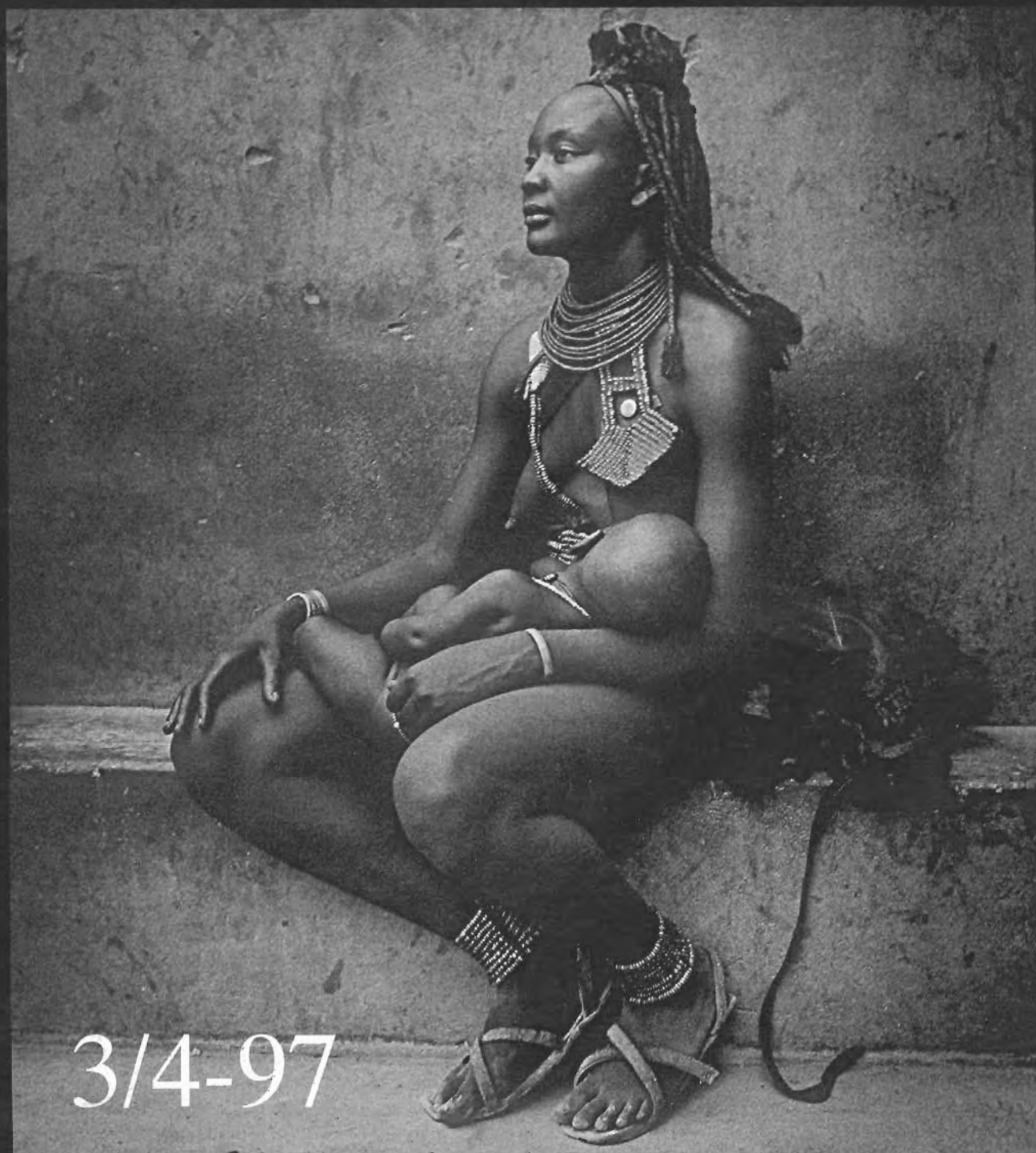




Indigenous Affairs

No.3/4 - July - December 1997

International Work Group for Indigenous Affairs



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Editorial

Despite increased and ever more vocal participation by indigenous peoples at the international political arena, the human rights situation of indigenous peoples remains critical.

A major threat to the lives, cultures and dignity of indigenous peoples is the rapidly ongoing loss of ancestral territories and the loss of access to and control over land resources. On so many occasions indigenous representatives have tried to explain to the world that ancestral lands and territories are not only a fundament for physical survival and for continuation of their mode of production, they are likewise crucial for their whole cultural and spiritual world – a link to the past and essential for the continuous practice and development of indigenous identity.

The fundamental importance of territorial rights is highlighted in international human rights instruments like the Draft Declaration on the Rights of Indigenous Peoples.

However, reality looks different. The ancestral territories of indigenous peoples are often situated in areas rich in resources and of major economic importance to states and multinational capital. This ranges from minerals such as gold, coal, copper and oil to vast water and timber resources and to areas with high potentials for tourism development. States, national and large, multinational companies are on an ever-increasing scale encroaching upon indigenous peoples' territories in search of profit. Indigenous peoples are struggling all over the world to maintain or regain rights and control over their territories. They are up against powerful forces and the struggle is a long difficult one.

African indigenous peoples face tremendous problems. Very few African states recognise that they do have indigenous peoples at all and that steps should be taken to safeguard their rights. And the extremely marginalised indigenous groups are constantly faced with loss of territories, human rights abuses and very poor living conditions. African indig-

enous organisations are emerging and speak up and seek to take action against the injustices taking place. However, these organisations are still not as strong and experienced as many other indigenous organisations around the world. The concept guiding many African states is 'national unity' stressing that all ethnic groups within the nation-state should adhere to a common national identity. This is in many respects understandable as ethnic conflicts and tribalism are very real threats to the peace and stability of many African states. However, the 'national unity' concept is also easily misused by states to suppress any group which speaks up and demands that their territorial rights and thereby their whole culture and way of life be respected and protected. Examples of such repression are manifold. In this issue of *Indigenous Affairs* we bring examples from Tanzania, Namibia and Botswana.

In the article '*Uncertain Future for Maasai of Ngorongoro*' by Charles Lane the desperate situation of the Maasai people of the Ngorongoro Conservation Area in Tanzania is described. Many of the Maasai people are now starving as the livestock production has seriously declined due to lack of access to pastures and cattle diseases. The Ngorongoro Conservation Area is Tanzania's most visited tourist destination, but it is international hoteliers and the Tanzanian State rather than the local Maasai residents who gain the benefits. The Maasai are denied property rights and international conservation organisations lobby for the eviction of the Maasai people from the area.

The likewise desperate situation of the remaining Bushmen living in the huge Central Kalahari Game Reserve in Botswana is described in the article '*Resettlement of Khwe Communities Continues*' by Christian Erni. Central Kalahari Game Reserve is one of the largest protected areas in Africa and one of the last places in Botswana where the Bushmen to a certain extent still have the possibility to practise their traditional way of life. However, the Botswana government is now attempting to move the Bushmen

by Marianne Jensen

out of the game reserve. Many have already been moved to settlements outside the game reserve where the living conditions are depressing and where alcoholism is widespread. Others are still trying to resist removal, but they are under heavy pressure and it is still uncertain as to whether or not they will succeed in making a land claim and ultimately gain ownership rights over their ancient territory.

In Namibia the situation of the Himba people is also very critical. Terese Sveijer describes in her article *'The Himba People's Fight against the Planned Construction of a Dam'* how the pastoral Himba people, who live in a remote and dry part of northern Namibia, are seriously threatened by the plans of the Namibian government to construct a huge dam for the production of electricity. Many of their areas will be flooded including important ancestral burial grounds, and their whole way of life is at risk. Almost no consultation has been done with the Himba who are still trying to speak out against the planned project.

Next to dam projects and the tourism industry, mining is a major threat to indigenous peoples' territories. This is very much the case for the indigenous peoples in the Philippines, and in the article *'Gold Mining and the Threat to Indigenous Peoples' Rights in the Philippines - the Case of the Subanen'* Geoff Nettleton describes how some of the largest mining companies of the world are in a race to exploit the large mineral deposits of the Philippines. They are attracted by conditions which are among the most favourable to mining companies in the world. Many of the companies have adopted a new public relations style to improve their image. However, on the ground the consultation processes with the local indigenous peoples are still poor and many indigenous peoples such as the Subanen resist mining operations which will ruin their ancestral lands.

In Columbia the situation of the indigenous peoples is deteriorating and during the past months the climate of violence has deepened. This issue of *Indigenous*

Affairs documents abuses which continue to be committed in Sotavento and Choco where numerous indigenous peoples have been killed.

Another serious violation of the human rights of indigenous peoples has for years taken place in 'French Polynesia' in the form of French nuclear testing. Martine Pétréd describes in the article *'A New Initiative Against French Nuclear Colonialism in "French Polynesia"'* how the systematic explosions of nuclear bombs - which took place despite protests from the Maohi people and from the international community - has seriously affected the living conditions of the Maohi people. And the *Tarahoi Statement* initiated by Maohi people against nuclear colonialism is printed in its full length.

However, this issue of *Indigenous Affairs* also gives account of progress and positive developments. One such example is the establishment of Nunavut in north-eastern Canada. Here the Inuit have got territorial rights to a large area, and a political accord calling for the establishment of a self-governing region Nunavut in 1999 has been attached to the land claim agreement. As described in the article *'Gender Parity in Nunavut?'* by Jens Dahl the preparations for establishing the institutions for such self-governance have recently resulted in a highly interesting plebiscite. The issue was whether or not the new self-governing territory of Nunavut should have a legislative assembly with an equal number of men and women. The proposal was turned down by the people themselves, but still many voted in favour. This plebiscite is interesting for many reasons. It reflects that an indigenous culture like the Inuit in Nunavut is neither homogenous nor static. It is a dynamic and broad culture which changes and develops along with the surrounding world, but on their own terms and based on genuine self-determination.

At a certain point in time it likewise looked as if the situation of the Aborigines of Australia would finally improve. The ultimate peak was when the Native

Title Act came into existence in 1993 which made possible recognition of fundamental rights such as land rights. However, on 4 September this year the Australian government introduced hundreds of pages of amendments to the Native Title Act with the purpose of extinguishing most of the Aboriginal rights recognised by the High Court in all but name. In the article *'Australia: Going Forward or Going Backward?'* Olga Havnen gives a shocking account of how the human rights situation of the Australian indigenous peoples is seriously deteriorating under the present Howard government, and how racism is still flourishing in the Australian society.

The situation of the Sámi people in Sweden, Norway and Finland is better as compared to that of many other indigenous peoples living in poor and weak states in the South. However, there is still a long way to go. The article *'Land Rights, Linguistic Rights and Cultural Autonomy for the Finnish Sámi People'* by the Finnish Sámi Parliament points out the shortcomings in the guarantees for the land rights of the Sámi people. And it addresses the fundamental importance for the Sámi people to have the right to use their own language and to develop their own culture on the basis of cultural autonomy. It likewise highlights the increasing hostile attitudes in Finland towards the Sámi people.

With the 50-year anniversary of the Universal Declaration of Human Rights just around the corner one definitely has to recognise that there is still a very long way to go before real respect for human rights for indigenous peoples is achieved. However, the important work in the UN Working Group on Indigenous Populations is still continuing and developing and we present a number of statements from the 15th Session, held in July 1997.

Finally, this number includes book reviews of important publications relating to indigenous issues in Australia, 'French' Polynesia and India. □

TANZANIA

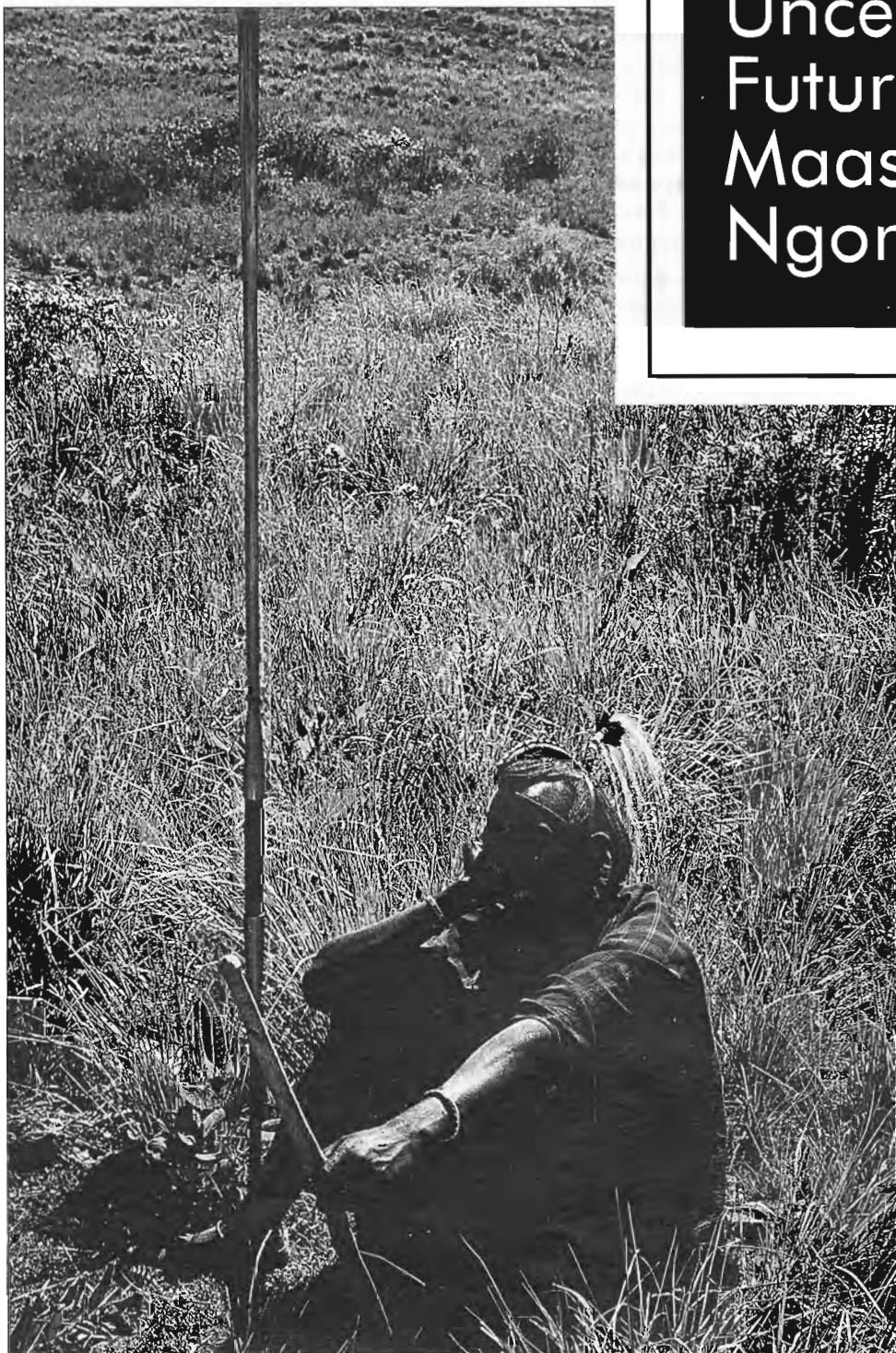
Uncertain Future for Maasai of Ngorongoro

