there was the one who had torn the morning star flag down on 6 October. About half a dozen Papuans had been killed back then and in the days after it - and several times that many Indonesians, who fell victim to the Papuans' blind vengeance. As a result of that chain of events, thousands of Indonesian settlers had fled from Wamena and the Baliem Valley. The "negative" balance of casualties was seen as a disgrace for the police; their rage at the people of Wamena had already become legendary, so it was no surprise when, following the attack at Abepura, they chose to take prisoners from that group of people.

A witness in danger?

In the night following the orgy of torture, the guards felt that I should no longer sleep in the cell with the other prisoners, whose number had by now swelled to 124 and many of whom were covered with suppurating wounds. The policemen wrinkled their noses, indicating to me that the Papuans smelled bad. I was told I could sleep in the guardroom - but the countless bloodstains there, even on the bench on which I lay, were a constant reminder of what had happened the previous night. The next morning, Police Chief Daud Sihombing, who also served as superintendent of the prison, noticed that I had not slept in the cell. Furious, he ordered the guards to bring me back there.

He also confiscated the mosquito net one guard had brought me. I asked Sihombing if he wanted me to contract malaria. In a voice brooking no contradiction, he replied: “*You’re no different from the other prisoners. If they get malaria, so will you.*” From that time on, I feared that I had seen too much and was in danger as an incriminating witness.

Not a hair on my head was touched. In fact, the otherwise sadistic guards went out of their way to be nice to me. But the mistreatment of other prisoners continued. On 11 December I again witnessed a horrible scene. At about 2:45 A.M., three new prisoners were brought in. Two of them were badly beaten outside my field of vision. The third Papuan fell right in front of the one-man cell to which Chief Sihombing had exiled me. A booted guard kicked the man in the head; the prisoner’s head banged loudly against my cell door, blood spurting from it onto my leg. The guard was apparently fascinated by the head going back and forth between his boot and the bars of my cell door, like some outsized ping-pong ball, so he kicked it a few more times. A second guard joined in with a swift kick to the middle of the prisoner’s face, knocking him unconscious. But that still wasn’t enough. A third guard, who had been watching the scene with rifle in hand, now struck the butt of his weapon about five times into the senseless man’s skull, which made a horrible sound. I could hardly believe it, but the victim was still alive the next day. He was taken away for interrogation.

“Zero tolerance”

It was all part of the day’s work in an Indonesian prison on Irian Jaya. Superintendent Sihombing was obviously not at all disturbed that I, a foreign journalist, should have witnessed such scenes after being arrested for taking some harmless “political photographs.” According to his logic, my identity was as irrelevant as had been the barbaric and transparent behavior of the Indonesian police and military after the referendum on East Timor. In fact, by imprisoning me, Sihombing was demonstrating that the policy of zero tolerance toward the independence movement, which had gone into effect on 1 December, also applied to foreigners.

Visitors with a temporary journalist’s visa are not granted the official Indonesian permit necessary for travel to the interior of Irian Jaya. My case could serve as a warning to other journalists not to travel to West Papua masquerading as tourists. In his autocratic and self-righteous manner, Sihombing gave the press almost daily



Papuan flag-guarding militia (“Satgas”) surrounded by police on 1 December 2000, one day before the last remaining Papuan flag in town was hauled down by the security forces. Photo: Oswald Iten

briefings on my “important case”. His goal was to underscore his demonstration of power by bringing charges which could get me a prison sentence of as much as five years. I felt like Sihombing’s hostage, my ransom value going up with each passing day. But after 12 days, the man’s calculations were upset when Jakarta issued an order for my deportation. To save face, he presented my release to the press as his own act of

clemency in honor of the forthcoming Christmas holiday.

The fact that I was not harmed in the prison at Jayapura was due, among other things, to the swift arrival of Norbert Bärlocher, the deputy mission chief of the Swiss embassy in Jakarta. He traveled 3,800 kilometers to the capital of Irian Jaya in order to extend his protection to me until my deportation on 16 December.

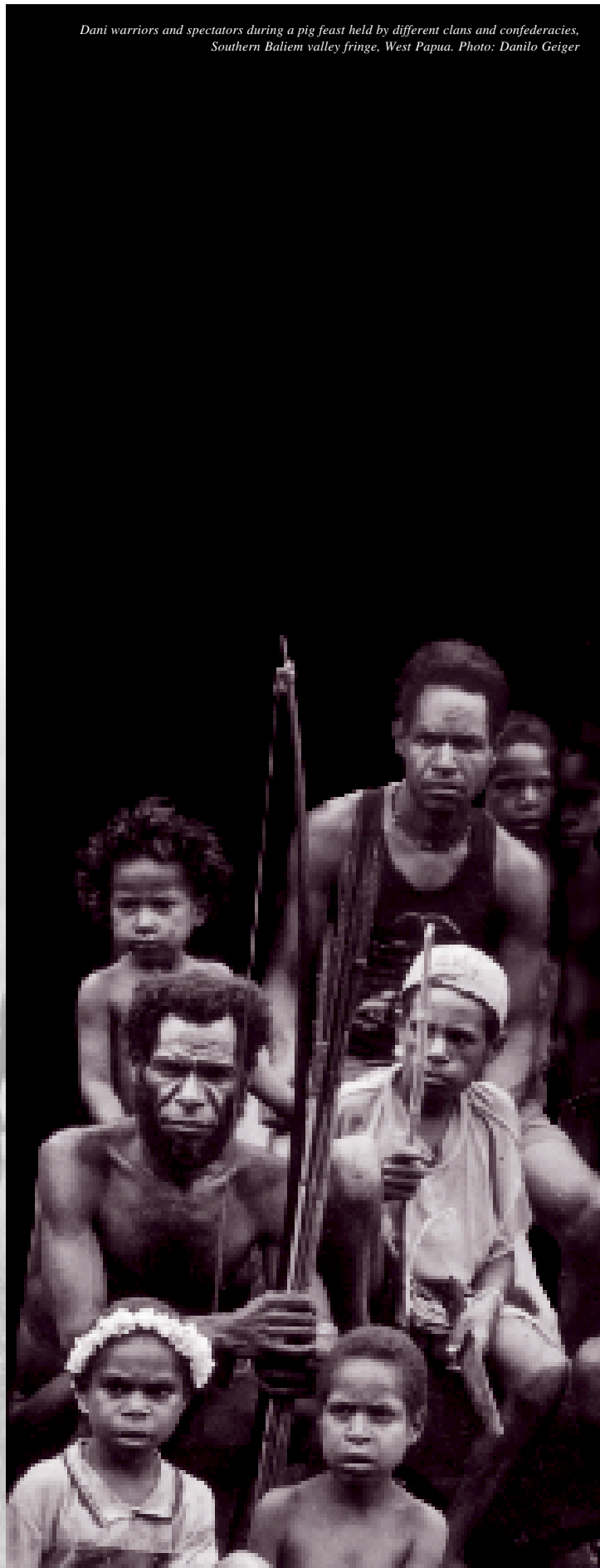
But several dozen less privileged prisoners remained back in the cell, with the Satgas militiamen still among them. Their life in prison will doubtless continue to be as I experienced it, marked by violence. Mornings and evenings they hold a one-hour prayer service, conducted by three catechists who managed to keep their Bibles with them. At the end of each service, they all shake hands. The prisoners receive two adequate meals a day from the police, for which they express their thanks by saying grace. And they are allowed a one-hour family visit every afternoon. Each morning, while the police hold their muster, a loudspeaker broadcasts the Indonesian national anthem through the prison bars. At that point, the Papuans in their cells join in singing their independence anthem. Indonesia can never win the hearts of the Papuans with clubs and rifle barrels; it will simply remain the hated occupying power.

This article was first published in the Neue Zürcher Zeitung on 22 December 2000. IWGIA has been granted permission to re-print the article.

Oswald Iten has worked as a journalist for the major Swiss daily, Neue Zürcher Zeitung, for the past 20 years. He holds a Ph. D. in Social Anthropology from the University of Zürich and has published several books. Throughout his career, he has written on a wide range of indigenous issues. His travels have led him to North and South America, Africa, Southeast Asia and the Pacific. Among his best-known pieces are a series of articles from 1986 uncovering the “stone-age Tasaday” on Mindanao, Philippines, as a hoax. □



Dani warriors and spectators during a pig feast held by different clans and confederacies, Southern Baliem valley fringe, West Papua. Photo: Danilo Geiger



HIGH NOON IN WEST PAPUA

Tensions Grow in Indonesia's Easternmost Province

This article was first published in the Neue Zürcher Zeitung on 30 November 2000. IWGIA has been granted permission to re-print the article.

In Irian Jaya, the Indonesian half of the island of New Guinea, tension is growing in the dispute over hoisting the flag of Independence. On Friday 1 December, a government ultimatum runs out. At the same time, the Papuans want to celebrate their Independence Day. The arrest of important leaders has heightened tensions. Clashes are possible.

By Oswald Iten



Papuan protesters before undergoing an arms check by the police. Photo: Oswald Iten

For some time now, the same ritual has been taking place every morning on the main square of Jayapura: alongside the red-and-white Indonesian flag, a second banner is hoisted, showing a white star on a red field, flanked by blue-and-white stripes - the "morning star" banner of Papua. The ceremony is witnessed by Papuan militiamen, whose uniforms are deceptively identical to those of the official police. On the corner, dark-skinned people sell T-shirts and caps bearing the morning star emblem. The crowd salutes respectfully. And it would be totally misplaced to see anything laughable in all this. Until very recently, hoisting the Papuan flag brought a long prison sentence for everyone involved; indeed, it was the surest way to guarantee oneself the immediate status of martyr.

First arrests

For months, Papuans have been feverishly waiting for the hoisting of the flag this Friday. Papuans have been secretly celebrating 1 December as their Independence Day since 1961 but this time the celebration is to take place openly, by way of a demonstration. Large segments of the populace expect their leaders, who are now operating openly, to declare secession from Indonesia. But the more responsible Papuans know that such a step would trigger a bloodbath. Preparations for Friday's flag-raising in Jayapura were done in a surprisingly relaxed atmosphere - until the police arrested a member of the Papuan presidium on Tuesday.

Then, on Wednesday, the charismatic Papuan leader, Theys Eluay, was also pulled in for police interrogation

just after arriving from Jakarta. Immediately, Papuan militiamen armed with staves assembled in front of Jayapura's police headquarters. Hundreds of riot police in full battle gear were posted behind the fence of the building, down near the harbor, where Indonesian troop reinforcements have been disembarking for weeks. After being taken into custody, according to his attorney, Taha Mohammed Alhamid, one of the few Muslims among the Papuan leadership, was taken to jail where he is to remain until 18 December. And the police are searching for three additional members of the presidium.

Broken promises

The coming days may be decisive for the future relationship between Indonesia and its 26th province. Indonesia gained its independence from the Netherlands in 1949 but the former colonial power retained sovereignty over the western half of the island of New Guinea, though for cultural reasons it foresaw autonomy for the Melanesian Papuans (the eastern half of the island was still under Australian control at the time). On 1 December 1961, a few Papuans hoisted a flag of their own and declared independence. The following year, the Papuans were allowed to elect their own parliament. But in 1963, mainly as a result of pressure from the Kennedy administration in Washington, Indonesia was given an administrative mandate over the territory, with the proviso that the Papuans were to be allowed a referendum six years later to decide their own future. Indonesia's President Sukarno thereafter reacted to every statement about Papuan free-

dom with violence and, in 1969, his successor, President Suharto, arranged the so-called Act of Free Choice, which crassly contradicted the idea of free consultation of the Papuans' desires. Instead of a plebiscite being held, 1,025 "delegates" were chosen and they were worked on and threatened until they agreed to Indonesian rule. The UN sanctioned the result by passing Resolution 2504.

As early as 1965, renegade policemen founded the group Free Papua. Lacking any foreign support, that guerrilla organization was never able to be anything more than an irritant to Indonesian troops. Even so, the military reacted with massive power. Estimates of the dead among the civilian population begin at 100,000. Along with physical genocide came the cultural, as Jakarta sent several waves of so-called transmigrants from its Malay-populated islands to the land of the Papuans, which was redubbed Irian Jaya ("Victorious Irian"). Today, the indigenously inhabitants barely constitute a majority.

The first flags with the morning star appeared immediately after the fall of Suharto, and were tolerated by Acting President Habibie. His successor, President Wahid, restored the annexed province's old name of West Papua - to the horror of the Indonesian establishment - and initially also accepted the use of the new emblem of sovereignty. At first, he ordered that the morning star only be used in a small version and be flown only beneath the Indonesian flag. But the latest ultimatum states that, as of 1 December, the Papuan flag may be flown only at one location in each district and will be tolerated purely as a cultural expression. Last week, Indonesian Vice President Megawati Sukarnoputri signed a declaration stating that the government would in general pursue a "harsher course" against any secessionists in Indonesia. As Wahid's delegate to the Moluccas and Irian Jaya, Sukarno's daughter appears disinclined to do anything that might call into question the territorial expansion undertaken by her father. Local police commanders who autocratically decided to haul down the morning star banner needed fear no punishment.

The proud Papuans almost invariably meet such actions with resistance, and this year more than a hundred people have been killed as a result. The most severe violence occurred in the period of 6 to 8 October, in the town of Wamena, when police used firearms against the defenders of a number of flagpoles. In response, Papuans attacked Indonesian settlers. The upshot was that several dozen people were killed and about 5,000 settlers fled panic-stricken from the Baliem Valley.

Emerging political structures

A year of government under President Wahid has allowed the Papuans to organize politically for the first time. At the end of February, a first "Great People's Congress" was convened, which ended with a clear demand for independence. In late May, 501 delegates and 25,000 other participants met for the 2nd Congress in Port Numbay, as

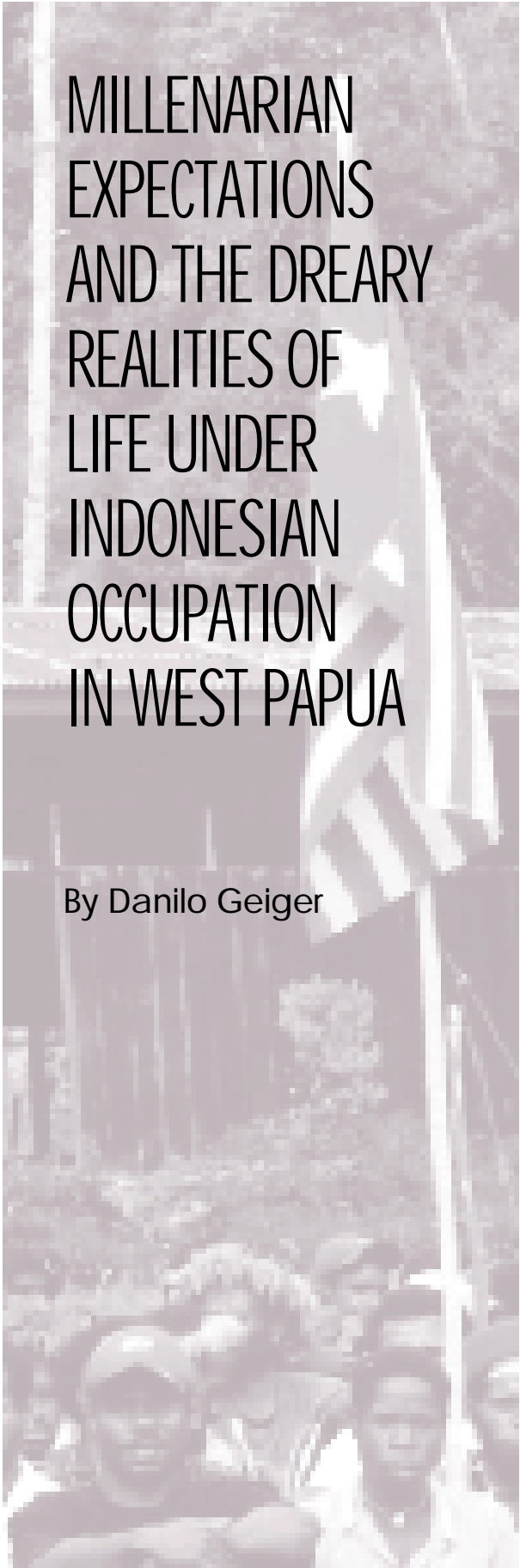
the Papuans now call Jayapura. A 31-member presidium was named. It is headed by Theys Eluay; his deputy is Tom Beanal, a leader of the Amungme people, who tried in vain not long ago to sue the firm of Freeport McMoran in the USA for human rights violations (the company operates one of the world's most productive gold mines on Amungme territory). Since then, the 501 delegates have been functioning as the highest governmental organ, with the presidium subordinate to it as a kind of executive body. An advisory panel is still to be added to the governmental structure. In the meantime, under the aegis of the presidium, "Satgas Papuas" have been established all over the territory; they are militias, some of them uniformed, and they have established "people's police" posts in numerous locations.

Eluay, head of the presidium, does not intend to declare independence on 1 December, since that was already done back in 1961. The decision for restraint is intended, on the one hand, to avoid provoking the Indonesians and, on the other, it marks a new level of self-confidence for the presidium. But at least three more radical organizations are known to be insisting on a renewed declaration of independence. A group of former guerrillas calling themselves the "Council of the Penis Gourd People" [the latter term referring to the traditional dressing habits of many highland groups, IWGIA] is planning military provocations in order to trigger a flight movement into neighboring Papua-New Guinea, the idea being to stimulate international pressure. At the last assembly of South Pacific nations, West Papua received its first international support from Nauru, Vanuatu and Tuvalu.

The danger of escalation

The Papuan presidium has had its hands full trying to avoid giving the massively reinforced Indonesian security forces any excuse for coming down hard. But now the local authorities have themselves provoked an escalation by arresting some members of the presidium. In addition, following the pattern set in East Timor, certain army and police officials are encouraging illicit operations by various militia groups. On Tuesday, those members of the Papuan presidium who were still at large convened, though each of them feared arrest at any moment. Willi Mandowen, one of the most thoughtful and influential Papuan leaders, predicted critical days for Irian Jaya. "There are people," he said, "ready to kill and to die."

Oswald Iten has worked as a journalist for the major Swiss daily, Neue Zürcher Zeitung, for the past 20 years. He holds a Ph. D. in Social Anthropology from the University of Zürich and has published several books. Throughout his career, he has written on a wide range of indigenous issues. His travels have led him to North and South America, Africa, Southeast Asia and the Pacific. Among his best-known pieces are a series of articles from 1986 uncovering the "stone-age Tasaday" on Mindanao, Philippines, as a hoax. □



MILLENARIAN EXPECTATIONS AND THE DREARY REALITIES OF LIFE UNDER INDONESIAN OCCUPATION IN WEST PAPUA

By Danilo Geiger

Five months have passed since the police in Jayapura allowed a Swiss journalist an unsolicited glimpse behind the smokescreen of the rhetoric of “*reformasi*”, the ‘reformer era’ Indonesia’s political elite says the country has ventured into after the fall of Suharto. His account of sadistic wardens inside the prison walls in West Papua and the increasingly erratic but nevertheless deadly political repression outside of them could be retold in the same terms for Aceh and other restive regions in the country, and basically gives an adequate picture of the state of human rights and the routine of State terror that continues to haunt Indonesian citizens three years after the fall of the dictator.

A major result of the all-embracing crisis Indonesia finds itself in today is the upsurge of a venomous brand of nationalism that makes a fetish of “national unity” and the suppression of independence wishes in Aceh and West Papua a crucial criterion of legitimate political leadership. Abdurrahman Wahid, Indonesia’s acting president and a man known for his strong views on human rights and democratic freedoms, had to learn his lesson as well and, with the first year of his presidency barely behind him, started getting tough on the issue of “separatism”. With the president cornered by his political enemies on bogus corruption charges, the fledgling “dialogue process” on the future status of West Papua and Aceh ground to a halt, and the hawks in the military and the Wahid cabinet, led (or rather: dovetailed) by vice-president Megawati Sukarnoputri, have seized the initiative.

In the case of West Papua, they have followed a parallel strategy of criminalizing the Papuan Presidium, the supreme decision-making body in the newly-created leadership structures of the Papuan movement, highlighted by the jailing in November and December last year of a sizeable number of its members, coupled with the brutal repression of flag-raising and other expressions of Papuan nationalism. In a series of telling replacements at the head of the provincial police and army commands, commanders who once oversaw counter-insurgency operations in East Timor have been put in charge in West Papua. The carrot that comes with the stick includes promises of accelerated “development” and welfare efforts and the devising of a “special autonomy” arrangement for the province. The resounding endorsement by the Second Papuan Congress in May-June 2000 for independence from Indonesia is being presented as a distortion of the views of ordinary Papuans whose aspirations, it is said, are sufficiently addressed with the autonomy provisions that are being worked out.

Placebo politics: Wahid and Papuan nationalist symbols in 2000

A critical arena is the symbolic field where Wahid, by showing tolerance and moderation, tried to create a cli-

mate favourable to negotiations. The president's flair for symbolic gestures and his awareness of the Papuans' delirious veneration of the symbols of their nationhood led him to allow the province to rename itself 'Papua' (the old label 'Irian Jaya' being a mark of subjugation imposed on the Papuans by Indonesia's first president, Sukarno) and to fly, albeit under certain conditions, their 'morning star' flag. The police and army were told to tolerate pro-independence gatherings, including the Second Papuan Congress, to which the office of the president contributed a handsome sum of money. It may well be that by showing tolerance for symbols, President Wahid thought he could talk Papuans out of leaving the Republic, or that his concept for solving the problems of West Papua, in fact, never went far beyond these initial gestures. Be that as it may, Papuan leaders and the broad mass of ordinary Papuans alike were exhilarated by these concessions. The Papuan Presidium pledged to pursue its aspirations in a non-violent manner, and the call for independence was couched in the context of free and open dialogue, true to the tenets of democracy to which the Wahid government aspires. The Wahid cabinet, in turn, seemed satisfied to view Papuan aspirations for independence as a call for emancipation the terms of which were to be negotiated, rather than as a straightforward call for separation.

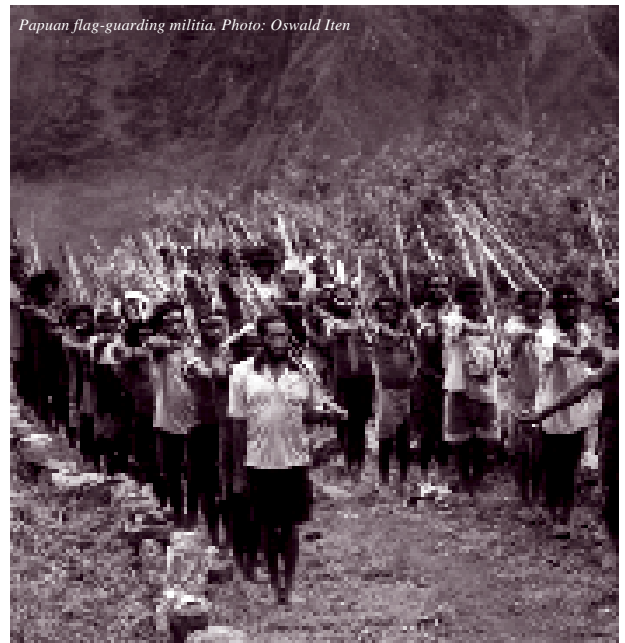
By last October, Wahid had lost his influence on the agenda for West Papua, as indicated by public statements by the vice-president and other representatives of hard-line views that declared an end to the "persuasive approach" to the two "insurgencies" and a return to the old line of equating pro-independence views with subversion. The name "Papua" disappeared from official discourse and newspaper articles. The police command in West Papua was instructed not to tolerate the flying of "separatist" flags any longer, an edict which, of course, had to be forced upon the Papuans, whose leaders insisted that only a presidential pronouncement could revoke a presidential pronouncement.

Enter the flag-busters

The campaign to reclaim the State's monopoly over flags was launched in the Baliem valley, an area with a rich history of anti-Indonesian resistance, on October 6 2000, leaving at least 30 people dead, among them many immigrants. Elsewhere in the province, the Papuan Presidium, in a race against the clock, managed to convince the population to remove the flags lest similar bloodshed should occur. In the provincial capital of Jayapura, with warships cruising the coast, the Papuan "independence day" last 1st December passed without bloodshed but, in the southern city of Merauke, seven Papuans died from police bullets under the flagpoles. In Fakfak on the south west coast, too, two protesters were shot dead by security forces. Undoubtedly, many more will lose their lives in the coming months when soldiers and police enforce the



Yafeth Yelemaken, member of the Papua Panel for the Southern Baliem, sentenced to 4 1/2 years in prison on charges of sedition in connection with the police-instigated clashes in the town of Wamena, 6 October 2000. Photo: Danilo Geiger



Papuan flag-guarding militia. Photo: Oswald Iten

Photo: Danilo Geiger



supremacy of the "merah-puti" (the red-and-white Indonesian flag).

Didn't I hear you say you want autonomy?

The hard-liners in the military and government have also left their imprint on the deliberations on autonomy. They have insisted that the notion of "Negara Kesatuan Republik Indonesia" (NKRI) has to inform the "special autonomy" arrangements for Aceh and West Papua, reminding the respective provincial governors that "no region would be fully autonomous".

In early May 2001, a draft autonomy proposal commissioned by the Papuan governor of "Irian Jaya" was submitted to the Indonesian president and parliament. The parliament is supposed to discuss it once it has been approved (and probably amended) by the cabinet. The proposal, drafted under the chairmanship of the dean of Jayapura's Cenderawasih University, seems to reflect a reasonably broad consensus among Papuan civil society. Papuan Presidium leaders such as Tom Beanal have endorsed it grudgingly, viewing it as a representative document in view of the fact that independence is an option foreclosed by the present balance of forces in Jakarta. In an interview with a Dutch radio station, Tom Beanal urged the government to approve it. The draft mandates, among other things, that 80% of the revenues generated in the province remain there, that West Papua's different ethnic groups be represented in one of the two chambers of the provincial parliament, and that police forces in the province be recruited exclusively from local people. Furthermore, the province should be allowed to retain the name "Papua" and have its own flag, as well as its own hymn. It also envisions the creation of a Papuan political party.

Initial statements by government representatives sound little promising. The junior minister of the interior, S. Situmorang, castized it as exceeding by far what the central government was prepared to grant under the heading of "special autonomy". Especially the demands for a separate flag and hymn, he said, were unacceptable for Jakarta. Outside observers caution that whatever the final response of Wahid's tumbling government, mounting repression on the ground in West Papua and the fact that local civilian authorities have once more had to surrender effective decision-making powers to the security establishment, make the notion of regional autonomy for West Papua almost meaningless.

Back in the human rights headlines

In the meantime, the human rights situation in West Papua has deteriorated so much that Amnesty International, in a public declaration last February 2001, stated that it had difficulties discerning between the past, dicta-

torial, and the present, democratic government: "In Aceh and Papua, it is becoming increasingly difficult to distinguish between the present government and that of President Suharto. State representatives are resorting to the same tactics of intimidation, arbitrary arrests, torture and killing of persons who are suspected to oppose the government in Jakarta". The organization sharply protested at the trials of five Papuan leaders and 17 lesser "flag guards" who were arrested for "masterminding" the violence in Wamena on October 6 of last year. Last March 10, the court passed a jail sentence of 4 1/2 years for one of the accused leaders, and 4 years for the others. The "flag guards" received sentences ranging between 3 1/2 and 1 1/2 years. Amnesty International rightly pointed out that the trial in Wamena was the "first political trial since president Suharto's downfall in May 1998", and demanded the immediate release of the 22 "prisoners of conscience" some of whom, according to the human rights organization, Elsham-Jayapura, were severely tortured in detention.

At the same time, independent efforts at investigating some of the atrocities that followed the bloodshed in Wamena were systematically blocked by police and military authorities. The investigation of Komnas Ham, the official National Human Rights Commission, into the events surrounding the police's storming of highland students' dormitories after the retaliatory December 7 2000 attack by Dani guerrillas on the Abepura police station (see Oswald Iten's first article) came to naught because police officers summoned for questioning were transferred to other units, refused to testify or pretended not to remember anything. The officers felt justified in defying the investigators, among others, because the head of the provincial Justice and Human Rights Department had denied that the investigation fell under Komnas Ham's jurisdiction.

Rotations at the head of the provincial military and police commands provide additional evidence that Jakarta has dropped its previous restraint in the handling of the independence movement in West Papua. Last January, Mahidin Simbolon was promoted to the post of military commander for Irian Jaya. Simbolon had made his career in the ranks of Kopassus, an elite battalion, where he directed major anti-guerrilla operations against Fretilin in East Timor. He was instrumental in organizing the militia (among them a death squadron that was named after him) that drowned the territory in blood before and after the 1999 referendum there.

Among the arts of the trade that men like Simbolon have perfected is the orchestration of unrest, which subsequently legitimates military crack-downs. Lately, some of this has happened once more. On 16 January, 11 foreign employees of a Korean logging firm were kidnapped near the city of Merauke. A little later, the kidnappers also took five negotiators hostage, provoking the stationing of additional military units in the restive district. The kidnappers, allegedly from the separatist guerrilla movement OPM (Organisasi Papua Merdeka), were under the command of one Willem Onde, a man known for his close contacts with

the Indonesian military. Many observers feel justified in suspecting that the kidnapping was instigated by the military to justify the militarization of the area and – since the scene of the abduction was close to the border with Papua New Guinea – to increase the pressure on the PNG military to secure the border against the guerrillas.

Sorry, but there's nobody we can talk to

Maybe the most unmistakable sign that the forces behind Jakarta's present policy for West Papua feel that a political solution to the territory's problems is no longer necessary is the jailing in late November and early December 2000 of five members of the Papuan Presidium, the supreme decision-making body of the movement that emerged from the Second Papuan Congress. The arrest of the five on sedition charges – among them Theys Eluay, the body's chairman, and Thaha Al Hamid, its secretary-general – shortly before Papuan independence day had not only the effect of whipping up the emotions of the Papuan population to a point where even more bloodshed had to be expected but also foreclosed any further prospects of dialogue. With the possible dialogue partners in jail or in hiding, the book was closed on a promising three-point plan to overcome the deadlocked discussions, which the Presidium had proposed in October.

The plan called for the establishment of "peace zones" in critical areas of the province where neither Papuans nor the security forces would be allowed to carry weapons – an idea that had proved helpful in transforming insurgency conflicts in countries like the Philippines. Second, it restated the need for a renewed, comprehensive dialogue that takes into account both Jakarta's desire to maintain the territorial integrity of the Republic and the Papuans' wish for a redefinition of their relationship with the center. Third, the proposal encourages the central government to reinvigorate its efforts at bringing prosperity to West Papua. By jailing the Presidium members, official Indonesia obviated the need to look at that proposal. On 15 March 2001, the accused were temporarily released from the Jayapura jail; their trial was scheduled to begin at the end of March and seems to be in process at the time of this writing.

The Papuan side of the problem: deficits of leadership

One of the most frightening aspects of Jakarta's already scary policy reversal in West Papua is certainly the fact that the political realities escape the grasp of the ordinary Papuan villager. Notably in the highland valleys, the hope of delivery from the predicament of Indonesian rule has never really died throughout the length of Indonesian occupation. Millenarian movements with the typical re-

gional flavor of cargo cults have surfaced again and again, variously crediting the United Nations or the US President with the plan of providing state-of-the-art weapons to the Papuans or even driving the Indonesians into the sea themselves. If anything, these hopes have been boosted by the symbolic concessions made by President Wahid before they were rescinded last October and, above all, the unimpeded holding of the Second Congress that reaffirmed the validity of a declaration of independence issued in the closing days of Dutch rule nearly 40 years earlier.

Whereas for the educated top leaders of the movement, the resolution of the congress was meant as a political statement intended as a bargaining position in what was to be a long process of dialogue and negotiations, the average villager took it as a clarion call heralding the impending hand-over of the territory by the Indonesians. The second-rank leaders tasked with "disseminating" the leadership's assessment of the political situation under the new dispensation and the results of the congress did nothing to dispel the dangerous fantasy of imminent liberation. It is even questionable that they knew any better: last October, two IWGIA researchers learned from the independence movement's officer-in-charge for the Southern Baliem valley that he had heard of a regulation in international law that provided for any "nation" that managed to fly its flag for 48 hours unpunished to earn recognition as an independent country.

Other para-magical ways of achieving statehood included devising a "sovereign" currency – for which, in the meantime, according to the leaders in the Baliem, the Dutch guilder would do. At least in the Southern Baliem, most people were convinced that last 1st December 2000 would bring West Papua's formal independence, presumably because their leaders had told them so.

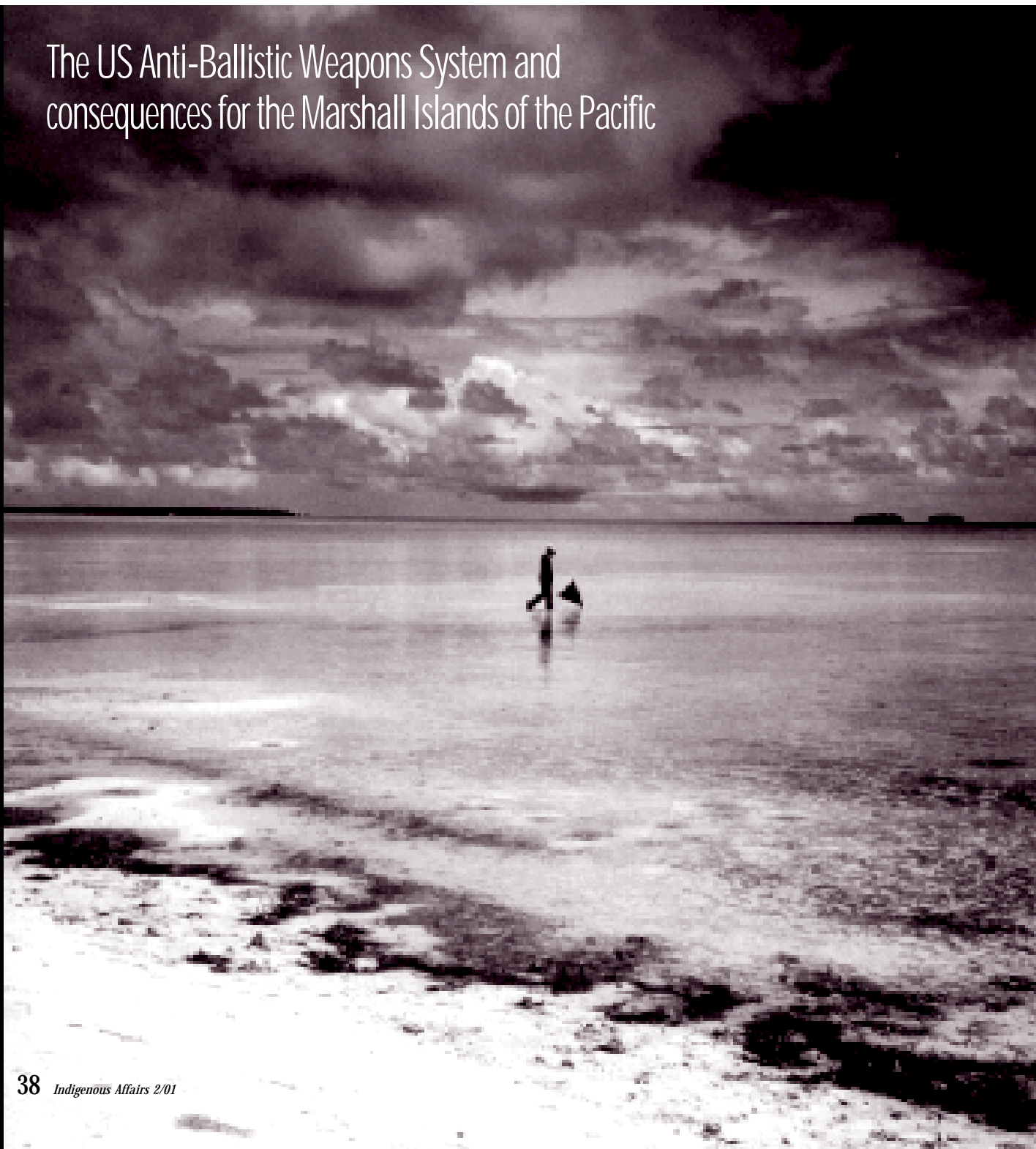
In the present situation, where millenarianists are leading millenarianists, the disjunction between the dreary realities of an occupational regime determined to stay on and the aspirations of an oppressed people with little knowledge either of the determination of their oppressors or of the rules that govern international politics becomes a sure recipe for disaster. Some within the Papuan Presidium have long realized this and are now redoubling their efforts to propagate more sober forms of political thinking and articulation. It is to be hoped that foreign supporters alike will in the future take their responsibilities more seriously – responsibilities that include the honest admission that the West Papuan struggle for independence cannot now, and will probably never, be able to count on any form of truly substantive help from abroad.