by Charles Lane

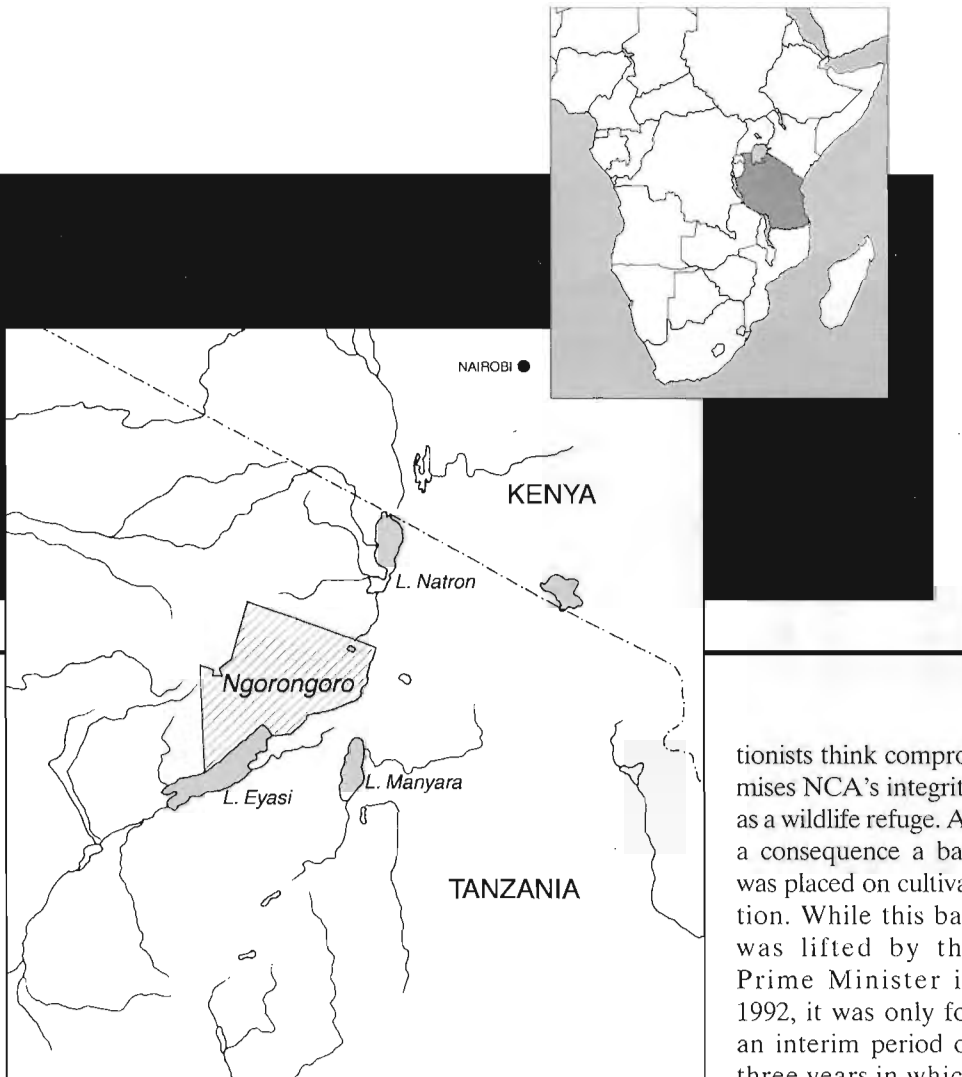
Those of us concerned with the well-being of the Maasai must work together to ensure that the present problems are solved and that the people of Ngorongoro have the chance to control their own development

(Hon. M. olle Timan MP Ngorongoro district)

Administration of the Ngorongoro Conservation Area (NCA) in Tanzania has proved problematic from its inception. An equitable balance between the needs and rights of indigenous residents and the preservation of wildlife has never been satisfactorily achieved. This is despite a legislative requirement for the Ngorongoro Conservation Area Authority (NCAA) to administer NCA as a multiple land use area with the obligation to safeguard and promote the interests of Maasai residents. NCAA's failure to fulfil this mandate has resulted in antagonism between residents and administrators. This is compounded by the fact that promises of water facilities and livestock services made by way of compensation for Maasai evictions from the Serengeti National Park in 1959 have never been properly fulfilled to this day.



*Maasai warrior contemplates his future in Ngorongoro.
Photo: Charles Lane*



tionists think compromises NCA's integrity as a wildlife refuge. As a consequence a ban was placed on cultivation. While this ban was lifted by the Prime Minister in 1992, it was only for an interim period of three years in which time NCAA was to

other interests. International wildlife conservation organisations have allied with NCAA to pursue wildlife conservation objectives. Research scientists have found it a good source of investigation. A number of international aid organisations have tried to support pastoralist development with little success. To date, those working with communities and those interested in wildlife have rarely collaborated in a unified approach, and there remains distance between them.

Resentment was later fuelled by the forceful eviction of residents from the 'Crater', and their exclusion from other areas like the Northern Forest Reserve that denies residents access to vital pastures. A ban on grass burning is thought to have led to the growth of unpalatable species and an increase in tick infestation. Increased wildlife populations have competed for forage, and wildebeest have effectively denied access to the lowland plains due to the risk of transmission of Malignant Catarrh Fever - a disease fatal to cattle.

These factors have combined to undermine livestock production such that the livestock:human ratio has declined to below subsistence level for 37% of residents, with 41% of children suffering from malnutrition. In an attempt to attain food security residents have cultivated crops, something many conserva-

boost the pastoral economy. However, advances in pastoral development have been meagre, yet the current General Management Plan (GMP) proposes to have the ban re-imposed.

Despite the income generated by NCA as a World Heritage site and Tanzania's most visited tourist destination, residents have been forced to bear the costs of conservation and receive very few of the benefits. They have had to watch powerless as tour operators have made profits by enjoying NCA resources and facilities almost without restraint, and seen their land allocated to international hoteliers while they are themselves denied property rights, freedom of movement, and face the prospect of having withdrawn the right to grow crops necessary for their survival.

Not surprisingly, NCA has attracted international attention and that of many

More importantly, residents as a whole have been almost entirely excluded from decision-making processes. This recently came to a head with the drawing up of the General Management Plan (GMP) in which they were inadequately consulted and the interests of wildlife conservation were made paramount. A challenge by residents to the GMP has led to a stand off between those supporting indigenous residents and those who favour wildlife. Despite their protest, the GMP has been 'approved' and is being imposed on an unwilling population - a highly unsatisfactory state of affairs and one that ultimately threatens the multiple land use policy, and perhaps the future of NCA as a conservation area.

At a recent meeting in London of the Ngorongoro community donor/supporter group a number of dramatic revelations were made. Participants were alerted to



*Ngorongoro Maasai elders meet to discuss the problems of living in a conservation area,
Photo: Charles Lane*

the current food crisis facing the people of Ngorongoro that unless addressed could lead to starvation and destruction of the pastoral economy.

Findings of a legal study carried out by eminent lawyers at the Land Rights Research and Resources Institute in Dar es Salaam indicate that NCAA has been acting with sweeping powers in contravention of people's rights as enshrined in the Constitution. The study argued that local participation in the management of NCA was a right and not simply a mechanism for better management, and it was revealed that selected representation of residents in the Pastoral Council fell short of genuine participation.

The study further confirmed that creation of NCA by statute did not extinguish deemed (customary) rights to land. The protection this theoretically afforded residents was nevertheless at risk with news

that NCAA was applying to acquire statutory title to NCA land. Thus at the stroke of a pen residents could be rendered landless. The fact that this was being attempted without the knowledge of the residents is symptomatic of the way the NCA is currently being managed.

Recommendations were made for residents to resist alienation from their land, and work for reform of NCA's legislation to ensure respect of their rights and full participation in management in future. The following statement was endorsed by representatives of NCA and by a majority of those attending the meeting:

1. We support the strengthening of a Pastoral Council to represent and enable effective participation of NCA people adequately in all matters of conserving natural resources and

social and economic development in NCA.

2. The meeting was concerned to hear of the NCAA Board's decision for NCAA to obtain registered title to the land of NCA.

* We support the people of NCA in their efforts to secure effective land rights in NCA.

* We support the people of NCA in their efforts to prevent NCAA from obtaining legal title to the land of NCA.

3. Participants believe that the current food crisis in NCA has to be immediately addressed through emergency food relief by NCAA and the international community. We therefore urge Conservation Authorities to use funds

already allocated in the budget for this purpose.

We also call on the NCAA to initiate a comprehensive long-term programme aiming at rebuilding the sustainable pastoral economy in NCA. It is evident, however, that long-term food security and self-reliance of NCA residents cannot be achieved without respecting their rights to continue small-scale subsistence cultivation.

4. The meeting supports any endeavour to ensure that all development and conservation activities in NCA, supported by international NGOs and donors, are implemented only in effective consultation with the NCA people.

If the future of NCA is to be assured for the benefit of indigenous residents, wildlife conservation, tourism, science and the national economy, then changes will have to be made in the way NCA is administered. Foremost among these is the integration of residents with formal administrative structures. Consequently, they want to register a representative organisation that can effectively negotiate their interests with NCAA. Without this facility they feel they will otherwise be forced to rely on the benevolence of outsiders and remain vulnerable to the shortcomings of past mismanagement as typified by recent events.

Charles Lane is trained as a lawyer, agriculturalist and social scientist, and he has done extensive research and field work among pastoralists in East Africa. As an independant consultant, he is currently advising Survival International on a three-year programme of support for pastoral rights in East Africa. □

LAST MINUTE NEWS

Peace Agreement in Chittagong Hill Tracts signed

On 2 December the signing of a peace agreement between the Government of Bangladesh and the Parbattya Chattagram Jana Sanghati Samity (PCJSS) ended the decades-long war which brought so much hardship to the indigenous peoples of the Chittagong Hill Tracts (CHT). The agreement provides for a general amnesty to the Shantibahini (the armed resistance force), for support to their economic and social reintegration, and for a certain degree of self-governance. A land survey is planned to settle land disputes and to ensure land ownership. The much disputed land ownership issue definitely represents one of the biggest challenges for the implementation of the peace agreement. Although all temporary camps of the Armed Forces will be dissolved, the army will maintain its main camps in all three districts in the CHT.

For more information on the peace agreement in the CHT as published in the press consult the Internet edition of the *Daily Star*, issue from 3 December, at:
<http://www.dailystarnews.com>

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BOTSWANA



*Barren land without trees and shade in New !Xade.
Photo: Christian Erni*

Resettlement of Khwe Communities Continues

by Christian Erni

Obviously unimpressed by protests of local and international human rights organisations, the Botswana government continues with the resettlement of the Khwe¹ communities in the Central Kalahari Game Reserve (CKGR). With its 52,347 km² the CKGR is the largest protected area in Botswana – and one of the largest in Africa. It was established in 1961 by the government of the former British Protectorate of Bechuanaland. The Khwe, who still subsisted largely on hunting and gather-

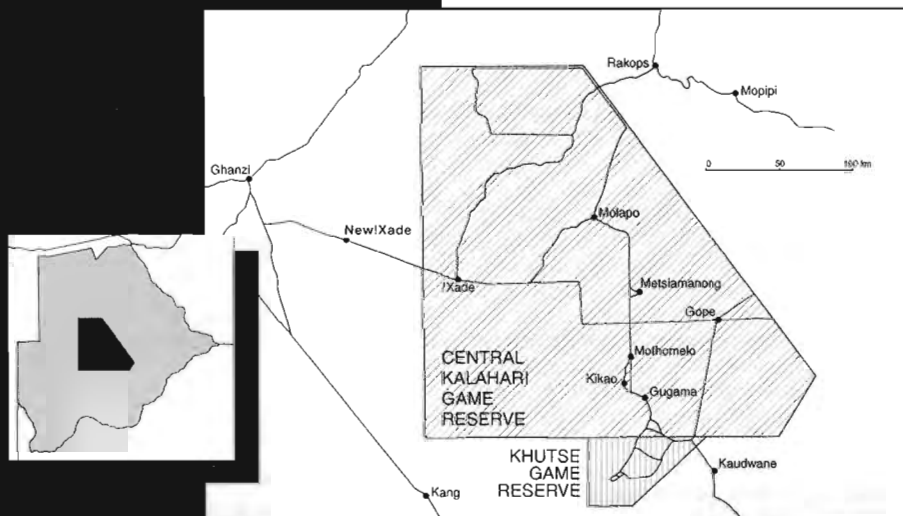
ing, as well as the black Bakgalagadi communities who moved into the area in the 19th century, were allowed to continue practising their traditional lifestyle within the game reserve. Although not explicitly, the establishing of the reserve de facto meant a certain protection from encroachment on the ancestral lands of the Central Kalahari communities, and allowed them to continue with their traditional way of life as foragers.

Over the past two decades, the widely dispersed, small Khwe bands began to settle in seven permanent villages with 40 to 500 people. This settlement process was mainly brought about by the government's Remote Area Development Programme, in which the communities were provided with water, and a school and clinic were established in !Xade, which became the largest settlement, as the government's services attracted people from all three ethnic groups in the CKGR: the G/wikhwe, G//anakhwe and Bakgalagadi.

However, already in 1986 the Ministry of Commerce and Industries, after having conducted an evaluation of the situation in the CKGR, announced that: 'Viable sites for economic and social development should be identified outside the Reserve and the residents of the Reserve encouraged – but not forced – to relocate at those sites'.² And since the late '80s the government let all development programmes among the communities of this area peter out.

The local government has also proved to be rather slow, if not reluctant, in fulfilling its duty of maintenance and repair of the water pumps. While the district government of Ghanzi, who has the administrative responsibility for the CKGR, in 1990 still explicitly expressed its disagreement with the resettlement plans and argued in favour of development programmes for the communities within the reserve, it has changed its mind in the meantime and sided with the central government.

In May this year most residents of !Xade, with some 500 people comprising almost half of the 1000 to 1200 inhabitants of the CKGR, were resettled by the Ghanzi District government to a site



about 60 kilometres from the reserve's western boundary. New !Xade is a desolate place with hardly any trees to provide shade and without potable water. Whereas the water from the borehole at old !Xade is plentiful and of excellent quality, the new settlement will be serviced by a some 50-kilometre long pipeline, bringing a rather brackish water from another borehole. And contrary to promises, the people were not provided with any building material, and even had to bring the wood from their old huts to rebuild them at the new site.

The relocation took place shortly before the onset of the coldest time of the year, when temperatures can drop to well below freezing at night. People had to camp in the open or tried to quickly establish makeshift shelters. But money was plentiful. Many a Khwe never had that much money in their pocket before. So the first few weeks or months were a time of feasting – and indulging in excessive alcohol consumption, as outside traders selling all kinds of brews soon appeared on the scene. It is foreseeable that alcoholism, like in all Bushman resettlement sites of the country, will soon become a major problem – especially because it is not very likely that the resources available at New !Xade will be sufficient to allow the people to recreate their former subsistence economy based on small-scale herding and hunting and gathering.

The population of New !Xade, which is still increasing due to continued resettlement from the CKGR, is already too large to make land-based economy a feasible option for all of its residents. And the people have neither been given the necessary permits for hunting and for gathering veld food, nor have they received any of the promised cattle. Lack of economic opportunities and ultimately lack of land rights are the major reasons for the desperate situation most Bushmen find themselves locked into in the resettlement sites all over the country. Consequently, forced idleness, complete dependence on government subsidies and no perspective for gaining some degree of self-determination over their own future

and destiny create a deep-seated feeling of powerlessness, hopelessness, resignation and consequently the escape into alcoholism.

The resettlement process

There exist contradictory reports and opinions on the circumstances under which the resettlement to New !Xade has taken place. According to the government, the people have agreed to be resettled. And independent local organisations as well as a fact finding mission conducted by the Heads of the Mission of Britain, the USA, Norway, Sweden and the EU in New !Xade in July 1997 confirmed that no threat or use of physical force occurred. However, the mission team could hardly have gained a deeper insight into how the resettlement process actually had taken place, as it was guided by a large delegation of government officials, including the Ghanzi District Commissioner, making the necessary free discussions with the people difficult.

Most people interviewed by NGO workers and journalists in New !Xade feel that they have been forced to move. It became evident that their initial resistance was worn down over the years by a persistent carrot-and-stick policy. For more than a decade, the people have been constantly told by the local officials that they will eventually be resettled. But nothing happened until last year, when efforts were made to convince each family individually of the necessity – if not unavoidability – and the advantages of moving out of the reserve. People are much easier intimidated when visited by the officials individually, when they lack the support of their relatives, friends and neighbours, and the often contradicting and false allegations create confusion and

even divisions among the community. Highly varying amounts of money were offered as compensation, the criteria applied never having been made transparent. Promises of better infrastructure, job opportunities and income generating projects were made, while at the same time they were told that the existing service like water provisioning, the clinic, the co-operative and the school would not be maintained within the reserve even if they decided to remain.

After the resettlement of the !Xade community, several local and international organisations called for a moratorium on the resettlement programme until an independent mission has established the facts on the conditions and methods applied in the process, has gained a clear picture of the views and aspirations of the affected people, and has assessed possible alternatives to the resettlement.