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THE KWAJALEIN ATOLL AND THE NEW ARMS RACE

By PCRC

The US Anti-Ballistic Weapons System and
consequences for the Marshall Islands of the Pacific



The United States administration is once again considering threatening world security and wasting billions of dollars on an anti-ballistic weapons system – directly affecting the people of the Pacific. The US plans to conduct missile tests from Kwajalein Atoll in the Marshall Islands while, in the long term, tests could spark a new nuclear arms race and restart nuclear testing in the Pacific.

A US diplomatic offensive to sell “Star Wars” to Japan, Australia, Europe and Canada is expected and a counter-attack needs to be launched. The Pacific Concerns Resource Centre calls on all its affiliates and Pacific governments to take a united stand against the National Missile Defence system.

Policy of the Bush Administration

On 1 May, US President George W. Bush reaffirmed his administration’s commitment to building a “layered” missile defence system in a speech delivered at the National Defence University in Washington. Bush also called for cuts in the US nuclear arsenal and declared his readiness to “leave behind the constraints” of the 30-year-old Anti-Ballistic Missile (ABM) Treaty.

Bush avoided the term “negotiation”, calling instead for “a new framework that allows us to build missile defences to counter the different threats of today’s world”. He talked of “moving beyond the constraints of the 30-year-old ABM treaty” and said Russia and the United States should “work together to replace this treaty with a new framework that reflects a clear and clean break from the past”.

Active pursuit of missile defence contradicts any commitment to enhance international security through nuclear disarmament. Many also remain sceptical of whether a missile defence system can work reliably, given repeated test failures, or provide affordable protection. The program could also prompt Russia to hold back from arms cuts and China to spend more on nuclear missiles, prompting India to build more.

Although only recently elected, President Bush has already shown blatant disregard for international treaties. In March, he announced he would not ratify the Kyoto Protocol to combat global warming. There is now little hope of the US ratifying the global nuclear test ban treaty, which the Senate rejected last year, or accepting a biological weapons protocol due to objections to intrusive verification at US facilities.

The Marshall Islands as testing ground

In the 1940s, Marshall Islanders were evacuated from their homes on Bikini and Enewetak Atolls to make way for a series of US nuclear tests. The islanders were asked to move “for the good of mankind and to end all world wars”, as the United States tested its atomic and hydrogen bombs.

Today, Marshall Islanders are living with the radioactive legacies of the 67 US atmospheric tests carried out between 1946 and 1958. And although nuclear testing in the Pacific ended with the last French tests at Moruroa Atoll in 1996, the Pacific islands are still being used as a testing ground for nuclear arsenals.

In October 1999, the United States tested a new missile defence system from Kwajalein Atoll in the Republic of the Marshall Islands. A mock nuclear warhead, launched from a missile fired from California, was knocked out of the sky by an interceptor missile launched from Kwajalein Atoll. A second test in January 2000 failed to hit the target. These tests are part of a series of American operations to develop a Ballistic Missile Defence (BMD) system.

The United States is engaged in a new round of military build-up (America’s share of world military spending today is larger than in 1985, at the height of Cold War confrontation with the former Soviet Union). To justify a new round of military spending and prop up major aerospace and military contractors, the new BMD system is supposed to deter a threat of missile attack from a “rogue nation” like Iraq or North Korea, or a deliberate or accidental missile launch by China or Russia.

Ballistic Missile Defence

The US Ballistic Missile Defence (BMD) program is a scaled-down version of the Reagan Administration's 1983 Strategic Defence Initiative ("Star Wars"), which aimed to establish a space-based system that would protect the United States from a massive Soviet missile attack. Star Wars never got off the ground, even after 15 years and more than \$50 billion of research costs. Unlike President Reagan's 1980s vision, however, the BMD is not capable of protecting the United States from an all-out nuclear attack – it is supposedly directed against missiles fired by "rogue" states like North Korea. The BMD program is designed to include two elements:

- a) The **National Missile Defence** (NMD) system which, if deployed, aims to shield all 50 US states from a limited long-range missile strike.
- b) The **Theatre Missile Defence** (TMD) system is designed to neutralise a strike on US forces or their allies by destroying incoming short-range enemy missiles. It is designed to operate in a particular theatre of military operations, such as East Asia or the Middle East.

The vast sums allocated for NMD and TMD merely adds to the \$60 billion spent since President Reagan launched his Star Wars project in 1983. All this money has not led to the deployment of a single effective system. It will take far more testing, and substantially increased budgets, to deploy a system that can be shown to be reliable and effective, but the threatened deployment of NMD and TMD is causing problems throughout the Pacific Islands and Asia. The money spent by the United States on missile defences is encouraging other nations to improve their missile capacity and counter-measures, deepening the arms race and insecurity at a time when many people are looking to the abolition of nuclear weapons as the best way of increasing international security.

Kwajalein Atoll Missile Testing Range

The major testing ground for both TMD and NMD missiles is the US Army Kwajalein Atoll / Kwajalein Missile Range (USAKA / KMR), located at Kwajalein Atoll in the Republic of the Marshall Islands (RMI).

For decades, the lagoon in Kwajalein Atoll has been the splashdown point for missiles test-fired from Vandenberg Air Force Base in California. The history of Kwajalein's role in the development of Trident, MX, Minuteman and other US missiles is set out in Giff Johnson's *Collision Course at Kwajalein*¹.

Kwajalein Atoll is made up of nearly 100 coral islands surrounding a 2,300-square-kilometre lagoon (the largest lagoon in the world). Under U.S. Army control since 1964,

the USAKA / KMR lease covers eleven islands in the atoll. The Kwajalein bases are a \$4 billion complex, including radar tracking, intelligence collection and missile launching facilities. US budget documents outline Kwajalein's many roles:

- Test and evaluation of Army and Department of Defence missile systems
- US Army space surveillance
- NASA scientific and space programs
- Ballistic Missile Defence Organisation demonstration/validation tests
- US Air Force Inter-Continental Ballistic Missile development and operational tests
- US Space Surveillance Network.²

In the 1970s and 1980s, Marshall Islanders staged "sail-ins" to occupy the islands in Kwajalein Atoll, in protest over US failure to compensate them for the loss of land and damage to the environment. "Operation Homecoming" in 1982 lasted four months, with Kwajalein landowners demanding the right to return to their home islands.

Today, lease payments to the Kwajalein Atoll Development Authority (KADA) and landowners amount to \$13 million a year. Under the KMR rental agreement, the United States pays landowners on 36 *wetos* (parcels of land) on Kwajalein Island. Former Marshall Islands President Imata Kabua is the *Iroij* (Chief) on 22 of those *wetos* and Anjua Loeak is *Iroij* on a further 12 *wetos*. Each of the remaining 2 *wetos* has a different *Leroij*.

Of the 1,277 Marshallese employed at Kwajalein, more than 1,060 work for Range Systems Engineering and Integrated Range Engineering, both run by Raytheon Corporation³. Over 150 women work as domestic servants for US personnel on Kwajalein Island, travelling from Ebeye Island each day and returning home at night. Ebeye, once described as "the slum of the Pacific", today houses more than 12,000 people on less than 100 acres.

Even with the end of the Cold War, Kwajalein Atoll remains central to the testing and development of new missiles. As US Assistant Secretary of State for East Asian and Pacific Affairs Stanley Roth told Congress in October 1998:

*"According to a Department of Defence assessment, the USAKA / KMR is a 'national asset' – currently the only facility in the world with an arena suitable for full scale testing of long-range missiles. The study also determined that Kwajalein is uniquely situated for intelligence gathering and provides important support for our space programs. We have, over time, invested upwards of US\$4 billion in this facility, and relocating would be a costly and difficult proposal. Our lease of Kwajalein base expires in 2001 though if we choose to renew, our Compact with the Republic of the Marshall Islands (RMI) provides automatic renewal rights for an extra 15 years."*⁴

The head of the US Army's Space and Missile Defence Command, Lieutenant-General John Costello describes



Photos from the Majoru Atoll, which is around three quarters of an hour by plane from the Kwajalein Atoll. Photos: Finn Kudsk

Kwajalein as the “gem in the crown”.⁵ Costello sees Kwajalein as becoming more important in the future because of TMD and NMD: “Kwajalein is the singular place where all the capabilities exist to gauge the success or failure of missile defence systems. If we tell Americans that a national defence system works, it better work. The only place in the world to do precision testing is Kwajalein.”

Kwajalein lagoon’s shallow waters make for easy retrieval of test objects, and the very deep surrounding ocean provides secure disposal of missiles and warheads not to be recovered. The ALTAIR radar at Kwajalein is one of only three around the world that has deep space tracking capacity.

Kwajalein and Ballistic Missile Defence tests

On 1 October 1999, the United States conducted its first test of a prototype National Missile Defence (NMD) system. A modified Minuteman ballistic missile was launched from Vandenberg Air Force Base in California. As it flew over the Pacific, the missile released a mock nuclear warhead and a decoy. Another missile was then launched from Kwajalein Atoll, 4,300 miles away and the dummy target was intercepted and destroyed 140 miles above the Pacific Ocean by an “exoatmospheric kill vehicle” (EKV). According to the NMD Joint Program Office: “This ‘hit to kill’ intercept demonstrates that a warhead carrying a weapon of mass destruction - nuclear, chemical or biological - will be totally destroyed and neutralised.”⁶

As John Pike of the Federation of American Scientists notes: “*What they’ve done is the equivalent of shooting a hole-in-one. What they have to be able to do is shoot a hole-in-one every time. Missile defence must work perfectly if it’s going to work at all.*”⁷

However, the second test in the series, on 18 January 2000, was not successful. The US Defence Department press release after the test notes simply that, “an intercept was not achieved.”⁸ The failure was a significant setback, meaning that the interceptor missile missed its target in spite of tens of millions of dollars of high-technology support systems.

The October 1999 test was an improvement over previous Star Wars tests – of 16 previous trials, only two hit the mark, in 1984 and 1991. But the Kwajalein tests are highly controlled and critics remain doubtful about the system’s reliability under stressful combat conditions⁹.

As well as the NMD tests, Kwajalein Atoll is being used for the TMD program. Intermediate-range missiles from Barking Sands in Hawai’i and short-range tactical missiles from Wake Island will be lobbed into Kwajalein lagoon as part of TMD operations. Since the mid-1990s, the US has used Bikien island on Aur as a launch site for short-range missiles aimed at Kwajalein lagoon¹⁰. Kwajalein is used for Radar System tests for the Theatre High Altitude Area Defence (THAAD) tests, tracking missiles fired from Wake Island. (Of the first eight THAAD tests at the Army’s White Sands missile range in New Mexico, which started in 1995, only two hit the single

target missile). Pentagon officials have called for further THAAD testing at Kwajalein before the THAAD system is put into the field¹¹.

Impact on the Republic of the Marshall Islands

The United States has guaranteed access to the Kwajalein Missile Range for another 15 years. However the relationship with the Republic of the Marshall Islands is clouded by current negotiations over the Compact that links the two countries.

The United Nations Trust Territory of the Pacific Islands was formally ended by the UN Security Council in 1990, after the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) both ratified Compacts of Free Association with the United States in 1986. The 15-year Compacts for RMI and FSM run until 2001.

Under the Compacts, Washington takes responsibility for defence of RMI, FSM and Palau, in return for the right to deny access to third countries – a policy of strategic denial originally directed against the Soviet Union. The Compacts were created at a time of Cold War paranoia about supposed Soviet advances in the Pacific.

In October 1999, the Marshall Islands and the United States began renegotiation of their Compact of Free Association. A new Marshall Islands government was elected in November 1999, headed by United Democratic Party politician Kessai Note. President Note replaces former President Imata Kabua, one of the largest landowners in Kwajalein Atoll.

The Compact negotiations largely focus on financial management and economic aid, but security and defence issues are also central.

Kurt Campbell, Deputy Assistant Secretary for Defence for the Asia-Pacific region, confirmed this in testimony to Congress in October 1998: “*The overriding defence interest in the negotiations will be the continued use of the Kwajalein missile range and the facilities on Kwajalein Atoll. The requirements of our missile defence and space surveillance programs, combined with the uniqueness of Kwajalein’s location, infrastructure investment, and real world treaty restrictions, makes this an issue of the highest priority.*”¹²

As the United States can unilaterally extend the Kwajalein leases for a further fifteen years after they expire in 2001, the Marshall Islands government is seeking increased rental payments to the government and Kwajalein landowners.

RMI-US negotiations over Kwajalein include the issue of mid-corridor people living on Ebeye Island (located next to Kwajalein Island, which hosts the main KMR headquarters). In the early 1960s, some two hundred people were moved from islands in the mid-atoll corridor of the atoll and relocated to Ebeye, to make a corridor for the missile path on Kwajalein. Today, there are more than 20,000 mid-corridor people yet housing

has not expanded for them and there are demands for better education, job training and job preference for employment (which the USAKA refuses as an “equal opportunity” employer)¹³.

The US government has fiercely protected its control over defence and security issues under the Compact. In December 1997, the US government lodged complaints with the RMI government when the Marshall Islands failed to consult before signing the Ottawa Convention to ban landmines (a treaty the United States has refused to sign). “We don’t want to make the United States mad, but we had to vote our conscience,” explained the then RMI Foreign Minister Phillip Muller. “Usually, our side votes with the United States but we’re not just a rubber stamp for the United States. We felt the Marshall Islands should stand up as a sovereign nation in this humanitarian effort. We wanted to associate the Marshall Islands with the rest of the world in an effort to rid the world of weapons that don’t distinguish between civilians or military personnel.”

The Marshall Islands and FSM are locked into US policy even on issues unrelated to Pacific security, such as resolutions on Israel in the United Nations.

The RMI government is seeking to renegotiate compensation allocated for the effects of the 67 US nuclear tests conducted at Enewetak and Bikini Atolls between 1946-58. Since 1995, the US Government has released previously classified documents that show that 20 out of 22 populated atolls in the Marshall Islands were affected by radioactive fallout from these tests, rather than the four atolls previously recognised as affected by the US government¹⁴.

The former Foreign Minister Muller also says that the United States has failed to deliver on a promised \$20 million development fund to compensate for provisions of the Compact unilaterally removed in 1983. RMI has only received \$2 million of these funds. Originally under the Compact, RMI citizens were to get visa-free entry to United States to live and work. Now, after US officials changed the law, Marshallese must get work authorisation approvals, which is a lengthy and bureaucratic procedure.

International opposition

While most of the world opposes a National Missile Defence system, Australia, to its shame, has offered its Pine Gap facility to support it.

British Prime Minister Tony Blair has so far failed to take a position, as a US missile defence would require upgrading an early warning radar station in Britain, while Russian Foreign Minister Igor Ivanov has reaffirmed support for the ABM treaty but said he will discuss the issue with Washington.

French President Jacques Chirac and German Chancellor Gerhard Schroeder both criticised ex-President Bill Clinton’s proposals for a more limited missile defence last year, warning that they could trigger a new nuclear arms race.

Officials need to remind Bush’s touring representatives of NATO’s recent promise to work toward more than a dozen goals for non-proliferation and disarmament.

Two Greenpeace activists were arrested last week for peacefully protesting at the US military’s Kwajalein Atoll missile base in the Marshall Islands. A court in Ebeye sentenced the pair to serve seven days of a 30-day sentence for trespassing – showing little support for the concerns of the region.

It is vital that Pacific Island leaders unite in opposition to the Star Wars project - the region should not be used as a testing ground for US weapons systems.

Notes

- ¹ Giff Johnson: *Collision Course at Kwajalein – Marshall Islanders in the shadow of the bomb* (PCRC, Hawai’i, 1984). See also Owen Wilkes, Megan van Frank and Peter Hayes (Nautilus Pacific Research): *Chasing Gravity’s Rainbow – Kwajalein and US Ballistic Missile Testing* (Strategic and Defence Studies Centre, ANU, Canberra, 1991).
- ² Army – *Kwajalein Atoll*, US budget papers 0605301A.
- ³ “Kwaj injects \$30 m to RMI”, *Marshall Islands Journal*, 22 January 1999.
- ⁴ *Marshall Islands Journal*, 16 October 1998.
- ⁵ “Kwaj is the ‘gem’”, *Marshall Islands Journal*, 13 November 1998.
- ⁶ “Successful missile-defence tests leave Pentagon Ecstatic”, *San Francisco Chronicle*, 4 October 1999. “Missile system passes a test as a target is destroyed”, *New York Times*, 4 October 1999.
- ⁷ *Washington Post*, 4 October 1999.
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- ¹³ “RMI - US meeting focuses on Kwajalein concerns”, *Marshall Islands Journal*, 26 March 1999.
- ¹⁴ “Compensation for Bikini and Enewetak nuclear tests”, *Pacific News Bulletin*, June 1999.

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This article is based on the PCRC (Pacific Concerns Resource Centre) Background Briefing on the Kwajalein Atoll and the New Arms Race and the PCRC Action Alert – 14 May 2001. PACIFIC CONCERNS RESOURCE CENTRE is the Secretariat of the Nuclear Free and Independent Pacific (NFIP) movement. It is registered in the Fiji Islands under the Charitable Trusts Act. PCRC is a Non-Governmental Organisation in Special Consultative Status with the Economic and Social Council of the United Nations. □



Uusaqqak Qujaukitsoq, Chairman of Hingitaaq 53 and Vice-President of ICC, unveils the commemorative plate at Uummannaaq (ole Thule) with ICC President Aqqaluk Lyngge. Photo: ICC



In 1979 Greenland acquired Home Rule within the Danish realm. This type of self-government provides Greenland with far-reaching autonomy over internal matters. However, the authority in other matters, including foreign affairs and defence, remains with the Danish Parliament (Greenland appoints 2 out of 179 members) and the Danish Government. This has often left the Greenland Home Rule Government in the periphery of negotiations between Denmark and USA concerning future developments of the American military installations in Greenland.

The relationships between Greenland and Denmark have been strained not only from the lack of sensitivity by the Danish Government in matters relating to the removal of the Inughuit and the possible establishment of the NMD but also because it has been revealed that the Danish Government has lied incessantly to the Greenlanders concerning the positioning of nuclear weapons on the Thule Air Base. The American military installations in Greenland date back to World War II and to the Cold War period, and today only the Thule Air Base remains. In those days, the Danish Government did not consult with the then advisory Greenlandic Provincial Government in good faith, and it misinformed the Danish public about the presence of nuclear weapons in Greenland (as part of Denmark the presence of nuclear weapons in Greenland was illegal).

The position of the Home Rule Government therefore seems to one of wanting to defend the rights of the Inughuit while simultaneously striving to become an equal partner in negotiations with the USA and hence to ensure the defence security of Greenland as a whole, including the surveillance of the fishing zones.

The Danish authorities have been very insensitive to the psychological effect in Greenland of the 1953 relocation of the Inughuit. Thus, the Prime Minister has not apologized fully for the way the relocation took place and by and large left it up to the courts to decide in this matter. However, the re-establishment of confidence in the Danish Government relies not only on monetary compensation but also on the willingness of those in authority to create a new partnership.

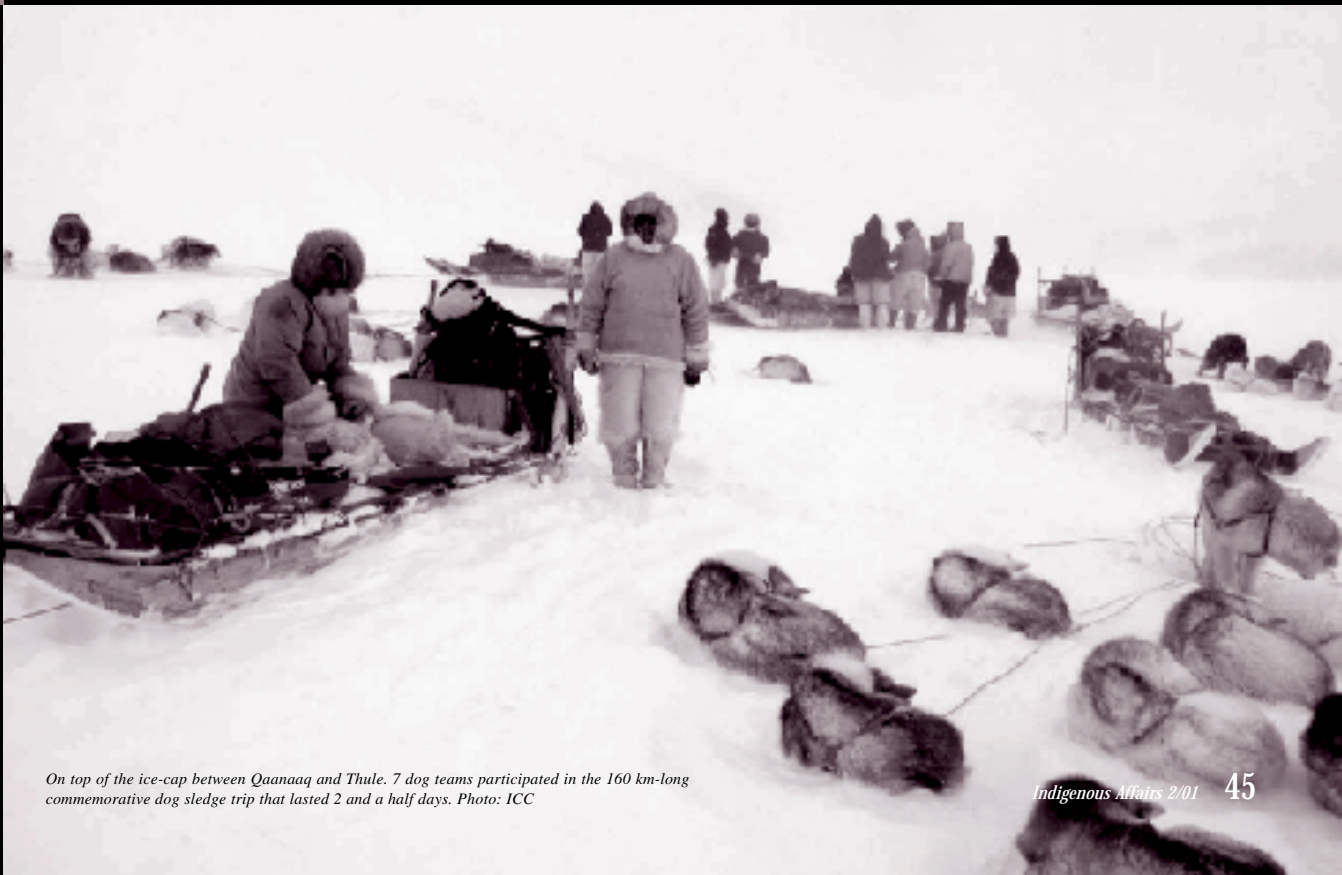
IWGIA

USA'S NATIONAL MISSILE DEFENCE THREATENS GREENLAND'S EXILES

For thousands of years, the indigenous Inughuit of northern Greenland peaceably hunted, fished and gathered, until an international agreement signed by others during the Cold War in 1951 radically and negatively changed their lives. They were told to move out. Today, exactly a half century later, these same people and their children are facing further fear, that of the USA's National Missile Defence (NMD).

On April 27, 1951, Denmark, which had colonized Greenland hundreds of years earlier, and the USA signed an *Agreement Concerning the Defence of Greenland*. Within days of its signing, American and Danish companies started the construction of the Thule Air Force Base and two years later the Inughuit were forced to relocate northwards from their permanent settlement of Uummannaq to make way for the base and a large security zone. As a miserable thank you, they were given tents to live in for six months. The relocation was announced only days before Greenlanders were granted Danish citizenship on June 5, 1953 and, as such, they were told they had no recourse because Danish law did not apply to them.

By Aqqaluk Lyngø



On top of the ice-cap between Qaanaaq and Thule. 7 dog teams participated in the 160 km-long commemorative dog sledge trip that lasted 2 and a half days. Photo: ICC



These people and their children suffered physically, emotionally, financially and politically for almost fifty years before the Danish High Court finally acknowledged the forced relocation in August 1999. Yet it only awarded each living exile a meagre compensation of approximately US\$ 3,000 and a further collective compensation of US\$ 50,000 to be divided among the six hundred descendants of the exiles who, through their organization *Hingitaq 53*, had brought this case to court. Although the Court acknowledged that this land was taken from them illegally, the Court nevertheless rejected a request for the Inughuit to be allowed to return home.

Hingitaq 53 has appealed against this High Court decision in the Supreme Court of Denmark and is still waiting for an answer. The Thule Exiles are asking the Supreme Court to have Denmark give back their ancestral lands and to reconsider the lower Court's extremely inadequate compensation.

The USA continues with its plans to develop what it calls a "defence shield" in order to ward off any potential missile attacks on the lower forty-eight American states. This plan has many critics. It is still unknown as to whether it even works; the tests carried out have mostly failed. And the USA admits that even if they can get it to work, the NMD still has limited scope and cannot eliminate all potential attacks. The most poignant criticism, however, is that the system is extremely provocative. In response to the NMD, other countries will, in all likelihood, re-start their previously halted nuclear weapons development in order to go some way towards neutralizing the USA's new technology. The NMD also contravenes existing international and regional disarmament agreements.

The Inughuit are worried because the NMD requires new infrastructure to be built on the Thule Air base, putting not only their ancestral lands at risk but also most of northern Greenland, if not the whole world. The people of Qaanaq, which is where most of the Inughuit live today, fear that because of the strategic importance of the new infrastructure nearby, they will be the inevitable target of a first strike.

Furthermore, because it is upon their ancestral lands that the NMD infrastructure is to be built, *Hingitaq 53's* position is that no work should begin until the Supreme Court rules on whose land it is. The exiles have written to both the Danish Foreign Minister and the Greenland Premier reminding them of this, and have requested that they refuse any further upgrades of the Thule Air Base until the judgement, expected in 2002, is made public. [Greenland's Premier declared recently that the NMD and the Thule Exiles are unrelated issues. The Danish Foreign Minister has thus far kept silent.]



Unlike other countries, where constitutional challenges in the Courts are more common, this current case is unique for Denmark. As such, many observers see it as having far-reaching impacts on possible future disputes regarding lands and resources. An earlier constitutional challenge before the Danish Supreme Court that provides some precedent, however, was a challenge to the Danish government's intention to proceed with implementing the European Union's Amsterdam Treaty of 1997. At that time, the Danish government decided to await the Supreme Court's ruling before taking any further steps. As in the *Hingitaq 53* question, this case had direct ramifications on the legal interpretation of the Danish Constitution.

At the very least, the 1999 High Court ruling has established that the Thule territory belonged to its indigenous peoples and that it was expropriated without compensation and proper legislation, as required by the Danish Constitution. As such, this case will have consequences for the constitution itself, a further argument used by *Hingitaq 53* to at least delay NMD developments planned for their own backyard.

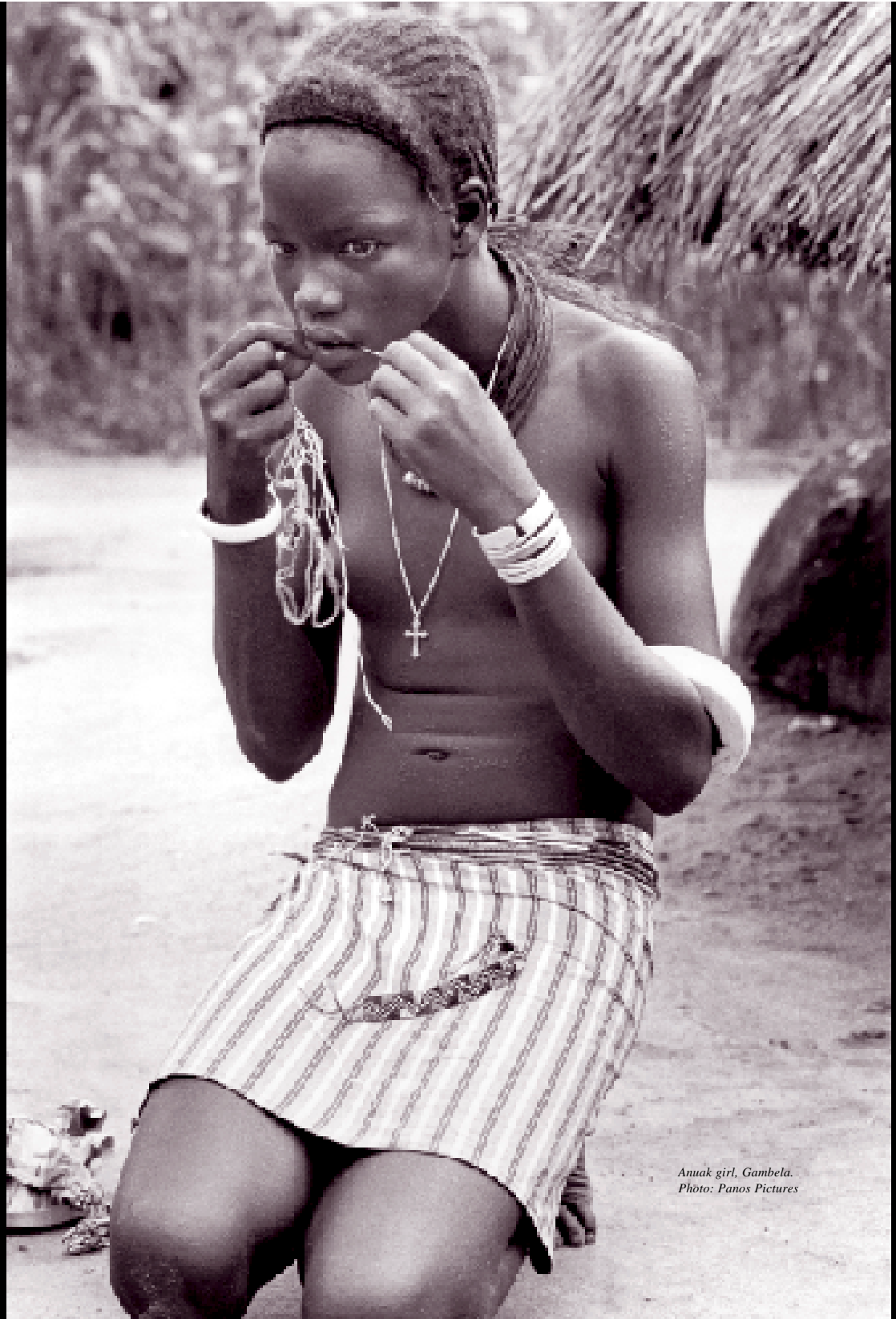
This case is not only before Denmark's Supreme Court. The international community has a myriad of concerns, for example, Denmark's legal aid regulations, which prevent a group such as *Hingitaq 53* from requesting compensation that reflects the true value of the Inughuit loss. A further concern relates to systematic blocks that actively dissuade lawsuits being taken against the State. In order to bring a case against the government, Danish law requires the prior payment of a fee equal to three percent of the compensation being sought. In effect, this allows only those with much greater means than Greenland's Inughuit to appeal for justice to be served. The International Labour Organisation, the United Nations Human Rights Commission and the UN's Committee on Racial Discrimination have all taken an active interest in the case and have noted several concerns.

The Inuit Circumpolar Conference (ICC), which represents all Inuit from Greenland, Canada, Alaska and Russia, supports *Hingitaq 53*. Because their situation involves fundamental rights to territory, as well as to hunting, fishing and gathering, ICC is calling upon those who still have power over the exiles to remember the tragic abuse of human rights that happened half a century ago, and to right those wrongs today.

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HUMAN RIGHTS IN THE GAMBELA NATIONAL STATE, ETHIOPIA

By Nyikaw Abula Ochalla



*Anuak girl, Gambela.
Photo: Panos Pictures*



The Ethiopian government claims to respect all fundamental human rights, to be dedicated and committed to the basic democratic principles of good governance, to justice, equality, and the rule of law. In practice, in almost all these basic areas of humanity, it demonstrates the contrary. Opposition political parties are not allowed to participate freely in public activities, their members and supporters are intimidated and affected by numerous breaches of the law and unconstitutional practices. These have been extensively reported on in the past, during the elections of 1995 and again last year. Numerous reports, notably by Amnesty International and the US Department of State, have been issued regarding the Ethiopian government's performance on human rights. The Government has been criticised extensively. The latest report of the US Department of State, issued in February 2001, has this to say:

“...The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of extra judicial killings and at times beat and mistreated detainees. Prison conditions are poor. Arbitrary arrest and detention and prolonged pre-trial detention remained problems. The Government continued to detain persons suspected of sympathizing with or being involved with the [Oromo Liberation Front]. The Government continued to detain and deport without due process Eritreans and Ethiopians of Eritrean origin. Since the outbreak of the border conflict in May 1998, as many as 75,000 such persons have left Ethiopia for Eritrea; the vast majority were deported, although a small number left voluntarily.... Although prompted by national security considerations, the expulsions and detentions raised fundamental concerns regarding arbitrary arrest and detention, forced exile, the forcible separation of families, and nationality issues, as well as the hardships and financial losses suffered by those who were detained or expelled. Despite some efforts, the judiciary continued to lack sufficient trained staff and funds, which limited its ability to provide citizens the full protection provided for in the Constitution.....The judiciary also showed some signs of growing independence. The Government infringed on citizen's privacy rights, and the law regarding search warrants was ignored widely.

The Government restricts freedom of the press and continued to detain or imprison members of the press; however, fewer journalists were detained than in previous years. Most were accused or convicted of inciting ethnic hatred, committing libel, or publishing false information in violation of the 1992 Press Law. Journalists continued to practice self-censorship..... In July, legislation to create a constitutionally mandated Human Rights Commission and office of the ombudsman, which was passed in October 1999, entered into force; however, neither entity was operational at year's end. The

Government generally respected freedom of religion; however, on occasion, local authorities infringed on this right. The Government restricted freedom of movement.... Violence and societal discrimination against women, and abuse of children remained problems.... The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against disabled persons was a problem. Discrimination against religious and ethnic minorities continued. Child labor, particularly in the informal sector, continued to be a problem. Forced labor, including forced child labor, was also a problem, and there were reports of trafficking in persons....”

This certainly covers and reflects the general suffering common to all Ethiopians, irrespective of their ethnic origin, religious beliefs, geographical location, or social and economic background. However, the focus of all these reports remains largely limited to the centre, and to the “more developed” Tigray, Amhara, Oromo and Southern Peoples states.

Details of human rights abuses against the indigenous peoples in the “less developed” peripheral states, Gambela, Afar, Somali, and Benshingul-Gumuze, which have common agro-pastoral economic and social backgrounds, have received far less attention.

In fact, human rights conditions in these lowland states provides exact details of the Ethiopian government’s lack of commitment and respect for the internationally accepted human rights standards it claims to accept and implement. In these areas, opposition political parties, dedicated to improving the livelihoods of their people, find their members regularly mistreated, imprisoned, tortured, dismissed from civil servant posts, detained without trial, even killed. The local state governments, largely controlled by the ruling Ethiopian Peoples Revolutionary Democratic Front authorities in Addis Ababa, demonstrate a complete lack of interest in involving the general public, in promoting a culture of democratic rule and good governance, of freedom of expression and speech. The result is widespread practice of human rights abuses that are largely ignored.

Development issues, vital and particular to the indigenous peoples of these regional states, are routinely ignored by both the federal government and the local administrations, or kept secret. The people remain marginalized and neglected, unaware of social, political and economic activities in their own homelands. The general public in these national states is unable to participate actively in issues that directly affect their lives. Policies and programmes, though frequently claimed to incorporate local interests, are regularly imposed without consent or consultation.