On 15 and 16 June 1997 the local Bushman organisation 'Kgeikani Kweni' ('First People of the Kalahari') convened a workshop of the CKGR Committee (which consists of the elected CKGR community representatives). The purpose was to establish a Negotiating Team that would seek negotiations with the government on the transfer of ownership rights over the ancestral lands of the CKGR to the residents living there and their successors. The Negotiating Team formed consists of two representatives



*New!Xade: Most Khwe people are forced to remain idle as there are very few jobs.
Photo. Christian Erni*

of each of the seven villages of the CKGR who are members of the already established CKGR Committee, one delegate of each of the three Bushman organisations in Botswana (First People of the Kalahari, Kuru Development Trust and the Working Group of Indigenous Minorities in Southern Africa, Botswana), and a number of non-voting members either as individual advisors or as representatives of local non-indigenous NGOs. It was decided to send a letter to the Ministry of Local Government, Lands and Housing asking for a meeting earlier promised to the CKGR residents by both the President and the Minister in order to discuss the land rights of the CKGR residents to the Game Reserve. The meeting was envisaged to be the first in a series which should eventually lead to the settling of the land claim. The Negotiating Team was expressing its hope that the following agreement would be reached at the first meeting:

1. That there shall be a moratorium on all removals from the CKGR until the land claim has been resolved;
2. Existing services to villages shall be maintained until a settlement is reached, or the matter is otherwise resolved;
3. Villagers resident in the CKGR shall be entitled to access to development opportunities similar to those enjoyed by San communities living outside the Reserve, but sensitive to the purpose for which CKGR was first proclaimed, pending a resolution of the land claim;
4. The Negotiating Team and in particular the CKGR Committee shall be considered by the Government to be the authentic representative of the San residents of CKGR;
5. The Government shall not communicate directly with individual residents of the CKGR, but shall channel all communications through FPK, and the advisers to the team [];
6. The Government shall disclose all information (and supply copies of documentation where such exists) relevant to its policy of removals, and to those

residents who have been removed since December 1996;

7. There shall be an agreed timetable by which the parties shall endeavour to resolve the land claim.³

The letter was sent to Minister Patrick Balopi in early July, but the Negotiating Team has never received any response from him. Meanwhile, the employees both of the Ghanzi and Kweneng district council were busy trying to convince the residents of the remaining six settlements to relocate, persisting in their strategy of negotiating with each household individually.

In mid-August the FPK were informed that some of the residents had signed for resettlement. The team visiting the communities of Molapo, Metsiemanong, Mothomelo, Gugama and Kikao found the information to be true. However, what made the team members most concerned were the reports of the people on how they were made to agree to the relocation. Like in !Xade, a number of people, and especially many of the youth, did agree voluntarily, mainly because they were attracted by the promises of better access to jobs. The money offered and promises for better government services have definitely contributed much to the waning of the resistance of many others. But most also felt that they just did not have any choice. The crucial argument has always been water. Invariably, the government employees stressed that provisioning of water or borehole maintenance would eventually be stopped in the settlements in the reserve. The government employees did not even refrain from using false allegations – like that one of the most influential leaders had already agreed or that ‘the army will deal with’ them if they continue to resist.

The methods used by the government employees on the ground contradict blatantly the official policy of ‘encouraging but not forcing’ the people to resettle, and the repeated assurance that all public services will be maintained also within the reserve. Whether the senior officials of the district council are aware of their

field personnel’s behaviour remains an open question. However, earlier critique and reported cases of use of threat have apparently never been properly investigated, or led to corrective action. And the government continues to maintain against all evidence that the people have moved voluntarily.

The motives of the government

The official reasons given by the government for the resettlement of the CKGR communities are better conditions for providing social services outside the reserve, and the conservation of wildlife. The maintenance and improvement of social services in the remote settlements in the CKGR are a difficult task indeed. And those communities who have to send their children to boarding school even for elementary level education are all but happy with that solution. Alternatives to a unified and centralised school system have, however, already been developed elsewhere among indigenous peoples. Contrary to all promises, and contradicting its own argument, the services offered at New !Xade are very poor, even worse than in old !Xade. Classes are still being held in tents, water has still to be brought in by trucks (from old !Xade, it should be emphasised), and no socio-economic programmes creating jobs or providing other opportunities for generating an income have so far been implemented. And it is hard to imagine that the government will ever be able to provide viable economic alternatives. New !Xade is not considerably less remote than old !Xade, access to education, jobs, the market and government services has definitely not improved.

The second argument, conservation of wildlife, is even more doubtful, as it contradicts the Government of Botswana’s internationally much acclaimed new conservation and tourism policy, which emphasises participation of local communities. In other parts of the country the government granted the management rights over parts of game reserves and wildlife management areas to local communities. And it actively promoted and supported community managed eco-tour-

ism projects. There are private safari operators who would be ready to co-operate with the CKGR communities in eco-tourism projects. And the Department of Wildlife and National Parks has supported such plans for the CKGR until recently, when it was silenced by the superior authorities.

No wonder there exists a lot of speculation on the 'true reasons' for the government's determination to move the people out of the CKGR. The interests of the strong cattle lobby were mentioned, who would like to see the southern part of the reserve, where the Khwe communities live, opened up for grazing. And it has been known for quite some time already that the CKGR harbours diamond deposits. But only recently has it become public that two promising deposits have actually been identified. Feasibility studies are being undertaken by De Beers (who already operates two large mines in Botswana) and the Canadian mining company Falconbridge in Gope near the eastern border of the reserve. And Anglo-American has been granted a concession for exploration in 1997 near !Xade, in the west of the reserve, where a promising deposit has been discovered at Xaxa.

According to a report in the South African newspaper *Sunday Independent* of 31 August, operations have started there shortly after the people of !Xade were moved out. Both De Beers and Anglo-American, however, deny that they knew anything about the re And E. Molale, Permanent Secretary of the Ministry of Local Government, Lands and Housing, responded to the same article, maintaining that:

There are no mines coming up in the CKGR. You are free to verify that yourself. Prospecting happens everywhere in Botswana and, more than anything else, is meant to help understand the country's geological formation. There is nothing like mining and drilling machinery at Xade.⁴

Still, many observers cannot easily dismiss the suspicion that the unyielding determination of the government to push the resettlement programme in the CKGR through is

ultimately motivated by the aim to establish a *fait accompli* before the Khwe and Bakgalagadi communities have become better organised, stronger in defending their land rights, and seek to prevent or at least demand compensations for commercial activities and resource exploitation by outsiders on their land.

The most recent developments in the CKGR bring the government a little closer to this – explicit or implicit – aim. By November, most of the people of Mothomelo and Gope had already been relocated, some to Kaudwane in Kweneng District, some to New !Xade. The few who refuse to be resettled have decided to move permanently to neighbouring Metsiamaonong. However, with only a few exceptions the residents of Gugama, Kikao, Metsiamaonong and Mothomelo are determined to stay. So the last chapter in the struggle for the CKGR is still not written. And those remaining may soon be joined again by those residents of New !Xade who are already deeply disappointed by unfulfilled expectations and depressed by the desolate situation in the settlement. They are determined to demand at least the keeping of one promise given by the government: that if they don't like the life in the resettlement site, they have the right to go back.

Margareth Nasha, the new Minister of

Local Government, Lands and Housing met with the Negotiating Team on 28 November 1997 in New !Xade. It is highly appreciated that, contrary to her predecessor, she seems to be willing to enter into direct negotiations with the Negotiating Team, representing the CKGR communities. During this first meeting, however, she avoided responding to the issue raised concerning those people who want to move back. It is hoped that in future meetings and negotiations the government will both stick to its promises and the democratic principles which it claims to be the foundation of the Botswana state.

¹ Khwe is these days used by the Bushmen living in and around the CKGR as a general term of self-designation. It is, however, not applicable to all Bushman groups in Botswana.

² C.f. Hitchcock, Robert 1996. 'Government's Decision to Relocate the People of the Central Kalahari Game Reserve'. *Indigenous Affairs* 3, 1996, p. 44. The article provides a more detailed account of the establishment of the CKGR, the different government policies regarding land and hunting rights and the developments in connection with the resettlement plans until mid-1996.

³ FPK 1997. Internal Report on the Workshop of CKGR Committee, 15-16 June 1997.

⁴ *Sunday Independent* 7-9-97.

Christian Erni is an anthropologist who has been connected to IWGIA for many years. He is presently working at the IWGIA secretariat. □



Community members of Mothomelo explain to a delegation of the First People of the Kalahari how they were made to agree to the resettlement. Photo: Christian Erni

NAMIBIA

The Himba People's Fight against the Planned Construction of a Dam

The Himba people feel ignored and marginalised by their government and are becoming increasingly marginalised by current political developments.

The Himba people live in north-western Namibia and they cross over the Cunene River to the Angolan side. The area is characterised by a dry desert, arid and mountainous landscape where rainfall is unforeseeable. The 1,050 km long Cunene River is a part of the Angolan border, and it is the only river in the region that has water all year long. There is only one other river in Namibia with water throughout the year. The ecological equilibrium is extremely delicate, and the ecosystem can not tolerate great pressure. Human beings, veg-

The government, SWAPO (South West African Peoples Organisation), is planning to build a hydroelectric dam at the Epupa waterfall in the Cunene River. Plans to build a dam at this site have existed for decades, but it is only recently, since Namibia's independence, that the plans for the dam have been made more concrete. After independence from South Africa in 1990 the government began to modernise, to 'develop' the country, by promoting economic growth. The government has plans to avoid dependency and achieve self-sufficiency, especially as concerns the former colonial power. The development plans demand energy and electricity. Among other things, exploitation of a copper mine will begin in 1999. A dam at the Epupa waterfall is considered to be a solution for the growing need for energy, especially considering the current import of coal from former colonial power South Africa.

On the Namibian side of the river, in the Cunene region, some 30,000 people live in approximately 50,000 km². The Himba people are one of the peoples in the region who will be directly or indirectly affected by construction of the dam. The Himba people are a nomadic, herding people who for centuries have adapted to the region's harsh conditions. The Himba people's movements have been cited as an excellent example of a pastoral rotation system suitable for an arid, mountainous region.

The Himba people are financially independent and obtain their subsistence from cattle breeding. Their lifestyle re-



by Terese Sueijer

etation and animals have had to adapt to the extreme situation. There is a variety of animals and plant species which risk extinction.

quires that it be possible to move about through large areas in order to find grazing land and water for the cattle in the dry landscape. The Himba people are

not considered to be economically weak. They enjoy comparatively good health and no cases of AIDS have yet been reported.

For long periods the Himba people have lived in relative isolation. The explanations are various: the extreme desert climate, the 'apartheid' system, the war of independence between SWAPO and South Africa, and the war in Angola. Earlier, the region was not considered to be an area with development potential. This separation from other groups of people made it possible for the Himba people to preserve their traditions and culture without significant influence from other cultures or global modernisation. Today, the Himba people are self-sufficient and not very involved in the market economy. The Himba people, similar to other peoples in the region, are politically marginalised. They have been excluded from the political process concerning regional development plans. Moreover, the local population is not very well educated. The majority of them do not know how to read or write, and only a limited number of them speak English, the national language.

The feasibility study

Since 1995 approximately thirty consultants have been working in the Cunene region on a feasibility study for the possible construction of a dam at the Epupa waterfall. It is a partnership between Namibia, Angola, a Norwegian and a Swedish company, Norconsult and SwedPower. The project is financed by SIDA, the Swedish International De-

Part of the Epupa waterfall. Photo: Terese Sveijer



velopment Authority and NORAD, the Norwegian Agency for Development Cooperation. Each of them has paid out more than US\$ 2.5 million.

The project will analyse the technical, economic, ecological and social aspects of the construction of a hydroelectric dam as well as sources of alternative energy. During the course of the study the consultants have developed three dam alternatives. The consultants recom-

mend the Baynes dam alternative, located four miles further down from the Epupa waterfall. The height of the waterfall is 200 metres (which would make it the highest dam in Africa) and the reservoir area would be 50 square kilometres. The Baynes alternative is con-

sidered to be the most ecological and socially sustainable. The government prefers the alternative of a larger dam, with a 160 metre fall, a 380 square kilometre reservoir and a greater storage capacity: a 7,809 Mm³ reservoir. This alternative means that the Epupa waterfall will be completely submerged by water which will inflict great damage on the area. It is estimated that both dam alternatives will produce 300 MW of electricity. At present, Namibia's electricity consumption is estimated to be approximately 280 MW. The calculations, based on current growth rates, estimate a need for 430 MW of electrical energy within a ten-year period.

'Regardless of where they build the dam, we are going to be affected. The consequences for us are the same if the dam is moved farther down the river,' responded Paulus Tjavara, chief of the Himba people in Namibia, during his visit to Stockholm in June 1997, when asked how the Himba people viewed the Baynes alternative.

The final result of the study has been postponed again and the report was finally released by the end of 1997. The Namibian and Angolan governments are going to make a decision on the dam issue by the end of January 1998. The feasibility study has been criticised both in Sweden and at the international level. The criticism holds, among other things, that:

- * the Namibian government has already decided to build a dam, and therefore the co-operation aid money should be used for something other than a feasibility study;
- * large-scale hydroelectric dams are not sustainable energy sources;
- * the study has not seriously investigated sources of alternative energy;
- * adequate studies have not been carried out on the Angolan side;
- * there is not adequate communication nor consultation between the government, consultants and local population. This last group feels ignored by the government and disregarded as concerns developments in the region;
- * by financing the feasibility study the controversial pre-feasibility study is legitimised;
- * SIDA and NORAD legitimise construction of a dam by financing the feasibility study; and

- * should the donor's money be used for a project which will marginalise already neglected groups?

The report is now finished but the socio-cultural aspects of the study are still incomplete. Social anthropologist Margaret Jacobsohn, who studied the socio-cultural aspects, ie the consequences for the Himba people, believed that it was impossible to continue the study in the prevailing climate. Since March 1997, when the government made public a declaration stating that it would build a dam regardless of the study's results, she has stopped working on her part of the study. Jacobsohn's part of the study, the most notably controversial part, is essential to obtain a complete feasibility study.

The consequences for the Himba people

The Himba people are not a homogenous, united group. There are some among them who consider the dam to be a positive development for the region. It is first and foremost the younger generation who point out the job opportunities and merchants who see a possibility to increase their business. But the majority of Himbas are completely opposed to construction of a dam. They feel that they have no need for electricity and prefer to continue living as they do now, from cattle breeding. Moreover, the government's plans to build a dam continue to remain unknown to many people in the region. Nobody knows the real consequences of building a dam, but they do know that the inhabitants in the area are highly dependent on the river.

It is not the first time that the Himba people will be forced to relocate; they have previously been victims of an involuntary relocation. *'We learned the lesson of the Ruacan dam [Ruacana is located to the north-east of the Epupa waterfall] when many people died. The same will come to pass if they build the Epupa dam,'* said Paulus Tjavara, chief of the Himba in Namibia, during his visit to Stockholm in June 1997.