Arrests and detentions in Gambela National State

The Gambela State government recently launched a new crackdown, with the arrest of at least seven leading mem-

bers of the opposition Gambela Peoples Democratic Congress (GPDC) and community elders. They are:

- Ambassador Ophato Wa-Aliwo
- H. Ogud Wu-Nyigwo (Capt.), a Gambela elder arrested in Abwobo district and now in Gambela prison
- Omot Wu-Ojulu (Mr.), a member of the Gambela State Council, also arrested in Abwobo, and taken to Gambela prison
- Ajau wu-Odol (Mr.), arrested in Gambela town and held in Itang prison
- Okony Nyu-Omot (Mrs.), arrested at Itang and then transferred to Gambela prison
- Beay Nyu-Ochar (Mrs.), also arrested at Itang and transferred to Gambela prison
- Kuwot Wu-Tefferi (Capt.), a member of the Gambela State Council, arrested in Abwobo district and now held in Gambela prison

Ambassador Ophato Wa-Aliwo was released on bail after five days; the others are still (as of April 2001) held. No charges have been made against any of them. The arrest of Omot wu-Ojulu and Kuwot wu-Tefferi, both members of the Gambela State Council, is in breach of the constitutional rights of the elected members of the state council. These are only the latest detentions in a long list going back several years.

In May, 2000, the ruling Gambela Peoples Democratic Front (GPDF), the EPRDF’s surrogate party in Gambela State, claimed an overwhelming victory in the general election. Claims by the opposition GPDC of widespread human rights abuses against its members and supporters were ignored by the government, as was the widely reported intimidation carried out by EPRDF soldiers against local people during the election campaign. It is common for youngsters to be picked up and detained in military garrisons, in the town centre or out of town. There they are severely beaten by the soldiers, sometimes leaving them with lasting injuries. Some have been issued with death threats should they remain in the region. The result has been to introduce a climate of fear. Many who have undergone such brutal treatment do not dare to talk about their experiences for fear of retaliation, concerned for their own safety if their names should appear in public. Many Anuak are fleeing the region, in some cases even across the border into Sudan; other ethnic groups in Gambela State are suffering equally.

In fact, members and supporters of the GPDC, the only opposition political party in Gambela, have been targeted since 1998. Many remain in detention without trial, others have disappeared or been killed. Today, more than 300 individuals accused of membership of the GPDC, or of supporting the party, are held in the appalling and overcrowded prisons of Gambela State. A few months ago, it was reported that Omot wu-Obang Onugi, one of the founder members of the GPDC and a former head of the Planning and Economic department of the Gambela State Council, had died in Gambela prison. He had apparently been denied access to medical facilities and suffered from



Anuak woman. Photo: Panos Pictures

serious mistreatment while in detention. Many others are reported to be in critical condition for the same reasons:

- Last year, two Anuak, Gog wu-Omot and Abulla wu-Okello, were killed in military garrison posts outside Gambela town.
- Five members of the Gambela Peoples Democratic Congress, including the prominent political activist, Abulla wu-Obang, disappeared in Gambela town. Abulla wu-Obang was released from Gambela prison recently after being detained for 2 years without trial; Omot wu-Obang, Gurnyang wu-Obang, Ochaan wu-Okello, and Omot wa-Akway are still missing.
- Among the few educated Anuak are Opumo wu-Oboya and Ojulu wu-Bach. They were arrested in 1998 as a result of their active participation in forming the GPDC. Neither have been tried or even charged.

Since the regime took power in 1991, the following indigenous persons from the Gambela National State are reported to have been killed by the EPRDF army. These are: Ojulu Daniel, Iscomba Obang, Asfaw Tefera, Mark Olock, Okelo Ojulu, Peter Ojulu, Ojongi Agwa, Omot Ajiba, Peter Obur, Owuar Paul Obala, Okiera Obuya, and Omot Obang. A long list would be needed to mention all the indigenous people wounded in military attacks. However, Okelo Ochala, Chambel Ochan, Ethiopia Paul Obala, Othow Lero, Obang Ojwato, and Gugo Kwuot are among those permanently disabled as a result of injuries inflicted by military attacks since 1992.

There is no doubt that decades of war in Ethiopia have their root in a complicated historical background, the lack of economic and social development in the region, social and economic inequality, injustice, and racist attitudes. The indigenous populations are forcefully recruited into the army and made to participate in the various armed conflicts in the country. An army which has little concern for their well-being as human beings. This military practice extensively reduces the number of the indigenous populations every time wars break out in the country. The indigenous inhabitants are perceived as people who should defend the country but at the same time they are mistreated and considered as 2nd class citizens. While serving in the army - irrespective of their capacity and performance - the indigenous people, whether from Somali, Afar or the remotest southern part of the country, are invariably discriminated against.

The recent inter state war resulted in a massive number of indigenous Anuak men being kidnapped from their homes. The effect is devastating on the ethnic survival of the Anuak as the number of men rapidly decline. Indeed, this would be the intention of the government in order to reduce the presumed threat of the Anuak indigenous people, whose territories were incorporated into the Ethiopian state without their consent, towards the Ethiopian state. In addition to the government recruitment policy comes the threat from the military personnel in Gambela,

leading to an exodus of the young Anuak generation, who flee their homeland out of fear of harassment, arbitrary detention, kidnapping and, in the worst case, being killed. This trend is tearing apart the Anuak values and norms as many of the young generation part company with their parents and beloved nation.

The military presence in the indigenous territories such as Gambela threatens the survival of the indigenous people in the area and dramatically reduces their number. Their resistance against the attempts to control their way of life, territories, resources and cultural practices claims thousands of indigenous people's lives in their own homelands. This high rate of reduction in the number of the indigenous population in the Ethiopian Empire, as old as Austria and Prussia, should attract the attention of the international community and organisations.

The situation of the indigenous population in Ethiopia such as the Anuak and Majanger people in Gambela is appalling and the military regime restricts their free movement and activities. Not much has changed under the present government, which still monitors and closely follows the traditional activities and movements. Many who intend to pay a peaceful visit to their close relatives and families members are detained and taken to the military barracks for interrogation and torture. A number of them have disappeared from the detention camps, including the persons listed above.

At the operational level within the field of law and order, the local police force frequently clashes with the army, which harasses the indigenous population. Whereas constitutionally the upholding of law and order is accorded to the local police force in the indigenous territories such as Gambela, the army dominates this area restricting the free movement of many indigenous populations.

The army has the upper hand when it comes to questioning anyone they consider a threat, and they frequently break into individual houses without the knowledge of the local police forces. Cases of assaults on the indigenous population, whether in Gambela or in other parts of the country, are numerous. An individual and his family, including his 6 months old child, were beaten to death when the army broke into his home at night. In some areas clashes between the indigenous local police forces and the army are common. The situation remains appalling. At the local government level, military intervention is widely reported in the indigenous peoples' states. The situation is made worse by the presence of army barracks in the indigenous towns frightening the inhabitants and limiting their ability to express their opinions and live freely.

Even though this article mainly highlights the suffering of the indigenous population, about which little has yet been reported, the author is deeply concerned in general about the increased level of human rights abuses by the government. Many human rights reports by Amnesty International, the Ethiopian Human Rights Commission and other international human rights organizations have been issued, including accounts of the recent arrest of two prominent Ethiopian

Academics, Professor Mesfin Wolde Mariam and Dr. Berhanu Nega, and outlining the situation of many other Ethiopians suffering in the government detention centres.

Local elections

Local elections have recently been held in several areas of Ethiopia. There has been no information as to when they will be held in Gambela State. It is now believed that they will not take place until the next countrywide general election, five years from now. This is because of the difficulties the ruling GPDF had in winning a majority in the general election despite the corruption of the electoral system. The municipal positions for Gambela should be filled through a democratic election. Instead, it appears the GPDF is appointing people it sees as loyal, its own members, to fill posts without taking the risk of allowing even controlled elections.

Ethnic conflict

Another danger is the growing threat of ethnic conflict. Already, conflict between the Anuak and the Nuer, who are the third largest ethnic group in Southern Sudan, is spreading to other areas of Gambela. There has been no sign of interest by either the federal government or the regional government regarding what has become almost chronic ethnic violence. Many Anuak have lost their lands and now live as refugees following clashes. Hundreds from Jokau and Akobo districts are displaced every year without any government interference. There is widespread suspicion that the government is actually encouraging tensions between the Anuak and the Nuer in order to keep control of a region that was virtually autonomous prior to the 1974 Ethiopian revolution. It was the revolution that largely destroyed traditional Anuak political institutions and culture, and lost the Anuak control over their territories.

There have been recent reports that over 20,000 armed Nuer have crossed into Anuak territories never previously threatened by their traditional foes, and settled along the banks of the Gilo River. Despite this move, which will destabilise the whole region, the government has remained silent. Escalating conflicts are also reported among different Nuer clans in Jokau and Akobo districts, and again there has been no government response. Tension between the Majanger (Ojang) and settlers from different parts of the country in Godare district is also rising and actual conflict is now likely. The Majanger are being displaced from their homelands by huge trading companies involved in the destruction of what is now the only remaining forest in Gambela State. The very future of the Majanger is under threat from highly profitable business activities that ignore their suffering as their environment and their way of life is destroyed.

Oil exploration

The recent oil exploration deal signed between the Ethiopian government and the Gambela Petroleum Corporation (Pinewood Oil Company of Canada) has raised great concern among the Gambela community in the region as well as outside the country. The deal remains a secret between the Ethiopian government and the Canadian Oil Company, Pinewood. The indigenous peoples of Gambela State, the claimed beneficiaries, will certainly be affected by the investment of this foreign company. However, they have not been consulted at any stage of this alleged “development” plan, nor have they been informed of any of the details of the agreement. Even most senior local government officials, council members and community elders have not been informed about the government plan for their own lands. At every level, the Ethiopian government action is in clear contradiction to all basic constitutional principles as well as the international instruments, treaties, and protocols it has ratified and signed.

Not surprisingly, the indigenous Anuak are seriously worried by the potentially devastating effects of such a development project being implemented without either consent or much apparent planning. In the past, several such development projects have been instituted, claiming that they would lead to significant improvements. They have included such projects as the Abwobo (Abobo) State Farm and Alwero (Alworo) irrigation dam, still not in use to this day. These both deprived local people of large areas of fertile land, displacing them without any compensation and denying them access to ancestral burial sites, forcing people to become refugees in their own territories. Over 60,000 people from the highlands were settled in Anuak lands, forcibly displacing the previous owners. The results have included a significant intensification of the levels of poverty, alcoholism and suicide among the Anuak, as well as other psychological, and emotional effects.

Nor is the oil deal the first government initiative affecting local peoples' ways of life and the environment. As early as the 1970s, there were attempts to clear Anuak lands along the Openo (Baro) River. This was blocked by the efforts of the international community, with the active participation of the European Commission (EC) and Anti-Slavery Society campaigns, ending the threat to Anuak society. Now, the current Ethiopian government, which has neglected, ignored and marginalized indigenous peoples, is attempting to undertake exactly the same developments again.

Given negative past experiences of development projects, the Anuak will resist the implementation of so-called “development” projects that are implemented without consultation or discussion. They are already highly suspicious of the strategy of pilfering resources, a strategy that contributes nothing to social welfare and to the economic performance of Gambela State. Such projects, ignoring the importance of indigenous participation and representation, are

all too liable to failure, bringing disaster to human resources, wildlife, and the environment in general.

Gambela is one of the under-utilised potential tourist areas in Ethiopia, with numerous varieties of wild animals and large numbers of different fish in the rivers, particularly in the areas targeted for petroleum exploration!

The current problems of Gambela cannot justify implementation of such an ambitious and destructive project. The indigenous people live from subsistence agriculture, hunting, gathering, and fishing. There has been little attempt by the government to involve them in any of the major economic activities of the modern world. It is no surprise to see that the benefits of such environmentally and socially destructive projects are not intended to benefit the indigenous peoples of the area. Moreover, additionally, social and economic institutions remain inadequate and will be unable to sustain or cope with the major health threats that will result from the implementation of this project.

The specific areas targeted by the government for exploration are: Adhura and Jor, both very short of health facilities. Both contain major fishing rivers, the Gilo and Adhura (Adura), much used by local indigenous people as a main source of food. The environmental effects of this project will be devastating on the Anuak community there, and will seriously reduce alternative food sources for the population of Gambela as a whole. In fact, the deal threatens the destruction of the Anuak way of life, their culture and tradition, as well as the loss of control over their territory.

The previous regime had little regard for the survival of Anuak political institutions and culture, nor for their very survival as a people, and the very existence of the ethnic group came under threat. Little has changed. It is widely believed that the present high level of human rights abuses against the Anuak is a calculated move to realise the long-term Ethiopian government plans, which have yet to be revealed.

Indeed, the oil deal, from which the Anuak are excluded, could easily lead to the complete disappearance of the Anuak. It is a concern that is widely shared by other indigenous people in the state, who see themselves isolated from the government in Addis Ababa.

Nyikaw Abula Ochalla is an indigenous Anuak from the Gambela National State. He obtained his degree in management and public administration from the university of Addis Ababa, Ethiopia. After his graduation he worked for both the federal and local government. He currently lives in the UK, where he applied for political asylum in 1999 due to the widely reported human rights abuses and the persecution carried out by the Ethiopian government. He is a founder of the non-violent political organisation, the “Gambela Peoples Democratic Congress” and the indigenous “Anywaa Survival Organisation”, which advocate the rights of the indigenous peoples of the Gambela Nation within Ethiopia and Sudan. □

THE WAR GAMES VICTIMS

The impact of local and foreign military training exercises on the indigenous peoples of northern Kenya

By Johnson Ole Kaunga

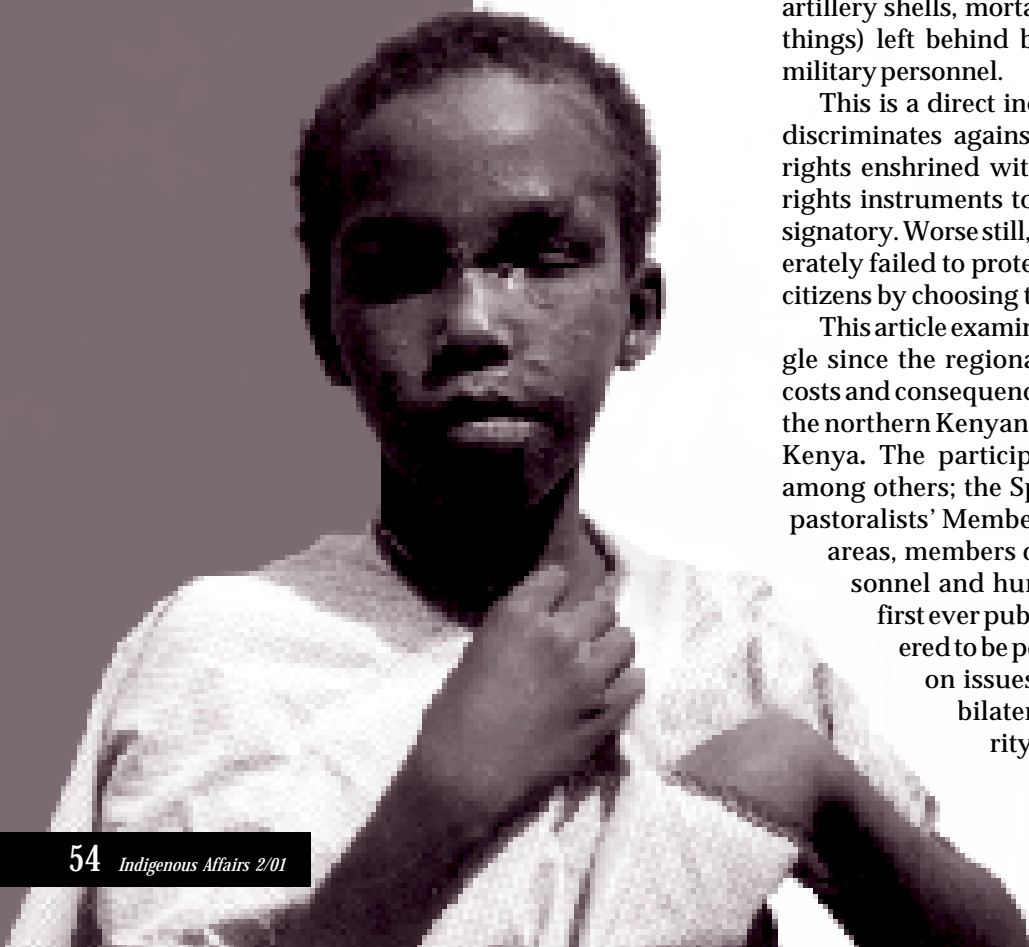
In August, 1998 the American embassies in Nairobi and Dar es Salaam were bombed by terrorists, with a consequent massive destruction of property and life. The whole world cried and consoled Kenyans, Tanzanians and Americans. A disaster fund to compensate and take care of the medical expenses of the victims and their families was immediately launched in Kenya, with the help of the international community.

In the remote, desolate and isolated region of northern Kenya, notably Samburu (Archers Post) and Laikipia (Dol Dol) among other areas, there have been several hundred indigenous peoples (particularly nomadic pastoralists) killed, not to mention those injured, maimed and traumatized by the live military munitions or ordnance (heavy artillery shells, mortars, grenades, bullets among other things) left behind by British, American and Kenyan military personnel.

This is a direct indication of how the rest of society discriminates against indigenous peoples and denies rights enshrined within international law and human rights instruments to which all of the perpetrators are signatory. Worse still, the Kenyan Government has deliberately failed to protect the most vulnerable sector of its citizens by choosing to ignore the Constitution.

This article examines the current position of the struggle since the regional workshop on the development costs and consequences of military training exercises on the northern Kenyan pastoralists was held in August in Kenya. The participants of the workshop included, among others; the Speaker of the National Assembly, pastoralists' Members of Parliament from the affected areas, members of the cabinet, senior military personnel and human rights activists. This was the first ever public debate on an issue that is considered to be politically very sensitive as it touches on issues of national security and a secret bilateral agreement – the Status of Security Forces Agreement (SOFA).

*10-year old boy blinded by a bomb.
Photo: Johnson Ole Kaunga*





Abuse of human and indigenous rights – the international framework

Since the 1950s, most of the productive pastoralists' ancestral lands in Kenya were converted to National Parks and the rest converted to military training ranges, where local and foreign military training exercises take place annually. These disrupt the pattern of living and livelihood coping mechanisms among the nomadic pastoralists who are already victims of "progress" and other development policies that continue to alienate and treat them as lesser citizens.

During World War II, the British colonial authorities used most of the northern Kenyan rangelands as a base from which to counter the Italian insurgence. They planted mines and bombs that have never been removed: these lands are still strewn with unexploded ordnance that continues to kill, injure and maim both humans and livestock in the areas.

After independence, Samburu, Isiolo, Marsabit and Laikipia Districts have continued to be a "military Olympic village" where their Annual Grand Prix Training Exercises take place - even now, as we publish this article. The Kenyan government has contravened several of the rights enshrined in the constitution, among them: the right to life and livelihood, the right to own and dispose of private property, the right to development and culture and the right not to be discriminated against. Kenya, Britain and the US are signatories to various international human instruments, which they have chosen to ignore.

Kenya is a signatory to the OAU charter, the Algiers Declaration on Peoples' Rights and the Arusha Declaration on People's Empowerment, which was later adopted by the head of states, all of which put great emphasis on the right to property, livelihood and justice.

The OAU charter stipulates in its preambular paragraphs that, "*freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples*". This is not true in the case of

indigenous peoples in northern Kenya, as they have been and continue to be denied the right to earn a living due to disruption of their pattern of living and traditional economy. The freedom of movement that is guaranteed under the charter as their movement for survival with their livestock (transhumance) has been curtailed due to annexation and continued dispossession of their land and resources: they could not move, even if they had the freedom to do so.

Article 22 of the OAU Charter on Human and Peoples' Rights has been contravened by the Kenyan government. The article reads, "*all people shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind*".

Article 19 of the instrument states in part that, "*nothing shall justify the domination of a people by another*". Article 21 of the African Charter elaborates that, "*all peoples shall freely dispose of their wealth and natural resources and in case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation*".

ILO Convention 169 of 1989 on indigenous and tribal peoples in independent countries reinforces the stand of the pastoralist communities in Kenya in its article 7 (4) - among others - where it states that, "*governments shall take measures, in cooperation with the people concerned, to protect and preserve the environment, the territories they inhabit*". By being a member organization of the ILO, the government has a social responsibility to promote social justice as expounded in the ILO constitution and principles of work. Closer to home, Kenya became the 110th country to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, popularly known as the Land Mine Treaty.

Britain, USA and Kenya are signatory to the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights respectively.

The effects of military training

The military training exercises have had several negative impacts on pastoralists' livelihoods. The Laikipia Maasai and Samburu pastoralists had been suffering in silence until the recent Northern Regional Workshop initiated and organized by OSILIGI (Organization for Survival of Indigenous Il-Laikipiak Maasai Group Initiatives) with technical, financial and moral support from MS-K, Action Aid, International Work Group for Indigenous Affairs (IWGIA), Denmark and the community itself.

Victims narrated their ordeals, moving participants emotionally, including the Armed Forces and senior government officials. For the first time in Kenyan history, victims of the military training exercises and the Kenyan Government - the perpetrator - directly initiated dialogue.

Loss of life and erosion of self-identity

Death is among the worst of the effects related to military training. The deaths are the direct result of bombshells or of abortions related to the sudden and heavy sounds of explosions from the bomb mortars and artillery.

Most victims (generally children), meet their predicament while herding their livestock (earning a living). Today they are maimed, disfigured and some are even impotent, a situation which seriously affects their lives and future. The victims have to rely upon their family members for medication and survival, as they cannot earn a living for themselves. This is in total disregard of a people's identity, culture and general way of life and the whole process demeans and devalues the fundamental freedoms of individuals. The victims have been turned into frustrated paupers on their own land and within their own communities. The pastoralists are among the poorest communities in Kenya and, as such, yet another burden is being placed on these communities. The pastoralist communities suffered heavily during previous droughts and suffer generally from poverty and marginalisation. As noted in the eighth Kenyan National Development Plan 1997-2001, "*arid and semi arid lands make up eighty percent of Kenya's total land surface, support over twenty percent of the human population, and over half of the livestock production. The majority of the populations in these lands are marginalized pastoralists, although semi pastoral and farming communities have increased due to migration, poverty and sub-division of the lands.*"

The victims and their families lose self-esteem and feel a sense of indignity, especially the ones who cannot undergo the normal communal rites of passage, such as circumcision and marriage, as narrated by one victim at the workshop, Mr. Lopejo Ole Ronko. Mr. Lopejo Ole Ronko, 37 years of age, has never recovered from being maimed by unexploded ordinance in 1970 when, as a young herdsboy, he was looking after his father's cattle. Three of his friends were blown to pieces by a mortar bomb buried in the rugged terrain.

"I cannot marry - something which is part of the whole process of defining and sustaining my self-identity," said Mr. Lopejo (the name Lopejo is a nickname meaning 'the burnt one') as he explained his predicament, which maimed and disfigured part of his thigh and his genitals. He now depends on his young brother, who has to feed him.

Children become victims when they come across the "shiny objects" and play with them ending up killed, maimed or injured.

One the most publicized victims is the case of the only survivor of the April 2000 explosion in the Lare Soro training range, Archers, in Samburu Districts. He is a ten-year-old boy by the name of ILMolian, who was completely blinded and had to have his abdomen stitched together after it was blown apart by an artillery shell. Three other children died in the incident and ILMolian spent over seven months in hospital.

Forced relocation

During the military training exercises, pastoralists are forced to graze their livestock in other areas in order to avoid disturbance, but in most cases the areas used for military training are the best ones or the only areas with pasture at that time. This disrespect of land rights and resource rights denies the community the opportunity to defend itself against its own government. The government of Kenya has, over time, denied its responsibility even though the law grants rights under the Group Representative Act or under international law.

Relocation has interfered with grazing patterns and traditional drought coping mechanisms, not to mention abuse of the communities' rights over its resources. Increased environmental degradation as a result of the interference of grazing systems and indiscriminate use of land, including cutting of trees, continues to be experienced.

In Laikipia, the training takes place on group ranches where the community has title deeds and the Law recognizes the land as the property of the community members registered as a specific group ranch. The Government has gazetted the same group ranch as a military training range. This is a paradox the government has to explain, as it is constitutionally impossible.

Increased resource-related conflicts

The military training camps are normally set up within specific and selected areas, notably the Dol-Dol airstrip or Soit-Oudo in Laikipia and Lare Soro, Naichumunye etc., and areas of Archers Post in Samburu District. In Laikipia, for instance, the army camps have to rely on the Dol-Dol bore hole for their water supplies. The water bowsers/tanks dominate the water point, causing the communities great stress and suffering, as the army has to be given priority over water.



In May 1999, a joint exercise between the US Marines and the Kenyan army known as “Toa Kutu” (“remove the rust”) engaged 3,000 soldiers. Their demands for water increased the water crisis in Dol-Dol even more. The opportunity cost for the local community in terms of loss of use of drawn water is obviously high and there is no alternative replacement, let alone compensation.

The training zone is normally cordoned off, leading to a situation whereby grazing patterns have to be redefined by the community. The zones where the exercises are conducted comprise the best rangelands for grazing. Intra-community resource use conflicts have emerged as communities move to alternative areas to undertake their livelihood activities - ending up in conflict with other sections of communities in other group ranches.

This subjection to the imposing dominance of the military personnel in people’s livelihoods intimidates them further and thus increases the silence within the community.

Environmental degradation and erosion of biodiversity

Indiscriminate felling of trees without prior community consent dominates the training exercises. The military personnel camps are fenced using live tree branches and twigs. The biodiversity in these areas is being threatened and, with time, will be lost. The rangeland productivity and recovery is diminished in the process, given that the arid lands in Kenya are faced with crises of desertification and degradation.

The use of rubber bullets and other training gadgets, which are left behind, pollutes the environment, not to mention polythene bags and other non-biodegradable material strewn over the grazing areas. These are known to have killed numerous livestock as the livestock consume these bags, which are not digestible, and die in the process.

Trampling of the ground around the military camps by 3,000 personnel leads to the soil being compacted until a situation arises where the natural vegetation cannot easily regenerate. The points where camps are normally erected are among the most degraded areas.

The Kenyan, British and US Governments are all signatories to the Convention on Biodiversity (CBD), which commits governments to protecting, conserving, and promoting bio-diverse resources. But the military training activities ignore the principles, goal and purpose of the convention.

The British do their swimming exercises upstream of Ewuaso Ng’iro river, which pastoralists use for drinking water further downstream. They do not care about the health hazards they pose to the communities, which have no other alternative for drinking.



Maasai victim. Photo: Johnson Ole Kaunga

Abuse of cultural values

Trees with medicinal value or used in spiritual practices are cut down without being replaced. Among the Maasai, there is not one tree without value, and indiscriminate cutting abuses the indigenous knowledge and intellectual property that the community attaches to these trees and to the entire environment. Lack of respect of the land and tree tenure by the military authorities keeps and sustains the Laikipia Maasai and Samburu in a colonial mindset within an independent Nation! The armies have also cut down trees in areas considered to be of spiritual value to communal rituals, thus desecrating these areas. The British soldiers entice herdsboys and girls by using sweets. One of the worst examples is when they put faeces (human waste) and food leftovers in paper bags and use it to test the children's reaction, making fun of their poverty and hunger!

The soldiers habit of walking almost nude at the water points is perceived negatively by the community and it is, in fact, a total abuse of the community's understanding of adulthood. Taking photos of herdsboys and girls without individual authority is an abuse of individual rights. There is also evidence of rape and attempted rape by the military personnel, mostly foreign.

Psychological effects

The victims and the community at large are subjected to constant trauma. The trauma of being disfigured, maimed or even killed by explosives is evident, much so, in families that have victims or have lost members. The injured victims suffer a sense and state of hopelessness, despair and of not being wanted.

Members of the family have to live with the emotive pain of having to deal with a disfigured person who is no longer productive. Most victims have lost limbs and thus cannot contribute to earning a living and they have to be supported by the rest of the family.

The community at large lives in constant fear and is traumatized as they do not know whose is going to be next!

Racial discrimination

The soldiers often exhibit racist behavior. When they undertake training on the neighboring white-owned ranches, they normally provide compensation but they have done very little for the indigenous communities in comparison with what these latter are losing.

In their employment procedures, the soldiers normally employ members of other communities and leave out the Maasai and Samburu. The only positions the indigenous people are offered are those of security guards, where they are subjected to inhuman working conditions against the ILO declaration on the principles and conditions of work.

The soldiers have also used young boys in their war games and have subjected them to mistreatment.

The same soldiers have done clean-up exercises after training in the commercial ranches but they have rarely done the same on the pastoralists' land, unless it is demanded.

The national and international campaign

The organisation OSILIGI has continued to mobilize local and international support in order to press and assert communal and individual rights for compensation.

At least the authorities concerned have admitted that community property rights are a legitimate concern, not only for the community itself but also for the Government, which is charged by the constitution to protect its citizens and their property against intruders.

OSILIGI has intensified its lobbying and advocacy campaigns at the international level with support from international human rights organizations and the media. The community has gained the confidence to speak up about the issue and at least demand compensation for the injured victims, the loss of life and for use of communal land for military training exercises without prior informed consent. Many pastoralists' communities in Kenya are suffering the same fate but the Laikipia Maasai are the first ever community in independent Kenya to speak up publicly against the use of their ancestral territories for military training exercises. Following this, other affected communities have started to organize themselves to demand compensation.

Media campaigns

OSILIGI has developed links with the local and international media. This has facilitated fact-finding missions by the electronic and print media. Special reports have helped to publicize the issue. In November 2000, a team from the "Channel Four News" joined OSILIGI and produced the ground breaking video documentary entitled "**The War Games Victims**". This aroused the attention of human rights lawyers in Britain. As if to justify the discrimination, prejudice and stigmatization of the indigenous peoples in Kenya, the human rights lawyers in Kenya refused to support the communities in their struggle for self-determination and compensation and they continue to keep their heads down. As most of them are from dominant communities not affected by this issue, it is unlikely they will ever speak up.

A case for recourse

In a landmark ruling, the British House of Lords passed a motion to offer the legal firm acting on behalf of the

victims' legal aid to investigate the claims, with an intention to sue the British Ministry of Defence.

Human rights lawyers from the UK-based Leigh, Day and Company conducted a fact-finding mission in Laikipia and Samburu, where they saw live bombs lying in areas where pastoralists continue to live or graze their livestock. They met over 200 victims with different injuries and were able to establish that an aggregate 70% of victims had died (50% in Samburu and 20% in Laikipia).

The lawyers collected statements from leaders, victims and indigenous activists in support of the case. They have estimated that the community compensation will be more than 900,000,000 Kenya shillings but this amount is expected to rise.

As we publish this article, the lawyers and ballistic experts from the same firm are in Kenya again to collect more evidence in order to strengthen the victims' capacity for recourse before instituting a legal case in Britain, with the Kenyan Government as the second respondent. As expected, the Kenyan and British Military Intelligence have been denied access to the military training range in Samburu (Archers Post) to take away evidence of the numerous mortar bomb shells and artillery gadgets lying in the areas where the indigenous pastoralists continue to graze their livestock.

The argument, though weak, put forward by the military authorities is that all military gazetted areas are out of bounds because they are risky and dangerous areas. These areas, however, are only marked on the map and in the Kenya Gazette, pastoralists do not know where they are as they were not consulted in the first place and have no access to this information. There are no markings whatsoever on the ground to indicate clearly which are the "legal" areas for military exercises. It was also difficult for the military personnel themselves to identify the areas without maps and there have also been occasions where they have undertaken exercises outside of the training ranges.

The military's attempts to remove bombs etc. are an intentional attempt to withhold evidence and this in itself is an abuse of human rights.

In Laikipia, the Maasai herders and local leaders have refused to allow the military personnel to pick up the hundreds of bombs lying within the Group ranches until the ballistic experts have taken all the details to build the needed evidence for the case, which is starting soon in London.

Reactions of the British and Kenyan governments

The British government, in its arrogance, has issued several statements countering the claim; the British High Commissioner, Sir Jeffrey James, denies the allegations by arguing that the Kenyan and US armies also train in the area and so it stands to reason that they will also have left munitions behind. This argument is true but all it proves

is an accomplice in the case rather than giving any evidence of British army non-involvement.

Captain Niall Macgregor is reported in the Guardian (London) as saying, "*we train on whatever land the Kenya government allocates to us. If it is owned by the Maasai or whoever we have to assume the government (Kenya) has arranged things with them somehow*". Apart from stating on several occasions that the issue is very sensitive and touches on national security, the Kenya government has continued to keep quiet on the issue.

British officials also argue that the complaints should be directed to the Kenyan Government, which has designated the training areas. Following the increased coverage, which has made the issue into a human rights concern at international level, the British Government has employed field rangers to clean up the areas by removing the lying bombs. These actions contradict the British position so far as it would seem to be admitting liability.

The British army has accepted to engage in some community projects beginning in 2000. They have already constructed teachers' houses for the Dol Dol secondary school. This is a good initiative but not enough to substitute the lost lives or the numerous damages incurred.

Whether these are undertaken in good faith or as an enticing approach to enable them continue using the pastoralists' land without community complaints will be established with time, now that the community is really empowered and has a clear stand on the matter.

There is need to start a rehabilitation project for the victims of Military Training so as to give them a sense of belonging and hope in life. This is what no one seems to understand and engage in and, as such, OSILIGI and other indigenous organizations need to continue planning interventions. OSILIGI has been acknowledged and recognized locally and internationally for asserting indigenous rights and the media have been impressed by its stand, as stated in the editorial of the *Sunday Standard*: "*For Osiligi, the self help organization that has spearheaded the compensation campaign, it is Kudos and we urge that they continue providing hope, especially given that Osiligi is a Maasai word for hope.*"

Johnson Ole Kaunga is the founder and outgoing Programme Manager of OSILIGI and the initiator of this advocacy programme (Organization for the Survival of Il-Laikipiak Indigenous Maasai Group Initiatives), which is a community-based development and human rights organization. OSILIGI is a Maasai word for Hope. This article was first published in the MS-Kenya partner news and NCIV Indigo news in the Netherlands (in Dutch) but has been edited and updated. Mr. Ole Kaunga is joining the ILO Project to promote the ILO policy on Indigenous and Tribal Peoples (ILO Convention 169) as regional coordinator for the African region and will be based in Dar es Salaam, Tanzania. He remains a voluntary international advocacy and policy advisor for OSILIGI and can be contacted through: osiligi@africaonline.co.ke or olekaunga@hotmail.com □

AUTONOMY IN CHIAPAS MEXICO



Women from Chiapas. Photo: Juan Ramón Martínez León

The Zapatista rebellion opened the door for indigenous peoples in Mexico to participate in the national agenda, demanding the recognition of peoples and their collective rights, concretely expressing their self-determination through autonomy.

Following the negotiation process established immediately after the Zapatista uprising, which culminated in the San Andrés Larrainzar Accords, the Commission for Concord and Peacemaking (COCOPA) was established on 11th March 1995. Composed of representatives of all political parties, it had the mandate of facilitating dialogue between the EZLN (the Zapatista National Liberation Army) and the national government. In November of 1996, by agreement between all the parties involved, COCOPA presented a constitutional reform proposal that tried to reflect the San Andrés Accords from a legal point of view.

The Commission for Concord and Peacemaking (COCOPA) Reform Proposal

COCOPA's constitutional reform proposal recognizes indigenous peoples as collective subjects with their own rights and with their right to self-determination expressed in a system of autonomy. It therefore recognizes a series of rights involving politics, economics, access to and administration of justice and the protection of indigenous migrants.

It recognizes the right of peoples to elect authorities and forms of internal governance according to their own norms, guaranteeing the equal participation of women, as well as the right to strengthen their political participation in the different branches of the State, in accordance with their cultural specificities.