The consequences of dam construction have historically proven to be of little benefit to the local population. The Cunene River is of fundamental

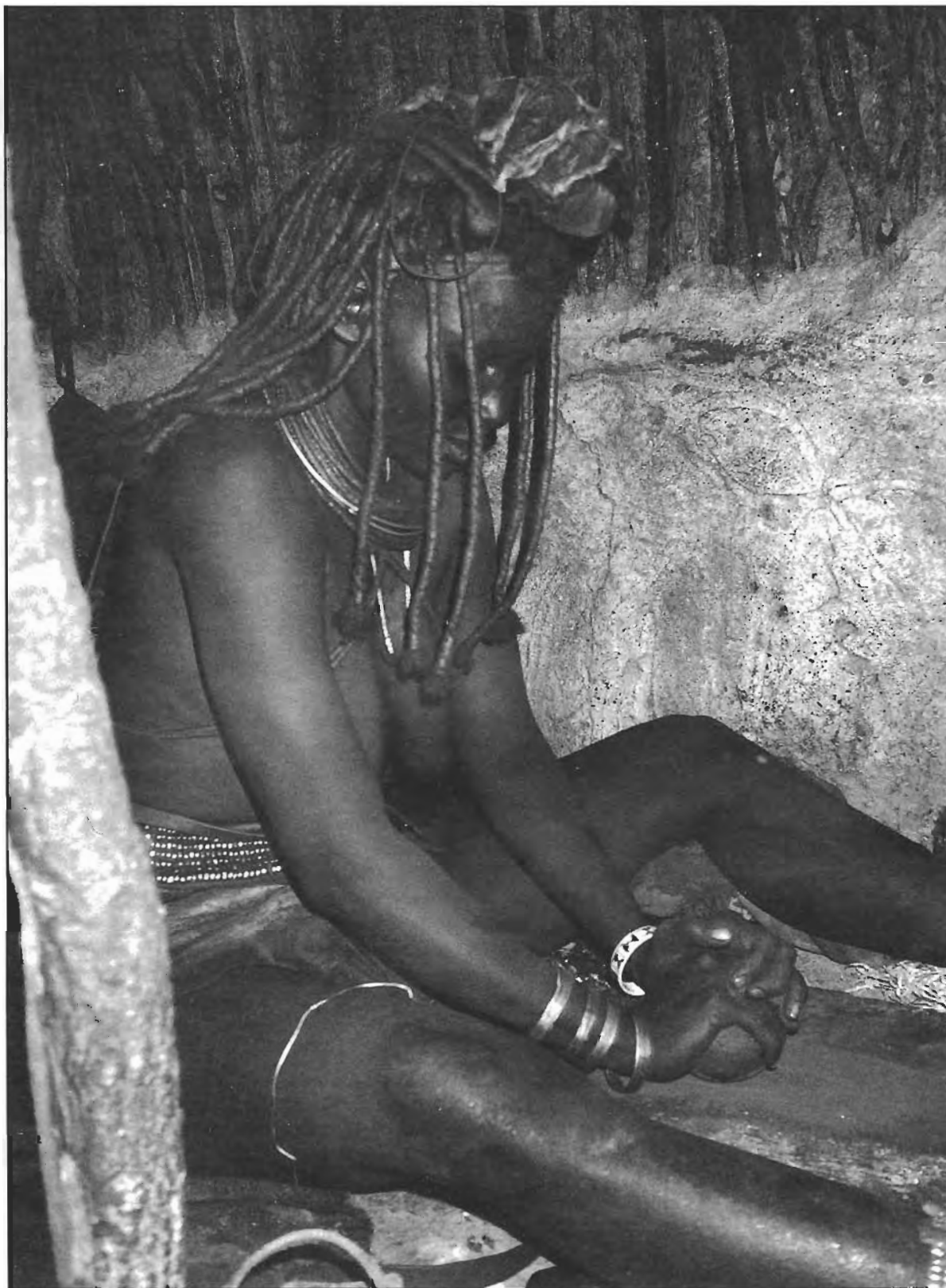
importance for the people's way of life. A dam will flood important places of worship including ancestral burial grounds where the Himba people go to consult with ancestors, and vegetable gardens and crops which are of great importance during the dry season will remain under water. The traditional way of life requires access to land and the river. For the Himba people the negative impacts are numerous. A dam also implies other influences such as construction workers, housing, roads, a city, that is to say a commercialisation which today does not exist and is completely foreign to the region.

'It is impossible for us to give up our land. The graves of our ancestors, our sacred burial grounds and the best pasture land are here. It is also here where our cattle graze, where we have our crops and vegetable garden, and where we gather coconuts from palm trees. The region is of vital importance for our survival during the dry season. If a dam were to be built everything would be under water. We will not allow a dam to be built on our lands,' stated Chief Hikumene Kapika at a public meeting on the planned dam in Windhoek on 31 October 1996. The Himba people had not been invited to this meeting but found out about it by chance.

A dam will lead to destructive consequences for the Himba people's current cultural, economic and social structure. No people live completely isolated in today's globalisation; cultures are in constant flux and always have been. But the Himba people demand the right to participate in the processes taking place, to have the possibility to participate in and determine their development and future and to not be considered as primitive survivors of an exotic culture.

Contradictory conceptions of development

The Himba people constitute a minority who are seen as being against the interests of the state. Written provisions directly defending the rights of ethnic minorities do not exist in the Namibian constitution. The Himba people, similar to other minority groups in the region, have not been consulted about the question of development plans for the region.



Himba woman grinding ochre for body painting. Photo: Terese Sveijer

The majority of public meetings about building the dam have been held in Windhoek, the capital, where the Himba people, for the most part, have never or rarely been. Furthermore, the Himba people have not been informed about the government's modernisation plans. It is only recently that the Himba people and other peoples have found out about the plans to build a dam, principally through NGOs and international organisations.

The government accuses the Himba people and international organisations opposed to a dam of being enemies of development. Neither the Himba people nor international organisations are opposed to 'development', the changes, but they prioritise other factors than the construction of a dam by the government. Alternatives exist. The country's modernisation is not the Himba people's priority. Cattle, the family and the clan are the most important for them.

The government's vision for development is often one-sided; everyone now has to be Namibians and wear respectable clothes, not their traditional clothes; the Himba people are considered to be dirty, bare-chested primitives, undeveloped. *'The Himba must upgrade themselves and not just remain a tourist attraction,'* wrote Sam Nujuma (Weekly Mail & Guardian 03/02/95). *'The Himbas don't want to stay like baboons. They also want televisions and light in their homes.'* Polla Brand, chairman of the Namibian electricity utility Swawek (Weekly Mail & Guardian 03/02/95).

Resistance

The feeling of powerlessness among those Himba people opposed to the dam reached its culmination when the vice-minister of energy and mines in Namibia, Jesaya Nyamin, made a public declaration in March of 1997 stating that it had already been decided to build a dam, and that the feasibility study will only serve to help decide which dam alternative to build. The opposition called for a meeting and formed a commission, the Epupa/Kaoko Committee (EKC). The EKC in turn named a delegation which turned to Europe to seek aid and support to stop construction of the dam. Europe was a clear objective as the Na-

mibian government stated that it was from there that financing for the construction of the dam would come.

The only thing we received from our government was humiliation; that the Himba people have hanging breasts and are stupid. That is why I decided to turn to others for help. Construction of a dam in Epupa will kill people in the region; therefore, we ask for your support to stop construction of the dam. That is why we are here.
Chief Tjavara

We feel oppressed by the government of Namibia. We went to Europe to seek help from other human beings.
Chief Hikumene Kapika

The delegation was composed of Hikumene Kapika, chief of the Epupa region, Paulus Tjavara, chief of the Himba people in Namibia, and a female translator. The Himba people feel that it is of great importance that the world become aware of their situation and the consequences of building a dam. During the three-week visit in Europe they visited Germany, Great Britain, Belgium, Norway and Sweden which was made possible thanks to co-operation between various international environmental and human rights organisations.

Sweden was considered to be an important visit since SIDA is paying for the feasibility study, the Swedish company SwedPower is part of the consortium carrying out the study and there are many Swedish consultants employed. The visit to Sweden was organised by the Swedish national group of the International Work Group for Indigenous Affairs, IWGIA-Lund. The objective of the visit was to give the Himba representatives the opportunity to speak for themselves and present their opinions; that they be able to influence the processes which are currently threatening them and their future; as well as to have the possibility to form an opinion at an early stage, before real decisions are made. At the same time the delegation gained a better understanding and knowledge about the new situation which they find themselves in, a situation not of their own choosing and to which they

are opposed. The visit to Sweden was reported on the radio, TV and in newspapers; the Namibian press wrote daily about the delegation's visit to Europe.

The delegation had interviews in Sweden with, among others, SwedPower (the Swedish engineering company participating in the consortium carrying out a study of the dam), SIDA, ministers, settlement experts, journalists and several organisations working with the environment and human rights. SwedPower maintains that they are only carrying out a study of the effects of building a dam and are not building it. SIDA is only financing the study, a basis for the Namibian government who is in charge of deciding whether or not to build a dam. Nevertheless, SIDA and SwedPower, for their part, can not shirk the responsibility that the study be carried out in a proper manner. It is also the consultants responsibility to ensure proper consultation with the local population, the Himba people.

The Himba people were promised access to all information and that their viewpoints would figure in the final report. SIDA, the World Bank and the European Union have rejected financing construction of the dam.

What will take place next...

The delegation was very satisfied with the meetings and considered the visit to Europe to be a success as they were able to speak out about their situation and seek support. They feel that the visit taught them much and strengthened them. They returned home with renewed strength to stop construction of the dam. They are going to demand a meeting with their government to present their points of view.

They also feel much safer after their visit to Europe; the police and government of Namibia know that Europe is observing what is happening to the Himba people. But about one month after their return the Himba people were victims of an assault by the police. The Namibian police forces and security police, armed with automatic weapons, stormed a private consultation between 70 Himbas and their lawyers, Legal Assistance Service. The event was repeated for two days in a row. The police based their action on



Chief Paulus Tjavara (to the left) and Chief Hikumene Kapika during their visit to Sweden. Photo: Terese Sveijer

the AG 23 proclamation and prevented the Himba people from holding the meeting.

Hikumene Kapika went to the Supreme Court in Namibia where his rights were recognised and indemnification for the police assault was awarded. The government has been seriously criticised by all sides, and opposition parties have charged the government with anti-democratic treatment of the Himba people.

On the other hand the Himba people in favour of the dam have not had any difficulties in being heard and making their views known in the corridors of power. It is regrettable that the authorities are acting in such a biased way, trying to exclude the great majority of the Himbas who are against the dam

project. To ensure the rights and needs of all parties, an open dialogue in which all parties can participate to discuss the development of the region is necessary. The problems are complicated, and the situation does not look good for those opposed to the dam. But the Himba people are strong, proud and tenacious. We must hope that they have the strength to continue their fight to participate in 'their development'. It is understandable that a country wants to develop, but alternatives to building a dam exist. Namibia is a country with enormous possibilities. The government's motive for and method of promoting development could have been different, but it is not yet too late...

We are not going to abandon these regions. We are going to stay here, and the government will be forced to kill us one by one. We would rather die than abandon the regions where we live. Chief Hikumene Kapika

Terese Sveijer studies social anthropology at the University of Lund, Sweden, and conducted minor field studies among the Himba people in 1996. □

COLOMBIA

THE INDIGENOUS PEOPLES' SITUATION IS WORSENING

During the past months the climate of violence in Colombia has deepened. This has particularly affected indigenous peoples who are caught in the middle of the crossfire between the national army, paramilitary forces and guerrilla groups. In this issue of Indigenous Affairs we document the abuses which continue to be committed in Sotavento and Choco where numerous indigenes have been killed. It is feared that the threats and murders will continue in future.

Two Zenu Leaders were Assassinated and the National Director of the Colombian Indigenous Movement was Disappeared

Two important Zenu indigenous leaders from the Resguardo de San Andres de Sotavento, in the Department of Cordoba, northern Colombia, were assassinated on November the 2nd when armed men identifying themselves as members of the National Army arrived at the Community of Bajo Grande. After violently taking Bernabela Riondo Pacheco out of her home, they murdered her on the road leading from San Andres to the municipality of Chinu. Her body was found together with that of Santiago Polo, from the Achiote indigenous community, municipality of Sanpues.

Bernabela Riondo Pacheco has a long history in indigenous organisations. She has been Secretary of the *Organización Nacional Indígena de Colombia* (ONIC) (Colombian National Indigenous Organisation) and until her death she was a member of the executive committee of the *Corporación Autónoma Regional de los Valles del Sinu y San Jorge* (Regional Autonomous Association of the Sinu and San Jorge Valleys).

Similarly, since 31 October Virgilio Cardenas Feria, a Zenu indigene and current national director of the *Movimiento Indígena Colombiano* (MIC) (Colombian Indigenous Movement), had been kidnapped. He was recently found in the community of Los Andes Recuperación. The leader was injured and forcibly abducted from the community by armed men in military attire.

The indigenous community of San Andres de Sotavento, through their *Cacique* (Chief) and Traditional Authority, Maceliano Suarez Lazaro, as well as ONIC demand that the national government and responsible authorities carry out thorough investigations.

Assassinations like these and those of the Embera-Katio leaders on 14 October have not produced a single response from the state's investigatory organs.

The Zenu Indigenous People Face Exile

We the Zenu are an indigenous people of Caribbean descent located between the departments of Cordoba and Sucre, in northern Colombia. We number some 56 thousand individuals residing in the *Resguardo de San Andres de Sotavento* (San Andres de Sotavento Reservation) in the departments of Córdoba and Sucre. According to the Royal Crown of Spain the reservation consists of 88 thousand hectares, and after a process of reunion with ourselves and the reorganisation of our race as an indigenous people we began the difficult struggle to recover our lands. Despite the fact that a title-deed recognising our ownership of this reservation exists, a large part of this area still remains in the hands of large landowners in the region.

During the 1970s we organised ourselves as *campesinos* (peasants) around the *Asociación Nacional de Usuarios Campesinos* (ANUC) (The National Association of Peasant Users) with the firm objective of fighting for our territories. The result of this struggle was that 17 thousand hectares were recovered. Nevertheless, we had to pay with a high cost of life, the assassinations of important indigenous leaders were selective.

More than sixty Zenu indigenes have been killed for defending our cause and our collective rights. This wave of violence brought about by legal and illegal armed actors has had an effect on the familial and organisational well-



being of our community to the point that International Human Rights Principles and even the fundamental principle of right to life are no longer respected. It is no longer possible to sleep peacefully at home, because there are constant threats; fear and terror have destroyed our peacefulness.

As indigenous people we are friends of peace, harmony and tranquillity, but above all human coexistence. Nevertheless, the reward we have received for this attitude is constant persecution and terror. In spite of this we continue to keep up the value and principle of maintaining ourselves as indigenes, exercising our traditional practices and our way of organisation, with the firm conviction to recover our territory, bequeathed to us by our ancestors.

For this reason and in the light of the fact that we are experiencing a difficult situation, the *cabildos* and the community in general have met in order to analyse and propose ways to find a solution through active community participation, the *cabildos* and the regional organisation. As a result of these meetings we have concluded that:

* In the light of the seriousness of the situation in our territories urgent actions are needed directed at safeguarding the integrity of the territory and its inhabitants. We are in urgent need of the International Red Cross to establish a permanent brigade on the indigenous reservation. This organisation is the only organisation with guaranteed neutrality and we place our full trust

and confidence in it to advance the necessary actions to maintain security on the reservation;

* As was made known to the national public at large through our press releases, we denounce the assassinations, abuses, intimidation and threats our community has suffered. One of the main causes of the violence on the reservation is the massive presence of paramilitary forces in the region and the creation of CONVIVIR, which only seeks to destroy the harmonious and passive environment of those who do not need to live with weapons. They try to recruit indigenes in order to expand their ranks, indigenes who are later ordered to point out members of their own community;

* This is why it is necessary to begin a dialogue between paramilitary forces and other armed actors present in the region and the regional indigenous organisation.

To do this the presence of the International Red Cross, the ombudsman, the National Reconciliation Commission, the Church, Nobel Peace Prize winner Rigoberta Menchu, the Office of the Public Prosecutor, the Presidential Human Rights Commission, the indigenous Senators Lorenzo Muelas and Gabriel Mu-yuy, the Ministry of Interior and the Colombian National Indigenous Organisation (ONIC) are needed in order to institutionalise the dialogue process and so that they can serve as guarantors of the accords favourable to the Zenu community.

In order for the above-mentioned to become a reality the necessary guarantees must be offered including the freedom to mobilise of the *Cabildo Mayor*, smaller *cabildos* and leaders, and the active participation of the reservation's members.

At the same time we are making commitments to further the internal process of strengthening our organisation, designed to exercise social control on our territories, thus ratifying our autonomy as traditional authorities with the capacity to resolve our internal affairs according to our traditions and in an indigenous context.

We call on all indigenous organisations in the country, American indigenous organisations, human rights groups and NGOs to show solidarity with the Zenu people by denouncing the serious threats which our communities face from armed actors who have created a war that is foreign to our communities.