The proposal recognizes indigenous peoples' rights to collective use of natural resources in their lands and territories, providing a constitutional guarantee to the equitable access to and distribution of the nation's wealth. The proposal also establishes new norms for both access to and the administration of justice. For the first time it recognizes the right of indigenous peoples to *"apply their normative systems for the regulation and solution of conflicts within their communities, respecting individual guarantees, human rights and, in particular, the dignity and integrity of women."*

In terms of culture, the proposal establishes the right of indigenous peoples to preserve and enrich their languages, knowledge and all the elements that make up their culture and identity. This includes recognition of the right to acquire, operate and manage their own communications media. In the field of education, the parties established the obligation of the federal, state and municipal authorities to consult the indigenous peoples involved in order to define and develop educational programs that would necessarily include indigenous cultures.

The negotiation process halted

COCOPA's proposal was accepted by the EZLN and indigenous organisations, whilst the government had several observations. Subsequently, discussions with the government were broken off. As the EZLN insisted on the validity of COCOPA's proposal as it stood, it was not possible for the two parties to reach an agreement. This gave the government the opportunity of taking a series of unilateral measures, which culminated in their own proposal for reform. Indigenous peoples' organisations in Mexico have, since 1996, consistently endorsed COCOPA's proposal and strongly rejected any other alternative proposal.

From 1997 to 2000, the resistance of the former government of President Ernesto Zedillo to accomplish any of the agreements reached in San Andrés was evident and the situation progressively deteriorated. The process of militarization in Chiapas continued and human rights abuses against indigenous peoples were regularly reported.

A new stage

The results of the Mexican presidential elections of 2nd July 2000 were unexpected. For the first time in more than seventy years, the Institutional Revolutionary Party (PRI) was defeated. The elected President, Vicente Fox from the National Action Party (PAN), had during his Presidential campaign already taken on board the demands of the indigenous organisations and committed himself to taking up COCOPA's proposed reforms as his own, transforming them into a government initiative, which he would issue on the first day of his government, if he were elected. To the surprise of the indigenous peoples and the rest of the Mexican population, Vicente Fox kept his campaign promises and, on the first day of taking over as President of the Republic, in his role as supreme chief of the armed forces, gave instructions to commence the withdrawal of some military posts, to reduce military numbers and to dismantle some of the military camps in Chiapas. At the same time, he sent an initiative for constitutional reform to the Congress of the Union that reflected COCOPA's proposals in the area of indigenous rights and culture within its text.

Unfortunately, the expectations for a resumption in the peace process, which had received a positive boost in the first months of the year 2001, have again suffered a new setback: the Zapatista National Liberation Army (EZLN) and the National Indigenous Congress (CNI) have categorically rejected the law on indigenous rights and culture recently approved by the Mexican Congress.

In the following, we present two speeches presented by representatives of the Zapatista National Liberation Army (EZLN) and the National Indigenous Congress (CNI) on 28th March 2001 in the San Lázaro Legislative Palace where the COCOPA initiative was discussed. We also present a short update on the most recent developments.

IWGIA

WE WANT TO BE
BOTH INDIGENOUS
AND MEXICAN

Message from the Zapatista National Liberation Army (EZLN), delivered by Commander Esther on Wednesday 28th March 2001 in the San Lázaro Legislative Palace

Honourable Congress of the Union:
Legislators of the Political Coordination Committee of the Chamber of Deputies:
Legislators of the joint committees for Constitutional Points and Indigenous Affairs of the Chamber of Deputies:
Legislators of the committees for Constitutional Points, Indigenous Affairs and Legislative Studies of the Chamber of Senators:
Legislators of the Commission for Concord and Pacification:
Honourable Deputies and Senators:
Brothers and sisters of the National Indigenous Congress (CNI):
Brothers and sisters of all Mexico's Indian peoples:
Brothers and sisters from other countries:
People of Mexico:

I speak to you on behalf of the Zapatista National Liberation Army. What I am about to say to you now is our voice and it is a forceful one. But it is also a respectful one towards this forum and all who are listening to us. You will receive neither insults nor rudeness from us. There will be no repeat of what happened on 1st December 2000 to break the respect of this legislative forum.

What I am about to say to you is the truth. We have come to humiliate no-one. We have come to defeat no-one. We have come to replace no-one. We have not come to legislate. We have come so that you can listen to us and we can listen to you. We have come to talk.

We know that our presence in this forum has caused bitter argument and debate. There were those who thought we would use this opportunity to offend or to settle outstanding debts and that it was all part of a strategy to gain public support.

The people who felt this way are not here today. But there were also those who believed in us and trusted our word. It was they who opened this door to dialogue and it is they who are present today. We are Zapatistas. We will not betray the trust and faith that many within this parliament and within the Mexican people at large have placed in our word.

Those who opted to listen to our respectful voice have won. Those who opted to close the doors to dialogue because they feared a confrontation have lost. Because we Zapatistas speak with a truthful and respectful voice. Some may have thought that Sub-Commander Marcos was going to enter this building and that it would be he who would give this message from the Zapatistas. You can see that this is not the case.

Sub-Commander Insurgent Marcos is just that, a sub-commander. We are the Commanders, we are jointly in charge, and our orders come from the people. To the Sub-Commander and to those who share his hopes and desires we gave the task of bringing us to this forum. They, the men and women soldiers, have fulfilled their task with the support of popular mobilisation throughout Mexico and the world. Now it is our turn.

The respect we offer to the Congress of the Union is both in form and content. The military chief of a rebel army has not entered this building. Those representing the civil wing of the EZLN are present, the political and organisational leadership of a legitimate, honest, consistent and, in addition, legal movement due to the Law of Dialogue, Conciliation and Dignified Peace in Chiapas.

We thus wish to demonstrate that we have no interest in causing resentment or suspicion in anyone. That is why I am here, an indigenous woman. Nobody has reason to feel under attack, humiliated or degraded because I am speaking before this forum today.

Those who are not here know that they refused to listen to what an indigenous woman came to say to them and refused to speak so that I could listen to them. My name is Esther, but this is not of importance at the moment. I am also a Zapatista but this, too, is not so important at the moment. I am indigenous and a woman and this is what counts right now.

This forum is symbolic. That is why this has aroused such controversy. That is why we want to speak here and why some did not want us to come. And it is also symbolic that it should be I, a poor, indigenous, Zapatista woman who should speak first and that the message of our Zapatista voice should be relayed by my own.

A few days ago, in this legislative forum, there was a very forceful discussion and, in a very close vote, a majority won. Those who thought differently and had worked in that regard were not sent to prison, nor persecuted, far less put to death. Here, in this Congress, there are marked differences, some of them even contradictory, and yet there is respect for those differences.

But despite these differences, the Congress does not split, it does not 'Balkanise', it does not fragment into many small congresses. Rather, precisely because of these differences and the respect between them, it builds regulations. And, without losing that which makes each part different, unity is maintained and, with this, the possibility of moving forward together.

This is the country in which the Zapatistas are welcome. A country in which differences are recognised and

respected. In which being different and thinking differently are not reasons for being sent to prison, for being persecuted or killed.

Here, in this Legislative Palace, there are seven vacant places that correspond to seven indigenous people who cannot be present today. And they are unable to be here with us because the differences that make us indigenous are neither recognised nor respected.

Of the seven who are missing, one died in the early days of January 1994, two more are in prison due to their opposition to tree felling, another two are in prison for defending fishing as a means of living and for opposing pirate fishermen, and the last two have warrants issued for their arrest for the same reason.

As indigenous people, the seven fought for their rights and, as indigenous people, the response they received was death, prison and persecution.

In this Congress, there are various political forces and each one organises and works with full independence. Their methods of reaching agreements and the regulations governing their internal organisation may be viewed with approval or disapproval but they are respected and no-one is persecuted for belonging to one parliamentary faction or another, for leaning to the Right, Left or Centre.

At the appropriate time, they all reach agreement and join together to achieve something they consider to be good for the country.

If they cannot reach an agreement then the majority decides and the minority accepts and works according to the majority's decision.

Legislators belong to political parties of a certain ideological orientation but they also legislate for all Mexicans, men and women, regardless of the political party they belong to or the ideas they hold.

This is the Mexico in which the Zapatistas are welcome. A Mexico in which the indigenous can be both indigenous and Mexican, in which respect for difference is balanced by respect for what makes us all equal. A Mexico in which being different is not a reason for death, prison, persecution, mockery, humiliation or racism.

A Mexico where it is never forgotten that ours is a sovereign and independent nation, formed of all our differences. Not a colony in which looting, injustices and disgraces abound.

A Mexico in which, at the defining moments of our history, we can all put what we have in common before our differences, in other words, the fact that we are Mexicans.

Now is one of those historic moments. Neither the federal Government nor the Zapatistas are ruling in this Congress. Nor any political party.

The Congress of the Union is made up of people with differences but they all have in common the fact that they are legislators with a concern for national welfare. With these differences and similarities, they now have an opportunity to see very far into the future and discern the things to come.



Commander Esther



The Zapatista National Liberation Army, Chiapas.
Photo: Franziska K. Nyffenegger



Our time, that of the Mexican indigenous men and women, has come. We are asking for our differences to be recognised, and for us to be recognised as Mexicans.

Fortunately for the Indian peoples and for the country, a group of legislators such as yourselves formulated an initiative for constitutional reform that dealt with both recognition of the indigenous peoples as well as – through that recognition – the maintenance and strengthening of national sovereignty.

This was the “COCOPA initiative”, so called because it was formulated by members of the Commission for Concord and Pacification of the Congress of the Union, deputies and senators.

We are aware that the COCOPA initiative has come under some criticism. For four years there was debate the likes of which no legal initiative has experienced in the whole history of the Mexican federal legislature.

And in this debate, all criticisms were accurately refuted in theory and in practice. This proposal was accused of Balkanising the country but they overlooked the fact that the country was already divided. One Mexico that produces wealth, another that monopolises it, and another that has to hold out its hand for charity.

Indigenous people live in this fragmented country condemned to disgrace for being the colour we are, for speaking the language we speak, for wearing the clothes we wear, for our music and dance that express our sadness and happiness, for our history.

This proposal was accused of creating Indian reservations but they overlooked the fact that we indigenous already live apart, separated from other Mexicans and, what is more, in danger of extinction.

This proposal was accused of promoting a backward legal system but they overlooked the fact that the current system promotes confrontation, punishes the poor and gives the rich impunity, condemns our colour and turns our language into a crime.

This proposal was accused of creating exceptions in the daily tasks of politics but they overlooked the fact that, even now, those in government do not govern but transform their public office into a source of wealth, knowing themselves to be unpunishable and untouchable as long as they remain in office.

My indigenous brothers and sisters who will speak later will go into all of this and more in greater detail.

I want to talk a little of those who criticise the COCOPA law because it legalises the discrimination and marginalisation of indigenous women.

Honourable deputies and senators: I want to explain the situation of indigenous women in our communities, at a time when respect for women is guaranteed by the Constitution.

Our situation is very difficult. For many years we have suffered from pain, obscurity, disdain, marginalisation and oppression. We suffer from obscurity because nobody remembers us. We are sent to live in the furthest corners of the mountains of this country so that nobody can visit us or see how we live. We live with no clean water, no electricity, no schools, no adequate housing, no roads, no clinics (far less hospitals!). Many of our sisters, women, children and elderly die of preventable diseases, malnutrition or in childbirth because there are neither the clinics nor the hospitals to care for them.

Only in the towns, where the rich people live, are there hospitals with good care and all the necessary services. For us, although these things are available in the towns, they are of no use to us because we have no money, no way of getting there. Even if we did, we would never reach the town, we would die en route.

It is worse for the women, it is they who feel the pain of childbirth, they who watch their children die of hunger in their arms, through lack of care, they who see their children go barefoot, without clothes because they cannot make money to buy these things. They have to take care of the house, they see what is lacking in their diet.

It is they who spend two or three hours a day fetching water with a pitcher and a child on their back, and they do all the tasks in the kitchen.

From a very early age they begin to do simple tasks. When they are older, they go to sow the fields, cleaning and caring for their children, while the men go to work on the coffee estates and sugar plantations to make a little money for their family's survival. Sometimes they never return as they fall sick and die there. They are not given the time off to go home to their families and if they do return, they return sick, without money, sometimes already at death's door. And then the woman is in even more difficulty because she is left to bring up her children alone.

We also suffer from disdain and marginalisation from the moment we are born because we are not well looked after. As girls they think we are of no value, we do not know how to think, to work, how to live our lives. And so many women remain illiterate because we do not have the opportunity of going to school.

When we are a little older, our parents force us into marriage, it makes no difference if we do not want to, they do not ask our permission. They abuse our decisions, as women we are beaten, we are mistreated by our own husbands and family members, we can say nothing because they tell us we have no right to defend ourselves.

The *mestizos* and the rich mock our way of dressing, of speaking, our language, our way of praying and healing and our colour, they say we are the colour of the ground we dig.

We are always on the land because we live from it, we are not allowed to participate in other work. They tell us we are filthy, that we do not wash because we are indigenous.

We indigenous women do not have the same opportunities as men, it is they who have the full right to decide everything. Only they have the right to land and the woman has no right, as if we cannot work the land, as if we are not human beings: we suffer inequality.

This whole situation is instilled by bad governments. As indigenous women we do not have good food, we do not have adequate housing, we do not even have a health service, nor education.

We do not have the prospect of work and so we live in misery. This poverty is due to an abandonment by the government, which has always ignored the indigenous and refused to take us into account, it treats us like nobodies.

They say they give us support, such as Progres¹, but they do so with the aim of destroying and dividing us.

Such is the life - and death - of indigenous women. And they tell us that the COCOPA law is going to marginalise us. It is the current law that enables us to be marginalised and humiliated. So we decided to organise and fight as Zapatista women in order to change the situation, because we are tired of so much suffering with no rights.

I do not tell you all of this to gain your pity or so that you can come and save us from such abuse. We are fighting to change this and we will continue to do so.

But we need our struggle to be recognised in law because to date it has not been. Well, it is, but only our struggle as women and, even then, not fully.

In addition to being women we are indigenous and in this respect we are not recognised. We know which of our customs are good and which are bad.

It is bad to beat and hit a woman, to buy and sell, to marry her by force without her consent, it is bad that women cannot participate in assemblies, cannot go out of the house.

And so we want the law on indigenous rights and culture to be approved, it is very important for all indigenous women throughout Mexico.

It will help to get us recognised and respected as both women and indigenous. This means that we want our way of dressing, of speaking, of governing, of organising, of praying, of curing, our collective forms of work, of respect for the land and our understanding of life - the nature of which we are a part - to be recognised.

Our rights as women are included in this law, and no-one will be able to prevent our participation, our dignity and integrity in any kind of work, alongside men.

This is why we wanted to say this to all deputies and senators so that you can fulfil your duty, and be the true representatives of the people. You said that you would serve the people, that you were going to make laws for the people. Then keep your word, keep what you promised to the people. It is time to approve the COCOPA initiative.

Those who voted for you and those who did not but who are also people continue to thirst for peace, justice, they are hungry. Now you can allow no-one to put our dignity to shame. We ask this as women, poor, indigenous and Zapatista.

Honourable legislators:

You have been sensitive to a cry that comes not only from the Zapatistas, not only from the Indian peoples but from the whole of the Mexican people. Not only from those who are poor like ourselves but also from people who have a more comfortable life.

Your sensitivity as legislators has enabled a light to shine in this dark night on which we indigenous were born, grew up, live and die. That light is the light of dialogue.

We are sure that you are not confusing justice with charity and that you have been able to recognise in our differences the equality we share with you and all the Mexican people as human beings and Mexicans.

We welcome the fact that you are listening to us and for this reason we want to take advantage of your attentive ear to say something important: The news of the military withdrawal from Guadalupe Tepeyac, La Garrucha and Río Euseba, and the measures that are being taken to comply with this do not pass unnoticed by the EZLN. Mr Vicente Fox is now responding to one of the requests our peoples made to him through us: he is the Supreme Commander of the Federal Army and the army follows his orders, be they good or bad.

In this case, his orders have been a signal for peace and so we, the commanders of the EZLN, will also give our orders for peace to our forces:

Firstly.- We order comrade Sub-Commander Insurgent Marcos, as military commander of the regular and irregular forces of the EZLN, to do all that is necessary to ensure that no military advance is made on the part of our forces into the positions that were held by the federal army, and that he orders our forces to maintain their current positions in the mountains.

We will not respond to a sign of peace with a sign of war. Zapatista arms will not replace government arms.

The civilian population living in the areas from which the federal army is withdrawing have our word that our military force will not be deployed to settle conflicts or disagreements.

We invite national and international civil society to establish peace camps and civil observation posts in these places to certify that there is no armed Zapatista presence. Secondly.- We are giving instructions to Mr. Fernando Yáñez Muñoz to make contact with the Commission for Concord and Pacification and with the government commissioner for peace, Mr. Luis Héctor Alvarez, as soon as possible and propose to them that they jointly travel to the south-eastern state of Chiapas to personally certify that the seven positions are free from all military presence and that one of the three signs demanded by the EZLN for a resumption in dialogue has thus been fulfilled.

Thirdly.- We are also instructing Mr. Fernando Yáñez Muñoz that he may be recognised by the federal government headed by Vicente Fox as the official messenger of the EZLN with the government commissioner for peace, so that he can work in coordination with him to achieve fulfilment of the two remaining signs as soon as possible and so that dialogue can thus be formally resumed. These two remaining signs are the liberation of all Zapatista prisoners and constitutional recognition of indigenous rights and culture in accordance with the COCOPA initiative.

The federal government now has a safe, reliable and discreet way of moving forward with regard to the conditions that will enable direct dialogue between the peace commissioner and the EZLN. We hope it will make good use of it.

Fourthly.- We respectfully request the Congress of the Union that, given that it is in this forum that the door for dialogue and peace has opened, it facilitates a place within its doors for this first meeting between the federal government and the EZLN liaison officer, provided the government commissioner for peace agrees.

Should the Congress of the Union refuse, and we will understand this, Mr Yáñez will be instructed that this meeting should be held wherever appropriate, provided it is a neutral place, and that public opinion is informed of the agreements of the meeting.

Honourable legislators:

In this way, we are making clear our willingness to dialogue, to build agreements and achieve peace.