For Life, Peace and Tranquillity. Success for the Zenu People. San Andres de Sotavento, 11 November 1997

Signed by the traditional authorities of San Andres:

- * Cabildo Mayor de San Andres de Sotavento, Cordoba-Sucre
- * Cabildo Menor de San Antonio Abad de Palmito
- * Cabildo Menor de las Piedras
- * Cabildo Menor de Reparo, Sucre
- * Cabildo Menor de San Jacinto, Sucre
- * Cabildo Menor de La Granja
- * Cabildo Menor de San Juan de la Cruz
- * Cabildo Menor de Comejen



Urgent Action for the Embera, Wounaan, Katio, Chami and Tule Peoples from the Department of Choco, Colombia

The more than 50,000 members of the Choco Regional Indigenous Organisation Embera Wounaan (OREWA), formed more than seventeen years ago by the Embera, Wounaan, Katio, Chami and Tule peoples, live in the Department of Choco. The region is known worldwide for its rainforests containing extensive biodiversity.

We have organised ourselves so that we can become recognised as peoples with the right to continue existing and in order to fight for an honourable life. To attain this our struggles have focused on recognition of our territories and development of educational and health programmes in accordance with our needs and culture.

For several years the Choco Regional Indigenous Organisation Embera Wounaan has been calling on those institutions concerned with the indigenous peoples of the Colombian Pacific's territory problems so that through a process of joint reflection we can find solutions to our peoples' needs and territorial rights.

We are especially concerned with defining and putting into practise clear and coherent policies which recognise territorial, social and cultural rights, together with the rights of other groups, within a framework of contact and mutual enrichment.

We have worked so that without being partial, we can plan actions to achieve territorial recognition for our peoples and our friends and neighbours as a first step towards creating our own proposals for self-development. These proposals should be suitable for the

region, fit into a general framework of respect for difference and be designed through coordination and dialogue with different social and governmental sectors. But, as the Choco department is of great geostrategic importance, not only for its biological richness but because it has coasts on two oceans, large-scale infrastructure work is being planned for the area including highways and oil, mining and forest exploitation. This has caused our territory to become a battlefield where different forces seek to gain economic, political, territorial and military control. The result is that, similar to the rest of the department's population, the Embera, Wounaan, Katio, Chami and Tule peoples have found themselves in the middle of the conflict, in a position of serious vulnerability.

Faced with this situation the indigenous peoples, together with our organisation, have responded by demanding our autonomy. Autonomy should be understood as the right of indigenous peoples to govern in our own lands; to see, feel and conceive of development in accordance with our culture. It should be remembered that we have never been dominated nor conquered, and we have never ceased to fight for recognition of our territorial rights even though we had to retreat to the central and upper river and stream areas which criss-cross the entire Pacific region where we recreated our culture as free peoples.

To achieve this we have drawn up several proposals centred on territorial organisation, based in the first place on total control and full use of our territories and the resources found there. Secondly, we have planned that sustainable

use of these resources will continually satisfy all of our vital needs, but in accordance with our thoughts and actions which view land and territory as the mother, the source of our existence and the sustainer of our future. And, in the third place, this territorial organisation is based on the imperative that we have to reformulate inter ethnic relations taking place on our territories, as well as intercultural relations with the rest of the country.

However, we are also well aware that throughout our history we have counted on the support and solidarity of peoples, organisations and individuals who believe in freedom, justice and peace and who understand our right to be peoples with a future and dignity.

Today, surprised by the avalanche of complex situations which cause us to doubt and fill us with pain, we need friendly voices and support to help us continue advancing in this region of Colombia which is so wrecked by gregarious human rights violations of the inhabitants and in particular the rights of ethnic indigenous and black groups. The majority of the population in Colombia continues to disregard this situation, and the interests of big business and the government are prioritised which leads to restrictions and the imposition of self-censorship.

Indigenous communities reach all corners of the Choco department and this is why the situation we are experiencing is so complex. The violence hits us everywhere and affects all communities.

The different types of violence, pressure and blackmail affecting us are:

- * Economics based exclusively on the extraction of natural resources;

- * The Colombian government's plans to carry out large-scale infrastructure projects;
- * The lack of coherence and political will of the different state organs concerned with policies which recognise indigenous peoples' rights;
- * Repression suffered by the indigenous population which impedes free passage through our territories and the circulation of products and medicine;
- * Disrespect for our authorities and organisation by representing them as members of one or another faction;
- * Physical abuse of our women and the killing and disappearing of leaders and members of our communities;
- * Recruitment of members of our communities by different sides of the armed conflict.

We are peoples who are convinced that violence can not be brought to an end by more violence, as some politicians and union leaders believe; they march for peace armed with hate, egoism and personal interests. For us, violence is only ended when everyone is joined in consensus and agreements which benefit the majority.

We believe that peace is not the objective but rather one necessary condition for peaceful self-fulfilment in our communities. To achieve this we need social justice and respect for others in order to be able to enjoy the state of well-being which an honourable and humanising life grants.

The turn to violence, in all its forms, exhorts peoples, organisations and individuals sympathetic to the Choco indigenous peoples' cause to address our nation's leaders:

- * Ernesto Samper Pizano
President of the Republic of Colombia
- * Carlos Holmes Trujillo
Minister of Interior
- * Gilberto Echeverry Mejía
Minister of Defence
- * Gustavo Gómez Méndez
Attorney General's Office
- * Jaime Bernal Cuellar
Attorney General's Office
- * Otilia Dueñas
Chief Executive Officer of INCORA
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- * Jose Elin Saitamo
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- * Cecilio Achito
Cabildo Mayor Juradó
- * Luis Eduardo Gonzalez
Cabildo Mayor Carretera Delegate

Bartolomé de las Casas Prize

The jury for the Bartolomé de las Casas Prize met in Madrid on 16 December 1997 and decided to award the 1998 prize to the U'wa indigenous people in Colombia in recognition of their fight to defend their territories in the face of threats by oil companies and to Mr Sidney Possuelo for his support for indigenous peoples in Brazil.

The Bartolomé de las Casas Prize was established by the Spanish government in 1992 and has been awarded to various indigenous organisations and individuals who have stood out for their work in support of indigenous peoples on the American continent.

The 1998 jury was composed of: Fernando Villalonga, Secretary of State for International Cooperation and Latin America; Eduardo Gutiérrez, Director General of Foreign Affairs for Latin America; Román Oyarzun, Director General of the Secretary of State's Cabinet for International Cooperation and Latin America; Diego Azqueta, President of WATU; Julian Burger, Coordinator of the UN Indigenous Rights Commission; and Alejandro Paredes, IWGIA. □

AUSTRALIA



Going Forward or Going Backward?

by Olga Havnen



Aborigine flag tattooed on the arm symbolising the will to fight for rights and recognition. Photo: Hanne Miriam Larsen

Introduction

On behalf of Aboriginal and Torres Strait Islander people in Australia, I wish to greet and thank the Sámi and Norwegian people involved in bringing about this conference¹. The NGOs and government of Norway are especially to be thanked for their initiative and sponsorship.

Indigenous relations with governments seem alarmingly similar in Australia, Norway and Canada. In two days Norwegians face a national election. We hear that northern Norway has seen a backlash against Sámi rights; that the consensus painfully achieved by the Sámi Rights Committee and by Sámi leaders with Prime Minister Brundtland in the early 1980s is in danger; and that northern rednecks are trying to bend a new prime minister to their old ideas.

We have much bitter experience of this type in Australia. An election in

recent weeks in my home 'state', the Northern Territory (NT), was won by a party with a frankly anti-Aboriginal campaign. They have stayed in power since the beginning of Northern Territory self-government in 1978 with this tactic. Today, we see such crude prejudice in Australian politics. Instead of being stamped out, it is being picked up by the federal government and other states. Believe me: it is a cancer. You must take it seriously and stamp it out before it infects your whole society. In Australia it is now too late.

Canada and Australia are two countries so similar in law, constitution, history and geography that there is much scope for learning from or adapting each other's experience. Australia, in recent years, seemed to have a changing atmosphere for indigenous issues, one starting to catch up with Canada. However, during the national election campaign

of February-March 1996 there was an outbreak of racial slurs in Queensland. At the time the Liberal and National parties seemed anxious to prevent such things and acted firmly. Since they won the election, however, Aborigines, Torres Strait Islanders and organisations working with our peoples have been repeated targets. It seems strange that while Australia celebrates the defeat of Hitler's Germany and Japan loudly and constantly as great moral victories, post-war global commitments against racism have not been well remembered.

We hear that Canada has not yet committed itself to the proposals of the Royal Commission on Aboriginal Peoples. We hope that this delay is merely temporary. As we have learned to our cost in the past 18 months, indigenous reform impulses are not secure if only dependent on the goodwill of current politicians in power. Structures, processes and enforceable rights are needed, as well as adequate funding.

Meanwhile, we must recognise that indigenous rights conflicts are similar everywhere. They are not so much matters of local culture as universal struggles between powerful majorities and marginal minorities. The fact that the governments of our three countries are present today holding this conference with human rights and indigenous groups is a good sign. Perhaps the most important thing we can do here is show our governments - that is, those politicians and officials who do not attend human rights meetings - that making indigenous minorities scapegoats for the passing insecurities of affluent majorities is undesirable and unacceptable.

If highly educated, wealthy, fortunate countries like our three will not maintain standards, what can we expect from poor countries and brutal governments? We cannot simply pass resolutions for other countries to obey; we must practice what we preach. Norway, Australia and Canada will only be as effective in human rights as their own example.

Land, freshwater, sea and resource rights

The main Australian indigenous issue today is native title to lands and seas. On 4 September the federal government introduced hundreds of pages of amendments to the 1993 Native Title Act. Their

purpose is to extinguish most of the Aboriginal rights recognised by the High Court in all but name. The *Mabo* decision of 1992 and *Wik* decision of 1996 acknowledged our rights. Now, after two hundred years of European 'settlement' - or invasion - Australian politicians are completing the task by overriding their own courts.

In northern Norway and across northern Canada, you have great reindeer or caribou herds on which indigenous people rely for their livelihood and food, with developers, builders and settlers coming in and interfering with this indigenous way of life. In Australia we have settlers who brought great herds of animals, mostly cattle and sheep, into Aboriginal homelands in even the remote areas of the continent. These settlers shot the Aborigines (often with official support), gave them poisoned flour, enslaved them or displaced them. Sometimes they took them on as an underpaid workforce, and sometimes they treated them reasonably well. These indigenous peoples were sometimes entirely wiped out, but sometimes were able to find a way of maintaining their traditions and culture in conjunction with the cattle industry.

It was no matter that the land for grazing was often unsuitable! Australia's droughts and desert conditions have not deterred the white man from conquering the earth. Instead, cattle farmers would get larger and larger areas - a few cattle might occupy an area the size of Belgium just to get enough to eat, this being a single cattle property. The cattle farmers, with their many imported animals which have run wild, have destroyed the ecosystems of the country. Hard hooved cattle, donkeys, horses and camels have broken up soils and eaten plants driving native species of flora and fauna to extinction. Ask any Australian environmentalist what the main problem in Australia is. The answer is always the same: land degradation.

So, Aborigines who have survived somehow on the edge of the great cattle stations or on the edges of small towns, usually in vile conditions, are now scapegoats for Australia's terrible current drought, for the lunacy of historical land policy, and for the stubbornness of cattlemen in areas where cattle have no

place. We are now also scapegoats for governments which are distrusted and unpopular in rural and remote areas. That is, with the rural economy in crisis and various unpopular recent policies, governments can now blame Aborigines and bring in punitive new laws. They can deflect white anger at governments against Aborigines.

Meanwhile, governments show maps to terrify the non-Aboriginal community. They say Aborigines are trying to take over 80% of the country. They talk about how Aborigines may claim suburban backyards. Instead of showing moral leadership in upholding law, explaining law and rights, and conciliating legitimate interests, governments have found it easier to join white scare campaigns and blame Aborigines. Aborigines, already the poorest, sickest, least educated, least influential and most early dying section of the total population, are now to blame - we are told - for whatever is distressing white Australian families. The rhetoric of the Howard government on Aborigines and Aboriginal organisations since coming to office would be unacceptable in other 'first world' countries.

The report on world environment by Norway's recently retired Prime Minister Brundtland called on Australia and North America, among others, to build their territory and environment policies on a base of indigenous resource management and empowerment. The land claims settlements of northern Canada are attempts to do that, while in Australia the final dispossession of Aborigines seems the policy and purpose of governments. However, as you will see, this is not the only attack on indigenous peoples and their future in Australia today.

The situation across the north, centre and west of Australia does have its ironies. Universities and science organisations are now sending fine young city people for Master's and Doctor's degrees to the farthest corners of the country to study how Aborigines managed land and environment. It is recognised that the country is in trouble, so now, too late in many areas, Aboriginal knowledge is being sought by whites. It is strange to see these eager young people driving by in great 4-wheel-drive vehicles with top-notch air-conditioning to begin their work. Often, they drive past

the ruins of local Aboriginal peoples, sick or dying in their camps by the side of the road, living under bits of metal or green plastic garbage bags. Although Aboriginal environmental knowledge is a new enthusiasm in Australia, poor Aborigines are not.

The case of Northern Territories

The Northern Territory (NT), like Canada's northern territories, is first and foremost a homeland of Aboriginal peoples. This is obvious to any visitor and is exploited for tourism by the government. However, like the totem poles of British Columbia, the rock art galleries of the NT sometimes seem as if made by aliens who returned to another planet, so absent are they from government interest. Nearly a quarter of the NT population are Aborigines, half the NT's lands are Aboriginal-owned, and more than three-quarters of the seacoast is in Aboriginal hands. However, the NT has been run by the same populist right wing pro-development and anti-Aboriginal governing party, the CLP, since before the Territory gained self-government in 1978. At each election, such as the one in August 1997, there is the same issue: a campaign is whipped up over 'the blacks' allegedly threatening the property and future of the whites.

The white population who control the NT are constantly changing. Very few of them actually spend many years in the NT, but the CLP can win the vote of those present on election day with its anti-Aboriginal rhetoric and ideology. Since the mid-1980s the CLP has been demanding that the NT become a full Australian state. The two main and most often stated reasons given are to take over Aboriginal land rights from the federal government and to take over the two large national parks, Uluru (Ayer's Rock) and Kakadu, which are leased by Aboriginal owners to the national government. The CLP believes that rapid NT economic development and a population boom would accompany their take-over of Aboriginal land, despite the fact that much of the land is desert or land which whites did not want in the first place.

It will be outrageous if the Australian government hands over Aborigines and their lands to another government they

distrust, the NT government; a government which has long vowed to diminish Aboriginal rights; a government over which they have no influence. Yet this is apparently what the Howard government intends to do. Australia would criticise any other country in the world which blithely transferred a population and territory against its wishes to another jurisdiction. We will be asking the world to help Canberra recognise its obligations on indigenous self-determination in this matter.

Meanwhile, an inspiration to indigenous people in Australia, as in Norway, has been the reform in Canada's northern territories entrenching indigenous rights and 'regional agreements' and creating self-government structures friendly to indigenous custom and culture. The active role of the Canadian government in brokering peaceful and just outcomes rather than giving in to archaic prejudices of northern whites has been exemplary. This is very different from Australia's Northern Territory. Indeed, indigenous organisations, governments, and researchers in Norway, Canada and Australia have been increasingly looking at the indigenous politics in those three countries relative to each other.

Another emerging northern territory is Torres Strait, a region of Melanesian-peoples islands off the north-east corner of Australia. This month a parliamentary inquiry tabled its report on the region's political future, a document important for indigenous autonomy. It made proposals to overcome the administrative proliferation of offices and fragmentation of authority, and to consolidate the federal Australian, Queensland state and regional authorities for the Islands. A single Torres Strait Regional Assembly is proposed to serve the 6000 Torres Strait Islanders, more than 500 mixed Aboriginal-Islander people, and 2000 others including many of Asian background. Most of the non-Islander population live on Thursday Island, the region's administrative and supply centre, and its immediately adjacent islands, the most racially and culturally mixed population in Australia. The report foresees further political movement, possibly to self-governing territory status like Australia's other inhabited islands, Norfolk, Christmas and Cocos-Keeling. In several places

the report draws on Inuit experience in Canada's new territory, Nunavut.

Torres Strait Islander leader Getano Lui, Jr. made his principal presentation to Australians of his people's and region's proposals immediately after a visit to northern Norway. His central message was that

The principles for Torres Strait constitutional renewal are simple. We need to be able to make decisions about social, cultural, economic and environmental matters in our region, not just have the right to attend advisory meetings which may, or may not, pass our ideas up the line. We need real control of staff and office budgets, not the appearance of control as through ATSIC. We need the means and facilities to secure and develop our culture.

Mr. Lui had also found inspiration in talks with Sámi leaders on fisheries issues and in a visit to the Sámi fjord township, Kåfjord. Like all visitors from Australia or Canada, he was impressed by the living standards, health and levels of public services and facilities enjoyed by Sámi and all other northern Norway residents. Those standards are very different from the grim conditions across northern, western and central Australia in indigenous communities. The policy of the Australian government had been 'to throw money at problems it scarcely believed can be resolved', said Lois O'Donoghue, founding head of the federal government's ATSIC indigenous administration, shortly before her retirement in 1996. She could have added that the amounts of money being thrown are not sufficient to change the situation.

Social policy

The social issue most discussed today is stolen children. Tens of thousands of Aboriginal children were taken from their mothers, often in a brutal manner reminiscent of the century's horrors in European wars. They were separated for decades or forever from their families and raised in white homes or institutions, often suffering abuse, violence, neglect and unending discrimination. The scars these outrages have left on indi-

viduals and families, and on the present Aboriginal leadership, many of whom were stolen children, is beyond recounting. The resulting horrors, the deaths and suicides, and the family problems are with us daily. A national inquiry created by the government has concluded that Australia breached international genocide and other standards in attempting to bring about the early demise of the Aboriginal race. As the news of the inquiry's findings seeped out at the end of May 1997, key government leaders added insult to injury by their callous and offensive remarks. The notion of an official apology to indigenous people was attacked, often by the same individuals who are loudest in demanding apologies from Japan for ill treatment of prisoners of war.

I will not dwell on the stolen children issue because the subject is too near to me personally and to those closest to me. Suffice it to say that the issue is a gaping wound in Aboriginal life and identity today, and that the government's response to date belies its platform of 'compassion' and 'family values'. When the furor over the stolen children report was at its height in May, one senior federal minister who knows indigenous needs well had the courage to say on television that the Australian people, unfortunately, did not yet understand the need for apologies and remedial measures. The tragedy is that many in Australian governments today, including their dominant figures, not only 'don't know', but don't want to know.

Meanwhile, for countless Aborigines and Islanders the daily social issues are poor or lacking health, nutrition, clean water, jobs, housing, education and training, and treatment by police and the justice system. The success of the government in transforming the living conditions, infrastructure, public services and opportunities of the Sámi and non-Sámi people in northern Norway is an example to us all. Why have Australia and Canada failed in so many locations, and sometimes in whole regions, to do likewise?

The role of national governments

Australia has broken the pattern of overseas colonies in the former British Empire which saw central governments inherit from London's imperial authorities the protection of indigenous peoples. The purpose of this was to avoid the worst



Aboriginal wallpaintings - an example how the indigenous Australians emphasize their presence politically and in arts. Photo: Hanne Miriam Larsen

forms of settler violence against indigenous peoples whose lands they wanted. Although such approaches never worked well enough, they gave Canada and the USA a legal and political legacy of nationally protected indigenous lands - that is, protection against the land and resource development powers of the provinces and states. Despite intentions in London to provide similarly for Aboriginal protection, the sheer distance to Australia and greed of the settlers saw the policy fail.

Until 1967 the Australian national government could not play a part in Aboriginal affairs. In that year a national constitutional referendum overwhelmingly gave the federal government a paramount role. This change has given some help and hope to indigenous peoples but by no means enough. In recent years governments in office have tended to view the new power as an option rather than an imperative. The present Australian government firmly believes that indigenous affairs are largely a matter for the states.

In recent months a unique new book has shed light on how one state, Queensland, has exercised its indigenous role. Titled *The Way We Civilise*, Dr Rosalind

Kidd draws on the full range of government files to provide a complete history of indigenous policy. The story is shocking and outrageous, and should be read by anyone who wishes to understand indigenous problems in Australia today. Essentially, white officials made Aborigines - and, to a lesser extent, Torres Strait Islanders - a separate and isolated group with no rights and too little food and health to survive as more than a marginal population on the verge of extinction. They were moved around, families were split up, or relationships were banned, at the whim of a handful of white overlords. The historical case of Aborigines in Queensland has more in common with American black slavery and anti-Jewish restrictions in Nazi Germany (though stopping just short of Holocaust extermination). It is no wonder that South Africa found the inspiration for its apartheid policy in Queensland. In recent years special inquiries have highlighted continuing crises in Queensland's indigenous communities, problems which would not be tolerated in any other 'first world' country.

Today, Queensland, Western Australia and the Northern Territory have gov-

ernments which have learned that they must not persecute indigenous peoples openly, so it is done more artfully, subtly. Unfortunately, there is not always much of a choice between the political parties either - Labor's fine talk in opposition has not always been so fine when they form state governments. In these three states the defiance of the United Nations and international public opinion is a popular sport in political debate and action. It is almost considered fun to bulldoze World Heritage rainforest, pass extreme laws violating international human rights standards to control black youth, or smirk while mouthing the right words about racial equality. These same state politicians are assiduously polite, of course, about Asians - another target of political populism in Australia - when visiting the great cities of the East and South-East Asian economies to seek trade, investment and tourism.

Norway and Canada have modernised their indigenous policies, however grudgingly, in no small part because national governments had to recognise world opinion and world rights standards. In recent years Oslo and Ottawa have brought reluctant regional governments

and party barons to heel in the interest of the country's international integrity and image. In Australia the federal government hides behind federal-state sharing of sovereignty and the remoteness of the country from world scrutiny and TV crews to avoid fulfilling its obligations.

Some Australian achievements

Australia has some notable innovations. The most promising may be the indigenous-run 1994-95 process of community consultations around the country combined with expert seminars and long workshop-style discussions to produce what amounts to a national indigenous policy, one devised almost entirely by indigenous peoples. The Prime Minister had invited proposals for 'an indigenous social justice package', and received three overlapping reports produced in a pressure cooker environment. Initial funds had been made available to continue work on the proposals when the government changed in 1996. Unfortunately, the Howard government views most initiatives dating from the Labor years as tainted. Nevertheless, the indigenous social justice proposals represent a moderate and practical consensus on a rights and political agenda. They are a virtual necessity for any indigenous future and will not go away.

The land rights achievements in the Northern Territory and the Pitjantjatjara lands of north-west South Australia have been significant. There has also been a great deal of study and writing done on the legal, environmental, social and traditional aspects of the Aboriginal land rights regimes in the arid and wet/dry Tropics, and in areas still seeking such, providing important world research literature.

The role of Aboriginal and Islander arts and motifs in Australian life has been considerable in recent years, if not yet as central to national life as in New Zealand. Very ancient as well as modern Aboriginal art is a major element in Australian tourism, although not yet as beneficial to indigenous peoples themselves as is desirable. The listing and protection of indigenous sacred and other indigenous heritage and environmental sites is a quietly improving area of public policy and programmes which seems well in advance of practice in Norway or Ca-

nada. Unfortunately, this area also provides occasional high profile and inflammatory local conflicts which enable opponents to depict indigenous peoples as threatening white jobs and public revenue.

Needless to say, there are many inspired and successful local initiatives and programmes in Aboriginal and Islander communities dealing with everything from solar power to sewage treatment, social ills to spiritual renewal. The vast number of distinct cultures and traditions which make up Aboriginal Australia make political co-operation and consensus sometimes difficult to achieve, but they also provide infinite variety of examples and experiences of possible interest to indigenous peoples abroad. The visitor from Norway or Canada will find in Alice Springs or Darwin an ideal starting point for experiencing a full range of cultural, social, political and economic - as well as urban, rural, desert, and rainforest - indigenous responses to conditions ancient and modern. There is more and more indigenous and 'eco' tourism based in those two centres to provide a visitor with as much comfort or as much physical challenge as anyone could desire.

Concluding remarks

Australia's governments and much of the public today regard indigenous rights, culture and aspirations as a frivolous national fashion devised by a few mischievous blacks in league with some Labor-voting urban intellectuals in the 1980s and 1990s. There is almost no recognition that in other 'first world' countries, parties of the Left, Right and Centre have supported and implemented such political reforms over past decades; or that new recognition and value are now given to indigenous cultures, sustainable development and political imperatives world-wide. The greatest benefit for Australian indigenous, research and official bodies in regular contact with countries like Norway and Canada would be to confirm in Australia the direction and development of world standards. Meanwhile, the Prime Minister has publicly denounced the contacts of my own organisation in Europe as a 'stunt'.

Let me quickly note four areas of immediate practical need for co-operation

among indigenous peoples in our three countries.

1. The same mining companies, most dramatically diamond miners, are working in Aboriginal Australia, northern Norway (and other parts of Scandinavia), and northern Canada. Those companies are not shy about sharing experience, and it may be urgent that indigenous peoples do so too;
2. Coastal and marine management needs and dangers from pollution are a major indigenous issue around Australia, especially on tropical coasts and in the Torres Strait Islands. Despite studies linking Australian needs to northern Norwegian and Canadian Arctic and Pacific coast experience, and recommendations for an international workshop among these peoples to share ideas, no real advance has been made;
3. Regional land (and sea) claims settlements in Canada are increasingly seen as models for wider indigenous policy and constitutional roles for what Australians call Aboriginal and Islander 'reconciliation'. In Australia such agreements are much discussed but seem to become narrow and limited as the debate progresses, while the Canadian models grow larger and more hopeful. Norway, too, is hotly discussing possibilities for indigenous territory in the north. Why not share ideas?
4. Norway and Canada have amended their national constitutions in the 1980s to enshrine new relationships with indigenous peoples. Since the late 1980s Australian governments, many experts, inquiries, public interest groups, and Aborigines and Torres Strait Islanders have recommended indigenous recognition in an amended Constitution. Sharing experience would be useful.

All these items, and many others we could discuss, imply a temporary new relationship between indigenous peoples and nation-state governments. The point has been well made by Norway's long-time Sámi leader and now Sámi Parliament president, Ole Henrik Magga:

The idea of a nation-state as a culturally homogenous group that could assimilate and oppress minorities is not acceptable. It means decimating the cultural richness of our planet, to which public opinion is increasingly sensitive. Even from a cynical viewpoint, it is in the best interest of states to put an end to this policy. The alternative will lead to major conflicts that will only upset the very stability of states.

A compromise has to be struck between cultural groups and the nation-state. ... It means that the state become a sort of federation of cultural groups responsible for guaranteeing both individual rights and collective cultural rights. This involves rethinking the notion of the state. In the event of conflict, the international community must have the right to interfere in internal affairs through a mechanism that remains to be created under the auspices of the United Nations.

Similarly, Canadian political scientist James Tully, considering the emerging experience of Canada and other countries, has described and proposed acceptance of today's society as a *Strange*

Multiplicity. At present, Professor Tully is travelling and speaking in Australia about the reconciliation or accommodation of indigenous rights and peoples within nation-state political and administrative structures.

The irony today is that we have in Australia political leaders who do much to make Aborigines, Asians and other minorities political targets to benefit their own parties, while at the same time loudly claiming that Australia is the most tolerant country on earth. One positive sign is the many non-indigenous people and public figures now speaking out about indigenous issues in support of Aborigines and Islanders against governments. We must hope that such people, with information and inspiration from abroad, can help stop Australia's slide back towards its historical racism towards Aboriginal people. Chile and South Africa have recently rejoined the world after bouts of repression; Australia needs the help of the world to avoid becoming a new pariah in the Southern Hemisphere.

To conclude, I have had a very special reason for feeling privileged to speak at this conference. Although my mother is from Central Australia, my father comes from Norway. Perhaps I can tell you that

I have a very special reason for urging Norway to continue its outstanding work in the world on indigenous and other human rights issues. You have been showing the way to many countries and governments in these matters for many years. Please don't turn back or change direction now when needs around the world are greater than ever!

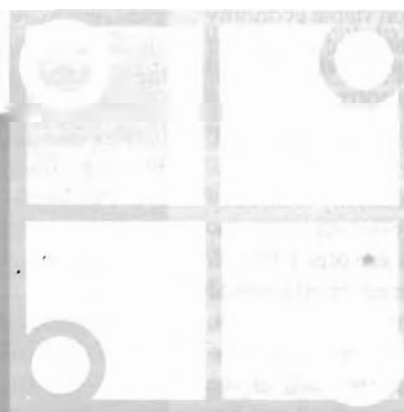
¹ This paper was presented at the 'Network Conference Between Representatives of Non-Governmental Organisations (NGOs) and the Governments of Australia, Canada and Norway, *An Effective Human Rights Policy*' 12-13 September, 1997 Oslo, Norway. References and footnotes have been left out in this article, but they are available in the original paper which can be acquired at the office of IWGIA.

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New IWGIA Document No.85

INDIGENOUS PEOPLES, ENVIRONMENT AND DEVELOPMENT

International Work Group for Indigenous Affairs and
Department of Social Anthropology, University of Zurich



US\$ 25 + postage

A New Maohi Initiative Against French Nuclear Colonialism in 'French' Polynesia

by *Martine Pétrod*

At the beginning of 1996, France officially ended its nuclear testing programme in Polynesia and finally signed the Rarotonga Treaty that had forbidden nuclear testing in the Pacific since 1985. But since, France has not made any serious efforts to improve the situation of the Maohi people, neither with regard to the nuclear, nor to the colonial legacy of 30 years of French testing.

The nuclear legacy is more than 130 holes containing the radioactivity generated by the explosion of as many nuclear bombs in the fragile underground of Moruroa-atoll which might leak out and contaminate the ocean and the islands. There are also the effects of the fallout from the atmospheric tests on the environment and the health of the local population. Because of military secrecy, no credible information on environmental or health hazards is available.

Polynesia is left with a non viable economy as the local economy, since the 1960s and the arrival in Polynesia of the C.E.P. (Centre d'Expérimentation du Pacifique, i.e. the French military's nuclear testing centre), has been replaced by the 'bomb economy' where about 45% of the economy is directly based on French military activity and another 45% is dependent on other French government expenditures and grants, while only 10% is generated by local activities. Although the present economic system benefits certain groups, a large portion of the Maohi people has been marginalised and has no place and no future in it.

Moreover, during the same period and under the influence of an increasing number of French immigrants furthering the French system, Maohi culture, language and social system have also been marginalised, so that so-called 'French' Polynesia, in spite of a

modernised political system, still can be regarded as something as anachronic as a 'colony'.

The shock created by the decision of the French president Jacques Chirac in June, 1995, to resume nuclear testing in 'French' Polynesia, the inability of the Maohi people and world opinion to prevent the blasting of six new nuclear bombs under the atoll of Moruroa in spite of their huge protests, and also the frustration over the lack of unity within the Maohi movement itself, urged a group of Maohi people with different affiliations (i.e. trade union, church, independence movement and NGO) to take a new initiative aiming at renewing and uniting the Maohi people's struggle against nuclear colonialism.

The group, 'Collectif de la Déclaration de Tarahoi', achieved its first goal on January 27th, 1997, when the 'Tarahoi Statement' was signed at a public ceremony held on Tarahoi square in the heart of Papeete, the capital of 'French' Polynesia, by a great number of local personalities from political parties and NGOs, among them Gabriel Tetiarahi, the national coordinator of Hiti Tau (National Council of NGOs), and Oscar Temaru, leader of the Tavini Huiraatira (Independence Party).

The date of the signing ceremony was set to coincide with the closing of the 'Abolition 2000' International Conference for the Abolition of Nuclear Arms' hosted by Hiti Tau in Tahiti and Moorea from 21-28 January, and most of the delegates of the international conference, coming from all over the world: Palau, Marshall Islands, Hawaii, Tonga, Fiji, Samoa, Aotearoa (New Zealand), the Philippines, Japan, USA, France, England, Germany, Denmark, Norway, Hungary and Israel, also

signed the Tarahoi Statement in support of the Maohi initiative. The Tarahoi Statement is printed below.

Martine Pétrod, cand.phil., studied linguistics and anthropology at the University of Lund, Sweden. She established 'The Copenhagen Foundation Against Nuclear Tests' in 1980 and has since been working on Pacific issues, especially on the antinuclear and independence movement in co-operation with local organisations.