If we can now see the path towards peace in Chiapas with optimism it is thanks to the mobilisation of many people in Mexico and the world as a whole. We would like to thank all of these people in particular.

It has also been made possible by a group of legislators who are facing me now, who have been able to open a space, their ears and their hearts to a voice that is legitimate and just.

To a voice that has reason, history, truth and justice on its side, but not yet the law.

When indigenous rights and culture are recognised constitutionally in accordance with the COCOPA initiative, the law will begin to come into line with the needs of indigenous peoples.

The legislators who are today opening their doors and hearts will then have the satisfaction of having fulfilled their duty. And this will not be measured in terms of money but in terms of dignity.

And so on that day, millions of Mexican men and women, and men and women from other countries, will know that all the suffering that has taken place in the past, and that which is yet to come, was not in vain.

And while we are now just the indigenous, then we will be all those who are dead, persecuted and imprisoned for reasons of their difference.

Honourable legislators:

I am an indigenous woman and a Zapatista. I am speaking on behalf not only of the hundreds of thousands of Zapatistas in the south-east of Mexico but also of the millions of indigenous people throughout the country and the majority of the Mexican people.

As such I have not wished to show disrespect to anyone but nor have I come to ask for charity. On their behalf I have come to ask for justice, liberty and democracy for the Indian peoples.

On their behalf I have requested and request once again constitutional recognition of our rights and our culture. I will conclude my speech with a cry that all of you, men and women, those who are here and those who are not, can but agree with:

***With the Indian peoples! Long live Mexico!
Long live Mexico! Long live Mexico!
Democracy! Freedom! Justice!***

Thank you very much.

Note

¹ *Progres a* – Programme for Education, Health and Nutrition – trans.

Speech delivered in the San Lázaro Legislative Palace, Congress of the Union. Revolutionary Indigenous Clandestine Committee of the General Command of the Zapatista National Liberation Army. Mexico, March 28th 2001. □

AUTONOMY STRENGTHENS DEMOCRACY

Responses from Adelfo Regino Montes, member of the National Indigenous Congress (CNI) to questions put by deputies



The Zapatista National Liberation Army, Chiapas. Photo: Franziska K. Nyffenegger



Photo: Franziska K. Nyffenegger



Photo: Franziska K. Nyffenegger

Adelfo Regino Montes



Photo: Franziska K. Nyffenegger



Honourable Legislators:

With your permission, with the permission of our brothers and sisters in the Zapatista National Liberation Army and with the permission of my brothers and sisters in the National Indigenous Congress here present, I will reply verbally to the questions that have respectfully been raised by the different political parties represented in this Congress of the Union.

Following the signing of the San Andrés Accords between the federal government and the Zapatista National Liberation Army, we had all hoped that our rights would be honourably and fairly recognised. We all viewed the COCOPA proposal, drawn up on 29th November 1996, with enormous hope. We all felt in our hearts and minds that, during the winter of 1996, we would finally see indigenous rights recognised within the Constitution.

Great was our disappointment when, in the first days of January 1997, the country's indigenous peoples obtained a negative response from the government of the time with regard to the initiative for constitutional reform drawn up by the Commission for Concord and Pacification.

Neither to us nor to the public in general did they ever give any reasons of substance. They always pleaded technical problems. It was said that the COCOPA initiative had problems of a legal nature. They never told us the real reason why the COCOPA initiative was being rejected.

We would like to say to you, to the country and the world, that recognition of indigenous rights, recognition of the rights of our peoples is a humanitarian issue, it is an issue for the heart and mind.

And so, with all due respect, we reach out to the hearts, to the feelings and to the noble minds of all of you. For this reason, with enthusiasm and in all hope, we ask you to listen to us, to listen to the ancient voice, the true voice, the noble voice of our peoples.

We indigenous people do not want concessions, we do not want privileges. We neither want nor desire to separate ourselves from this country nor to be above your laws. All we are asking is that you recognise what is already a fact in our communities. If each of you had had the opportunity of visiting an indigenous community, you would be able to see how we organise, how we get along, how we resolve our problems.

This way of organising, this way of getting along, this way of resolving our conflicts is what we have called in this forum indigenous regulatory systems.

What we want is that these regulations, these traditions, are recognised, recognised in the Constitution, recognised in law. What we want, in fact, is that a reality is recognised and that, finally, there is what some have called "legal pluralism". We want regulations to coexist even though they are different, to coexist

and contribute to each other, to coexist because, being more and being different, we can better resolve each of the challenges that arises in our communities, in our municipalities, in our regions. And so we say that the regulations, the traditions of our peoples must be recognised.

And we want to state very clearly that these regulations, these traditions, are also changing, are also adapting with the passage of time. No regulation, no tradition in the world remains the same forever, static forever. No, regulations change, regulations transform, and indigenous regulations, too, are gradually transforming.

We want to build our autonomy on the basis of these regulations, we are building our autonomy on the basis of these regulations, an autonomy that starts with the community, because the community is where we live from day to day, where we work, where we dream, where we greet and talk to each other, where we have our authorities, where we take our decisions; it is there where autonomy must first be recognised, and recognising this, brothers and sisters, is no more than recognising a reality, no more than recognising something that already exists.

I sincerely believe that laws should recognise the reality of the world. What use are laws if they are not based in reality? What use are laws if they do not deal with our problems, if they do not deal with our hopes? For this reason we say, for this reason the voice of our peoples is: that the law should recognise the reality.

When we talk of autonomy we also talk of strengthening the municipalities that exist in our towns. The municipalities are something our ancestors embraced, something they made their own, they gave them their features, their heart, and so it is for this reason too that we want this reality to be recognised.

There are many indigenous municipalities existing throughout the country, there are many municipalities that exist in our indigenous regions; these municipalities need to be strengthened, they need to be recognised as our form of government, our way of electing authorities, they need to be recognised as democratic forms, participatory forms, forms that in no way infringe upon the democracy we all want. For this reason we consider that autonomy, far from being detrimental to the municipality, strengthens it, makes it stronger, more solid. This is what we are asking for and this is why we support the COCOPA initiative and the San Andrés Accords.

The autonomy we are requesting has to be an autonomy at the level of the entire indigenous people, as our Wurrárica brothers and sisters are demonstrating, as our Rarámuri brothers and sisters are demonstrating in the north of the country, as our Mixe brothers and sisters are demonstrating in Oaxaca, as many indigenous peoples who once more want to be one are demonstrating, this is our dream. If we are a people with the same culture why should these same peoples not share their problems and also their hopes?

Is this an attack on the sovereignty, on the integrity of this country? We say no, on the contrary, autonomy will

strengthen the federalism of which so much has been spoken in this forum and which sometimes is no more than empty words; autonomy will strengthen national unity because, as our Zapatista brothers and sisters have said, there has been no unity, that is why we have suffered in Mexico, that is why there is inequality in Mexico, this is why there is poverty in Mexico. With autonomy, we think, unity could be made stronger, unity could be made a reality; through autonomy we also want to strengthen democracy.

Many of you have said that democracy is the power of the people, the power of the masses; many of you have said that democracy is there in the communities, the neighbourhoods, the villages, the cooperatives. So why not accept it when it relates to our peoples? Why not accept that autonomy is also a way of making democracy a reality in this country? Democracy is not only holding elections, having just one vote; democracy also means making decisions from the bottom up, democracy also means the autonomy we indigenous peoples are demanding.

As we have already said, we do not want a theoretical autonomy, we want to implement it in a physical space, a physical space we already have. Our communities, our cooperatives, have material and physical backing, this can be seen through the presidential resolutions and the titles recently issued by the agrarian authorities, but we want our lands and our natural resources to be used to our benefit.

We have had enough of the oil, electricity and timber being plundered from our communities while we still have no paved roads in our villages, no electricity, no chairs for our children to sit on to study.

How can it be that we Mexican Indians are the original owners of these lands and territories, of this natural and cultural wealth, and yet at the same time we live in poverty, how can this be possible?

This is what we want to reverse. We indigenous are not saying, "we want to take over the oil, we want to take over the subsoil, we want to take over the resources belonging to this country". We are aware of the fact that the resources belong to the country and we believe they should be truly exploited for the whole country and not just for the benefit of some, as has been the case in the past.

We are aware of this. What we are saying is that the benefits should firstly be for us, so that there is in some sense compensation for our peoples, because we need resources to grow, to develop, to flourish, and for this reason there is no justification, no foundation for accusing us of wanting concessions and privileges, of wanting to separate from this country, of wanting to Balkanise this country.

When we think of autonomy, of indigenous autonomy, and when we think of the reconstitution of our peoples, we are not only thinking of those who are in the mountains, of those who are in the forests, of those who are in the woods, of those who are in our regions, we are also thinking of our brothers who have emigrated.

Emigration amongst the indigenous peoples is growing because the price of our coffee is rock bottom, because the price of our maize is rock bottom, you already know this. When we indigenous people find nothing to eat in our communities, our municipalities, our regions, then we have to emigrate, we have to shed a tear because we are leaving our wives and children. Then we have to go, our hearts heavy, to the towns as domestic servants, as builders, and to cross the borders of this country, risking our lives. But we do not do it because we want to, we do not do it because we want to travel, because we fancy a holiday, but because there is a need within, because we do not want to see our children die of hunger, because we do not want our wives to live in the permanent despair of poverty with not one penny for food, not one penny to send the kids to school.

Because we do not want this, this is why we indigenous emigrate. But what do we find in the cities? In the cities, and I say this with all sincerity, we find discrimination, exclusion. People look down their noses at us in the streets, they give us filthy looks at work because we are – how did our Zapatista brothers and sisters put it? – the colour of the earth and so we find, in many cases, the doors of the city closed, just as they tried to close this Congress of the Union to our Zapatista brothers and sisters and to the indigenous peoples of the country. This has a name, and it still hurts, it is called discrimination, it is called racism. Whoever says there is no discrimination, no racism in this country, should come and prove it to us. For this reason we want a multicultural society, for this reason we dream of a multicultural society; for this reason we have made the demand of our Zapatista brothers and sisters our own. We want a country into which all the different Mexicos that exist can fit, into which all the different people that exist on these lands can fit.

We want, then, a multicultural country. So in the education that our children receive we want you to talk not only of the Indians of the past, the Indians of Teotihuacan, of Montealbán, the Olmec Indians, not only of these dead Indians but to talk of the Indians who live today, to talk of our peoples, to explain that these peoples did not die, did not end, they still exist. The starting point for multiculturalism has to be education, with our children, with our young people, with our pupils, our teachers, we have to start to build what we call a multicultural society. It is in our schools that we have to combat discrimination and racism, because it is here where the citizens of the future are moulded.

We also need the problem of migration to be dealt with, and we also need the development problems of our peoples and communities to be dealt with. We want specific programmes to be established for our indigenous migrants, for our brothers who have had to leave their communities in search of hope, if indeed hope exists in other places.

When we talk of respect for others, we indigenous peoples are proposing reconciliation; autonomy is also a

type of reconciliation. Why do I say this? Because with autonomy constitutionally recognised, the communities can find one another again, we can join together once more. We have been divided in so many ways, we have been divided by agrarian conflict, we have been divided by parties, we have been divided in many ways, you have borne witness to this.

We want no more divisions, we want no more confrontation, we want unity, we yearn for unity, because when all is said and done we are brothers, when all is said and done we are sisters; autonomy is a form of reconciliation, it is a way of enabling empowered communities to resolve agrarian conflicts between themselves, to resolve border conflicts. Autonomy will enable this. Autonomy will enable us to reconcile from within, so that within we also understand our differences and can coexist on the basis of those differences, and on the basis of differences be reconciled so that we can see the wider interest of our community, our municipality, our region above all else.

This is the basic message being sent by our peoples. This is the message upon which our Zapatista brothers and sisters are also insisting. This is the message of our peoples.

When there is talk of peace, this means people want reconciliation, and we indigenous peoples have a desire for peace, we have a desire for harmony, we have a desire for respect when we are also respected.

Brothers and sisters: the demands and proposals of our peoples are none other than demands for life; it is because we want to live, it is because we want to continue to exist, it is because we do not want to die, it is because we want to stop what people here in this forum have called ethnocide.

We peoples want to live and we want to live with our language, with our clothes, with our colour, with our world view, we want to live as we are, and we also want to pass these same things on to our children, to future generations. And this life and this culture, which are rich, full of colour, we also want to share with you, we also want to share with Mexico, with the world.

It is in this that the COCOPA initiative finds its roots, its reason for being. The COCOPA initiative is an initiative for life, it is an initiative for dignity, it is an initiative for the freedom of our peoples.

Thank you very much.

Speech delivered in the San Lázaro Legislative Palace, Congress of the Union. Mexico, March 28th 2001. □

The Peace Process in Chiapas Has Suffered a New Setback

The peace process in Chiapas has suffered a new setback: the Zapatista National Liberation Army (EZLN) and the National Indigenous Congress (CNI) have categorically rejected the law on indigenous rights and culture recently approved by the Mexican Congress.

The indigenous peoples, along with sectors of civil society supporting them, consider the law to be a betrayal of the San Andrés Accords, as it dramatically limits the right to autonomy. This situation may result in a weakening of political channels and a consequent move towards armed violence in the Chiapas conflict.

On 25th April, the Senate approved the opinion on the law on indigenous rights and culture formulated and presented by the Sub-Commission for Analysis of Indigenous Initiatives of the Senate of the Republic. And on 27th April, the Chamber of Deputies ratified the Senate's approval, the National Action Party (PAN), the Institutional Revolutionary Party (PRI) and the Green Ecologists Party of Mexico (PVEM) voting in favour and the Party for Democratic Revolution (PRD) and the Workers Party (PT) voting against. In order to receive its final approval, the initiative will now have to be ratified by a majority of the state congresses.

On the positive side, the text approved expressly prohibits all kinds of discrimination, provides guarantees for the exercise of women's rights (including participation in local government) and recognises indigenous autonomy in the areas of culture, education, language and local government.

However, the approved law differs significantly from the original COCOPA proposal, presented by President Fox to Congress in December 2000 in response to one of the three conditions demanded that same month by the EZLN for a resumption in dialogue with the federal government.

Immediately, in a press release dated 27th April, the CNI stated its rejection of the legal text approved by Congress, considering it unfaithful to the Accords signed between the Federal Government and the EZLN in San Andrés in February 1996 and taken up in the draft law presented by COCOPA in November of that year.

The CNI noted that: "the Law [...] deletes substantial parts of the COCOPA initiative, such as: recognition of the communities as entities in public law; recognition of indigenous territories; the collective use and enjoyment of the natural resources found on the said territories and the possibility of indigenous community and municipality association."

A group of researchers and academics from the National Autonomous University of Mexico, the College of Mexico and the National Institute for Anthropology and History concluded that, due to these omissions, there were no territories, geographical areas or constituent bodies of the Mexican State in which the collective exercise of autonomy is guaranteed, because the rights recognised to indigenous people lack a space in which they can be enforced.

For his part, the governor of Chiapas, Pablo Salazar, considered that approval of the indigenous law promoted by the PRI and the PAN indicated a step backwards in the peace actions being undertaken by the federal government, the state government and the EZLN. The head of this state, who formed part of COCOPA when the original legal initiative was drawn up, called upon President Fox and the EZLN to maintain the will for peace and place themselves above the interests and visions of conservative groups who were putting obstacles in the path of initiatives to resume the negotiation process in Chiapas.

On 29th April, the EZLN declared that the constitutional reform did not respond to the demands of the country's indigenous peoples, nor to those of the EZLN, the CNI and civil society. It stated that the reform was a betrayal of the San Andrés Accords and the proposed COCOPA law. The EZLN further stated that the federal government and legislators were "closing the door to dialogue and peace" and ordered Fernando Yáñez, the Zapatista liaison officer, to suspend all contact with the federal government.

In the first five months of his six-year period in office, President Vicente Fox has made significant progress in terms of the other two conditions put forward by the EZLN for a resumption in dialogue: the liberation of Zapatista prisoners and the withdrawal from seven military bases in the conflict zone.

Nonetheless, insofar as the law approved is not faithful to the COCOPA text, the third condition - and that which is of greatest importance to the Zapatistas - is not being fulfilled. The EZLN's rejection of the approved law means that prospects for a resumption in the peace process, which had received a positive boost in the first months of the year, are again gloomy and the setting a complex and difficult one once more.

Published by Servicio Internacional para la Paz, (International Peace Service - SIPAZ) 4th May. □

IWGIA - INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

IWGIA's aims and activities

The International Work Group for Indigenous Affairs - IWGIA - is a non-profit, politically independent, international membership organisation.

IWGIA co-operates with indigenous peoples all over the world and supports their struggle for human rights and self-determination, their right to control of land and resources, their cultural integrity, and their right to development. The aim of IWGIA is to defend and endorse the rights of indigenous peoples in concurrence with their own efforts and desires. An important goal is to give indigenous peoples the possibility of organising themselves and to open up channels for indigenous peoples' own organisations to claim their rights.

IWGIA works at local, regional and international levels to further the understanding and knowledge of, and the involvement in, the cause of indigenous peoples.

The activities of IWGIA include: publications, human rights work, networking, conferences, campaigns and projects.

For more information about IWGIA's activities please, check our website at: www.iwgia.org

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IWGIA publishes a yearbook, *The Indigenous World/ El Mundo Indígena* - and a quarterly journal *Indigenous Affairs/Asuntos Indígenas*. Furthermore a number of books thematically focussing on indigenous issues are published each year.

Suggestions and contributions to IWGIA's publications are welcome and should be submitted to the editors in charge.

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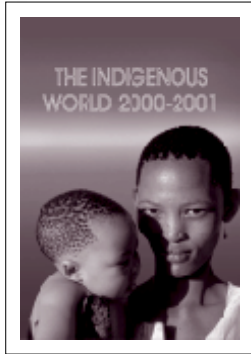
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RACIAL DISCRIMINATION AGAINST INDIGENOUS PEOPLES WORLDWIDE

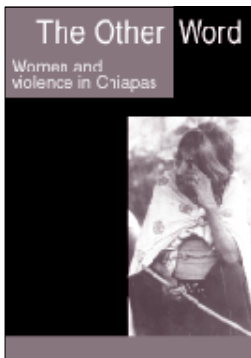
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