Those who wish to have more information or who want to express their support can contact:

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The Tarahoi Statement

Initiated by the Maohi people at the 'ABOLITION 2000' International Conference for the abolition of nuclear arms on the 27th of January 1997, Tahiti

'Barefoot on desecrated soil'

Following the 'irrevocable decision' of 13 June 1995 on the resumption of nuclear testing at Moruroa and Fangataufa ... from Tahiti, Moorea, Huahine and numerous other islands as far away as Mangareva, we all had a dream aroused: Stop the first test at Moruroa scheduled for September - it was possible! Then, for more than three months, we marched, and marched, and marched some more. Although the spirit of peace was guiding us, the spirit of Unity disappeared bit by bit. We forgot that although each wave is different, the ocean must be one, and our dream faded away.

The first test took place on 5 September 1995. The next day, the youth of Tahiti stood up, like any other young people would do, letting lose their rebellion and anger, Our anger. In a media show, misplaced if not obscene, the C.E.P. nuclear testing centre broadcasted the Thétys-test on television, 'the rape of our Mother Earth' live on TV. This is the origin of this Formal Statement, a return to the timeless values which we have inherited from our ancestors.

Preamble

The inalienable right to land, self-determination, sovereignty and independence is crucial in allowing all peoples of the world to join in the common struggle to rid the planet forever of nuclear weapons.

1. To make people acknowledge that nuclear weapons must be abolished, as a weapon for crimes against humanity, future generations and the planet Earth; our one and only Mother.
2. To highlight that, after the Comprehensive Test Ban Treaty (CTBT), we need to constantly denounce nuclear apartheid which can only be ended by the signature of a treaty for the total elimination of nuclear weapons by all states, without distinction.
3. We denounce, in the light of the thousand suns of Hiroshima and Nagasaki, the possession of nuclear weapons, which serves as preparation for war crimes, and is a crime against humanity, future generations and the planet Earth.

4. We affirm, in the light of the thousand suns of Hiroshima and Nagasaki, that nuclear weapons are in total contradiction with existing international conventions which attempt to protect civilian populations in times of war.
5. We denounce peacetime testing where civilians and technical staff were regarded simply as guinea pigs. All possible light must be shed on these barbaric acts, wherever they took place - and those responsible must be brought before national and international tribunals.
6. We denounce the five superpowers, individually and collectively, for their shameful and calculated nuclear colonialism. And we, as Polynesians, accuse France of nuclear colonialism, even going as far as limited genocide.
7. We accuse France of having taken possession through colonial means of the sites for the Centre d'Expérimentation du Pacifique (CEP): the two atolls of Moruroa and Fangataufa.
8. We accuse France of submitting local authorities to legal manipulation in an attempt to shield itself later on at the level of national and international law. This cannot prevent legitimate recourse for the people of 'Te Ao Maohi' or block compensation owed to nuclear victims, whether individually or collectively.
9. We accuse France of concealing the real state of health for former workers at Moruroa and Fangataufa and for the population of 'Te Ao Maohi'. We call for the organisation of an epidemiological study, guaranteed by the World Health Organisation (WHO) or other bodies whose authority is unchallenged, and carried out by non-governmental organisations. This would create, on the one hand, the basis for a more objective approach to this reality, and on the other hand, it would serve as the working basis for a compensation commission to pay compensation to the victims and/or their descendants.
10. We accuse France of the crime of rape of Mother Earth. The debt to be paid cannot be reduced and will remain as long as radioactivity represents a threat to future generations.
11. Finally, we deplore the incapacity to act for more than fifty years - of the United Nations (UN) on the ethical and moral level,

the International Atomic Energy Agency (IAEA) on the technical level - in the face of the inadmissible pressure and the blackmail exercised by the five nuclear powers.

However, we wish for the 8 July, 1996, decision of the International Court of Justice on the legality of the threat or use of nuclear weapons to be the first step in the process that the Court mandated to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

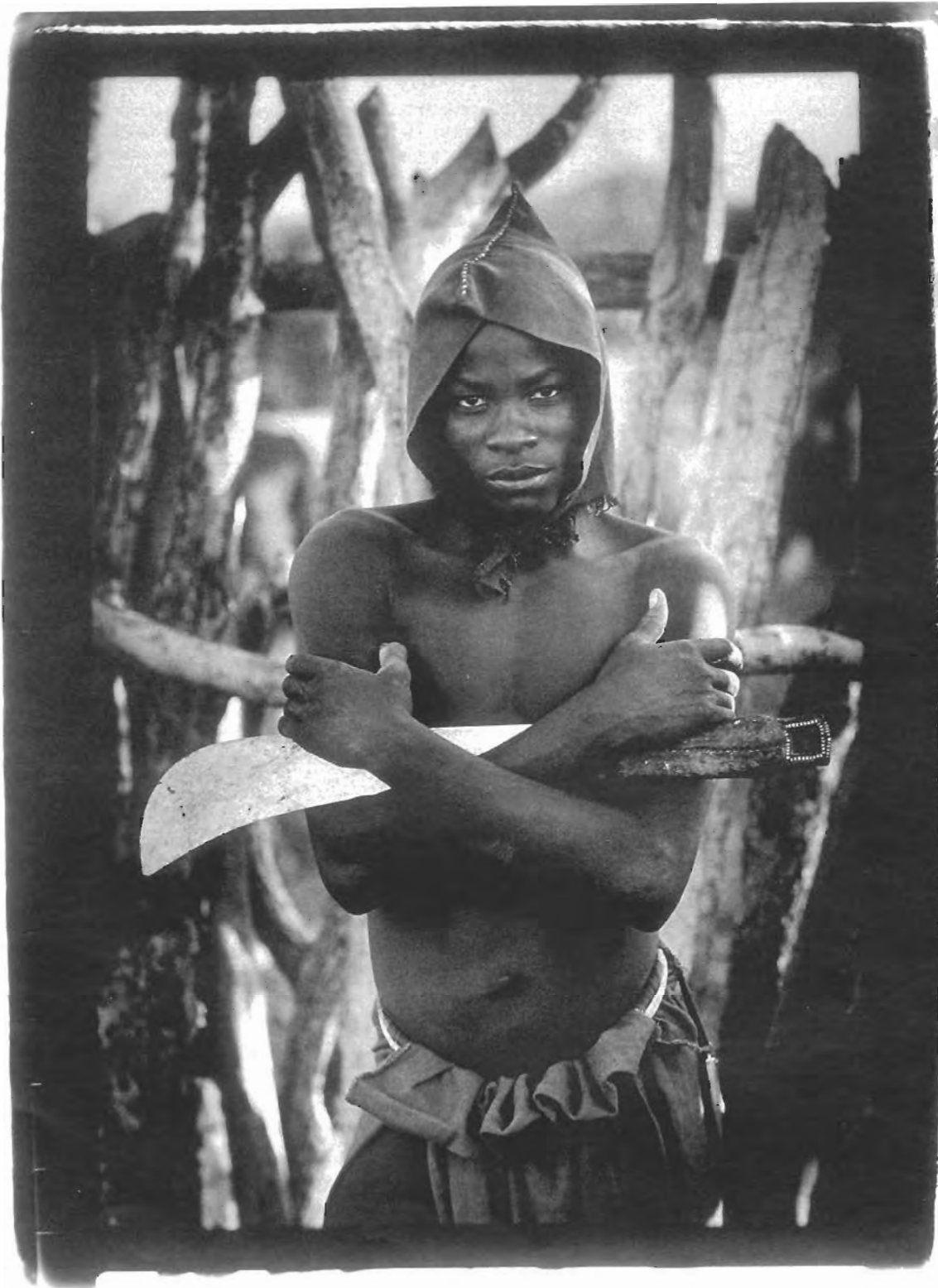
And we ask for the reinscription of the countries that were removed from the United Nations list of non-self governing territories.

In Conclusion:

1. We propose to other peoples, victims of military nuclear tests:
 - to the Hibakushas or survivors of Hiroshima and Nagasaki, Japan;
 - to the Aborigines of Maralinga and others test sites in Australia;
 - to the peoples of Bikini, Enewetak and other atolls in the Marshall islands;
 - to the Laguna and Diné people of New Mexico, Shoshone people of Nevada, U.S.A.;
 - to the Kazhaks people, former U.S.S.R.;
 - to the Sahara people, Algeria;
 - to the people of Mongolia, China;
 to create the first circle, set up an International Customary Tribunal, which would judge the crimes of the five nuclear powers according to the values of each culture. We must extend this circle to welcome and comfort all victims of the nuclear age.
2. We propose that world opinion, which has been mobilised since June 13th, 1995, form a second circle in order to support, encourage and protect the efforts of the members of the first circle.
3. Finally, we propose that a third circle be created by those with moral authority on this planet, such as Nobel Peace Prize winners or members of the Canberra Commission, in order to promote an international convention for the final abolition of nuclear weapons.

The fusion of these three circles into one will allow us to advance on the long road which awaits us, for the abolition of nuclear weapons.

¹ Means the Maohi Nation. □



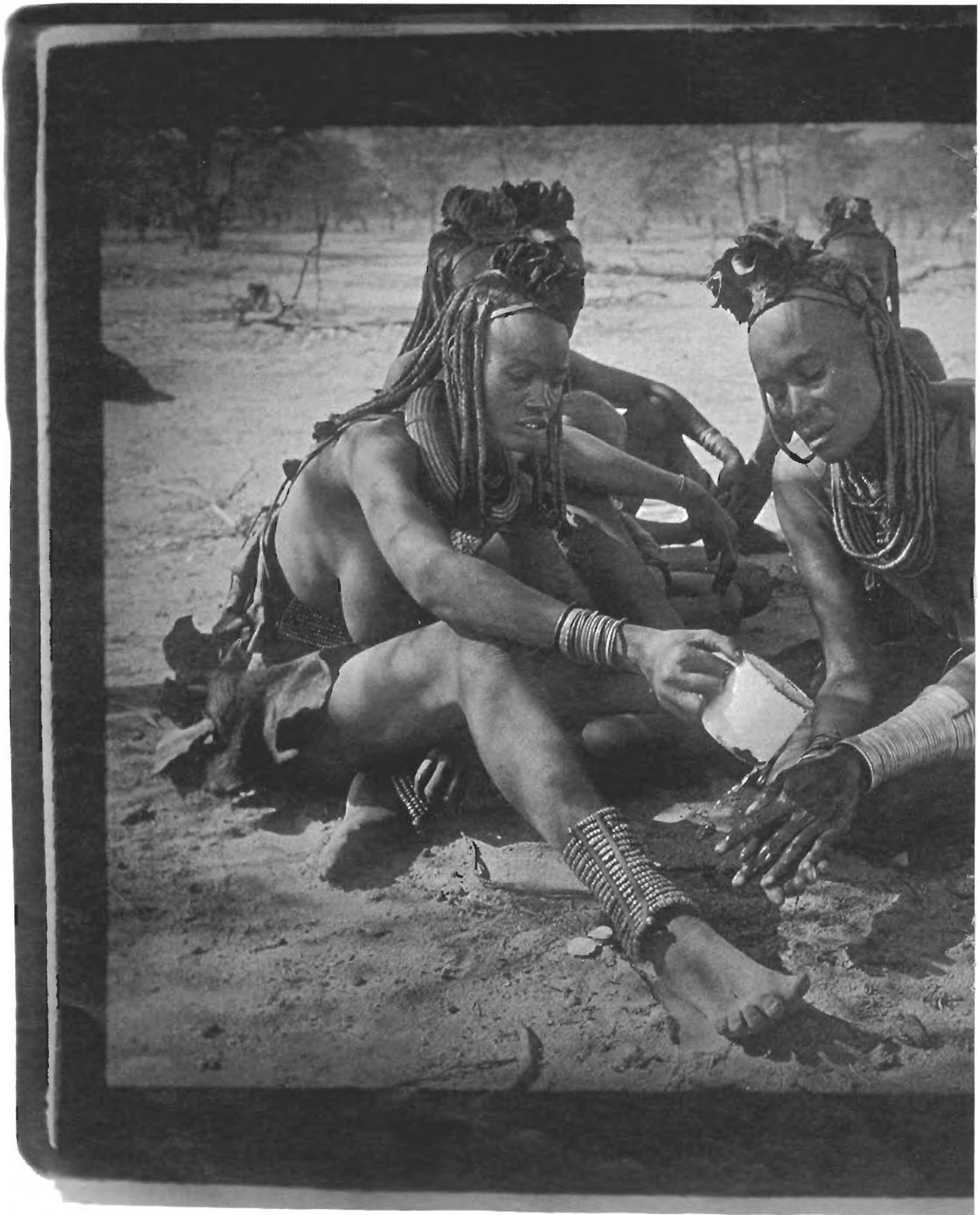


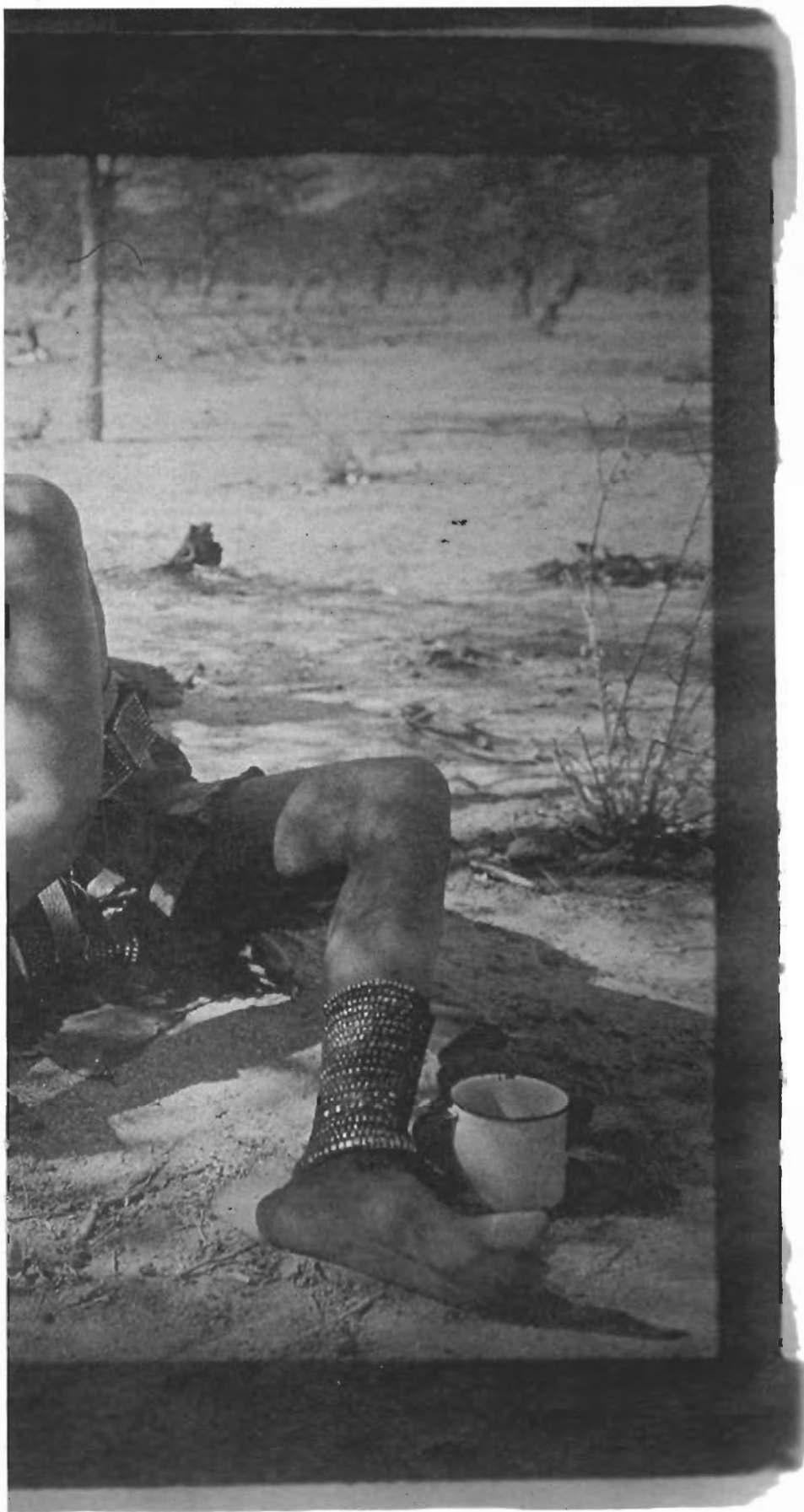
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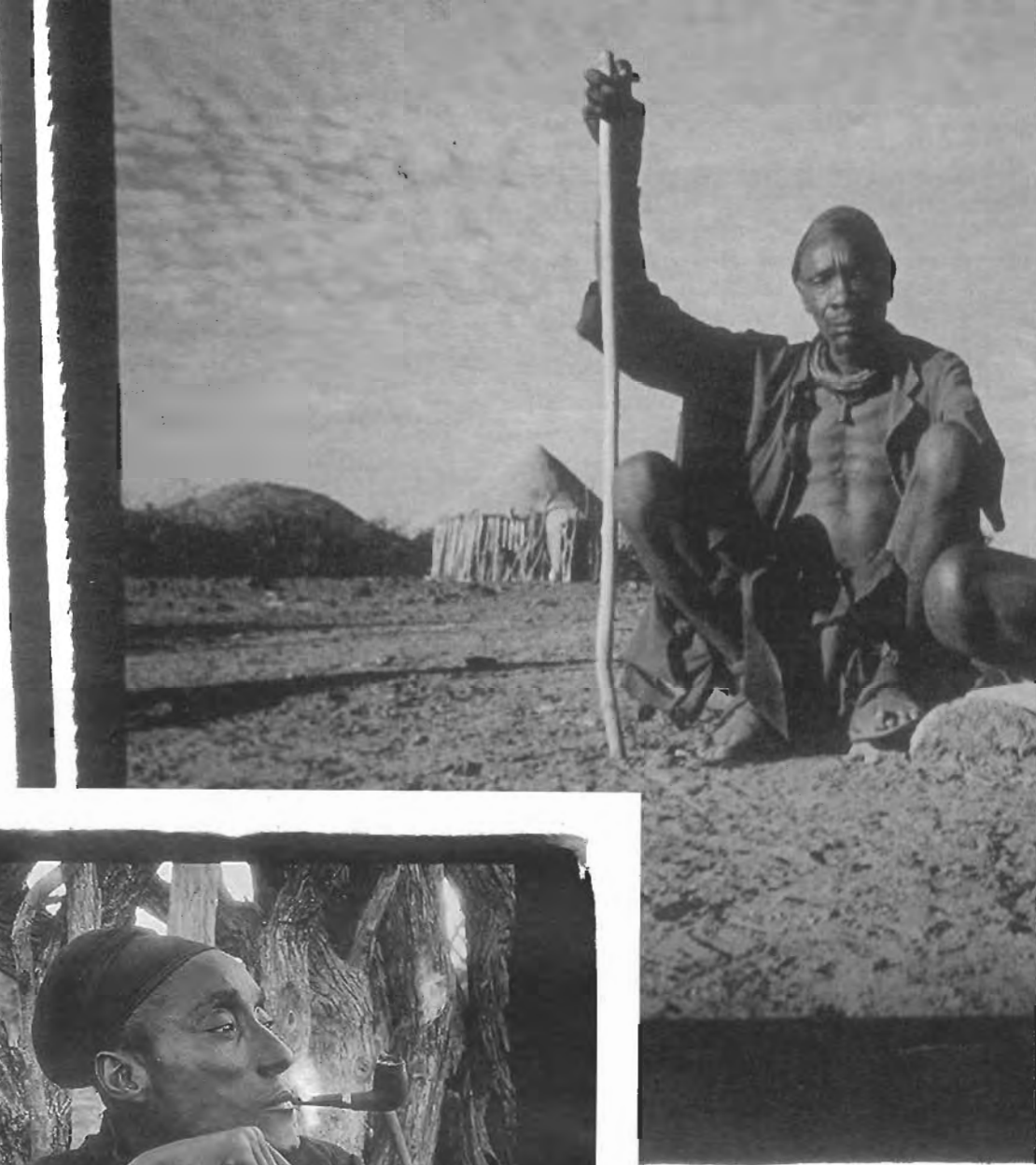
THE HIMBA PEOPLE

whose lives are in danger of
being ruined by the construction
of the Epupa Dam .

photos: Mark Hakansson









PHILIPPINES



Gold Mining and the Threat to Indigenous Peoples' Rights in the Philippines

The Case of the Subanen

The Zamboanga peninsula of Mindanao in the Philippines is a place of stunning beauty. From the forested mountain spine of the peninsula you can see both palm fringed coasts. In the evening the sun sparkles red and gold off the sheltered coastal waters. That Zamboanga is especially blessed with natural beauty is no surprise to the Subanen, whose ancestral land the peninsula is. It was, they explain, given to them by God.

With the gift, say Subanen elders, comes a duty to safeguard the future of the land. In the Philippines, once described by its then US colonial administrator as 'the most thoroughly exploited country in the world' this is an increasingly tall order. Much of the tropical forest cover has been stripped by loggers, the coastal waters overfished and thousands of hectares of the best agricultural land planted to produce coconuts and rubber. Yet in the 1980s Subanen and church based groups combined to mount a 5 month picket and barricade in Midsalip town which successfully ended logging operations.

The Subanen have a proud independent history. The natural bounty of their land enabled them to grow to be the largest indigenous group in the whole country numbering more than 310,000 people.

But outsiders seem to have an insatiable greed for the natural wealth of this land. Thousands of Christian settlers have poured into their wooded hills clearing farms and town sites and driving the Subanen up into the mountains. The Subanen, which translates as 'people of the river', are a quiet people and they explain that their gods too love peace and seclusion. With the coming of the settlers the Subanen say the Spirits could not stand the noise and retreated further into the forest. The ladder to the sky world formed by the sacred mountain of Pinukis has now been withdrawn.

Loggers have stripped all the valleys and many of the mountains of their forest cover. The Spirits have now been driven far away from the homes of the people. Subanen have, nonetheless, kept faith with defending their lands but have



by Geoff Nettleton

paid a high price. From the 1970s through to the present troops and paramilitary 'religious' sects have used violence and intimidation to drive the Subanen from their lands and paved the way for corporate plunder.

The Philippine mining code

Today, the threat is from mining companies who are coming for the very mountains themselves. The Zamboanga peninsula, like so many parts of the Philippines, is rich in gold, silver and other minerals. The world's biggest mining companies are in a race to see who can be the first to exploit this last natural wealth. A corporate gold rush is underway as companies including Rio Tinto, Britain and the world's leading mining company, scramble for land in the Philippines. Rio Tinto alone has lodged exploration claims for over 600,000 hectares of Subanen land.

The companies have been attracted by the passage in 1995 of a new Mining Code which offers conditions under its Finance and Technical Assistance Agreements (FTAA) for foreign companies described as 'among the most favourable to mining companies to be found anywhere in the world.' The package includes tax holidays, easy access, large claim areas, 100% foreign ownership, 50-year leases and repatriation of profits and equipment (Resource Kit on Mining CPA 1996).

The Philippines as a whole has the second richest endowment of gold deposits after South Africa. But though plentiful the mineral is found in extensive low grade deposits. Consequently, the cheapest and therefore preferred method is open pit mining. Profits can be made from recovering as little as 1 gram of gold per tonne of extracted rock. The companies plan to bulldoze large areas

then grind the rock down and extract the gold by using cyanide or other toxic materials to separate the minerals. This may be cheap for the companies but it carries potentially the highest cost for local people who could find their forests and farms destroyed and rivers and inshore waters choked with silt and poison.

The response to the liberalised mining regulations has been spectacular. In two years more than 120 claims for exploration licences have been made by a list of companies that reads like a who's who of world mining. In total, more than 10 million hectares or 1/3 of the country's total land area is now covered by company claims. Most of this land is also the only remaining ancestral land of the more than 8 million indigenous peoples who form more than 12% of the Philippine population.

In 1987 a new Philippine Constitution was formulated which for the first time gave state recognition to ancestral land rights. But despite recognition in the constitution, the Philippine Congress has dragged its feet on passing any implementing legislation¹. Yet while indigenous peoples waited for genuine land rights legislation other laws like the mining code, integrated protected area legislation, and new dam initiatives moved swiftly into law to rob them of what little land remains.

The Philippine Mining Code claims to offer special protection to indigenous peoples like the Subanen. Indigenous peoples must, it states, be consulted and must consent to mining on their land. But it is a negotiation between the sheep and the corporate wolves. Companies are free to offer their own deals to local communities and take upon themselves the main burden of reporting the outcome to government. The machineries of Government including the Office of Cultural Communities, the local offices of the Department of the Environment and Municipal officials are all mobilised to pacify and exert pressure to secure



Antamok open pit mine near Baguio in the Cordillera is creating major health and environmental problems for the local communities.

Photo: Dave Richards/RISC

local agreement. To quote from a letter of Rio Tinto's Philippine Exploration manager:

In opening an ancestral land for mining operations, the consent of the Subanen Cultural Community (SCC) should not be unreasonably withheld. The Government plays a major role in securing the prior consent of the SCC before opening the ancestral land for mining operation for the State, not the SCC, is the owner of all the country's minerals and other natural resources as enshrined in the Philippine Constitution. Henry P. Agupitan, Exploration Manager Tropical Exploration Philippines Inc (since changed to Rio Tinto Philippines) writing to Horacio C. Ramos, Director of Mines and Geosciences bureau, dated 24 July 1996.

Company misrepresentation

When and if companies and government officials are still unable to persuade local communities to surrender they can and do resort to misrepresenting local opinion. In September 1996, for example, Rio Tinto called a consultation at short notice in the town of Pagadian. More than 300 Subanen travelled out of the nearby mountains to attend and express their fears and opposition to mining incursion. They carried placards including 'TEPI=Total Exploitation of Philippine Indigenous' and 'FTAA= Foreigners Take All and Abuse'.

Through links with mine monitoring groups including the London based Minewatch they gathered information and were able to question company executives about their appalling past record with indigenous peoples in Bougainville, West Papua and elsewhere and expressed their adamant opposition to the entry of the company. However in a subsequent report to the Government Mr Agupitan felt able to claim that the meeting was 'very successful'. Knowledge of this misrepresentation caused Subanen leaders in the Midsalip area to decide they would not sit down again with the company: 'We, the Subaanen of Midsalip were surprised to learn that TEPI considers the gathering in Pagadian "successful" ... when asked about the record of the parent company RTZ-CRA on questions of:

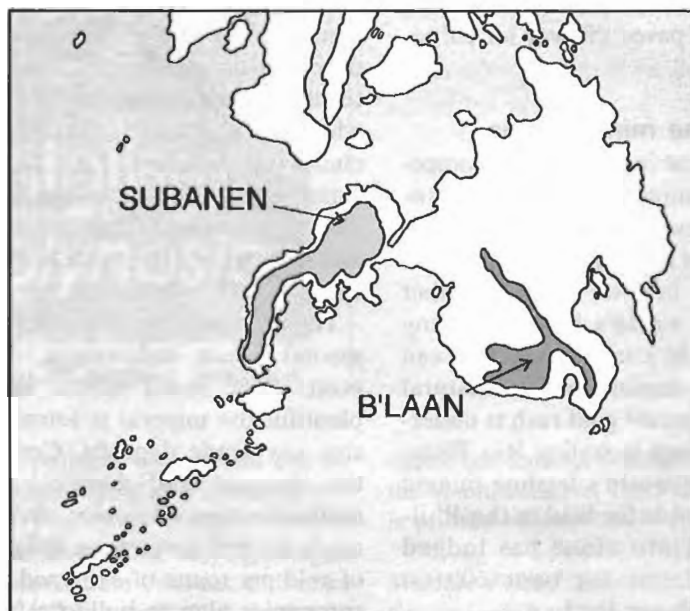
a) environmental degradation;

b) desecration of sacred sites;
c) displacement of peoples;
d) human rights;
e) relations with indigenous peoples, etc.

in Papua New Guinea, Australia, Indonesia and the Philippines the company representatives gave very unsatisfactory answers ... We do not wish to enter into any further dialogue with TEPI. We do not wish TEPI to carry out exploration on our lands, - we do not wish TEPI to mine our lands. We hope our position will be understood. Our land is our life, given to us by God'.

Petition submitted to President Fidel Ramos and signed by Subanen of Midsalip 20 Oct 1996.

Because of fear of further misrepresentations Subanen boycotted a further consultation that took place on 30 June 1997. Unabashed by the exposure of his past misrepresentations, at this next meeting Mr Agupitan claimed, in the face of unanimous and implacable opposition to company plans, that while around Pagadian there appeared to be opposition, in other areas there was more



support for the company. He quoted selectively from a letter of the Subanen Leaders Forum (SLF) in the neighbouring province.

We are not against development and progress. However, we adhere to the principles of sustainable development as expressed in agenda 21.

This apparent openness to the company was upsetting and surprising to participants in the consultation. However, after the meeting when I travelled to visit the SLF office they shared a full text of their letter, which in reality started unequivocally with: *We strongly oppose the entry of Tropical Exploration Philippines Inc. (TEPI) Toronto Ventures Inc (TVI), ... and other mining firms in the ancestral domain in our province.* Mr Agupitan failed to quote this opening paragraph.

When Survival International challenged Rio Tinto Chairman Robert Wilson on this underhand behaviour his disturbing response was that of course the first consultation had been successful because it was so well attended. On the point of the



At Canatuan local small-scale miners and indigenous Subanen are threatened with eviction by the gold mine planned by TVI of Canada. Photo: Geoff Nettleton/Survival for Tribal Peoples

selective quoting from the SLF he remained noticeably silent.

Can leopards change their spots?

The mining industry has a notorious record of abuse of indigenous land rights. Companies have in the past been responsible for the theft and destruction of indigenous lands on every continent. Two of the most notorious – Rio Tinto, the world's largest mining company, and WMC of Australia – are, however, among those who now protest a new approach.

WMC, formerly notorious for its sponsorship of the black hand campaign attacking aborigine land rights is now promoted by the World Bank as a model of best practice because it now has rhetorical statements and policies towards indigenous peoples and has employed anthropologists in a community relations department.

However, this change of rhetoric is typical of a new public relations style spreading across much of the industry. Clearly companies have increasingly come to realise that the growing recognition of international rights for indigenous peoples makes former abuses unacceptable and counter-productive. Protesters against mining projects were recently assessed by industry analysts to be a significant force in influencing the value of an investment.

Groups like People Against Rio Tinto Zinc and Subsidiaries (Partizans) a dissident shareholder group, have successfully harried the London based mining giant now for 20 years scoring some notable victories. These include campaigns of disinvestment among local authorities including the Greater London Council over the collaboration between RTZ and Apartheid South Africa. RTZ projects

like the proposed Cerro Colorado mine in Panama were halted for many years by combined local and international campaigns in which Survival International played a prominent part. Sadly today this project is once again an active threat to the Ngobe Bugle people as Rio Tinto did not so much scrap the project as sell on its rights to another company.

During the original Cerro Colorado campaign a Rio Tinto executive claimed to have the power to 'crush Survival like a fly'. But today public image and the correct words are essential in a world where mining companies are increasingly looking for financial backing from a market that includes small investors, an increasing array of ethically minded funds, and from so called development institutions including western governments and the World Bank.

International finance of mining

The Bank is taking an increasing interest in catering to the needs of the global miners. Around the world under advice and pressure from the Bank state owned mines are being privatised. Laws are also being changed to deregulate and decontrol mining to provide further incentives for companies to invest. The result can be seen in South East Asia and elsewhere where a competitive lowering of environmental and social safeguards coupled with a package of attractive tax breaks and liberalised regimes allows companies to play off governments against each other and enter deals highly beneficial to themselves but which seem to offer little to their hosts.

The World Bank through its Multilateral Investment Guarantee Agency (MIGA) has become a major underwriter of mining projects. Direct loans to mining has also expanded more rapidly than any other sector of bank investment over the last 5 years. In addition many infrastructure loans financed by the World Bank or other 'aid' institutions turn out on closer examination to bring most benefit to mining projects and might be seen as subsidies. In the 1980s Subanen lands were the focus of an Australian Aid road building project. Less than 10 years later Rio Tinto through its Australian based subsidiary seemingly coincidentally finds itself ideally placed to benefit from these roads.

Whether the changes in the head office public relations department is reflected in field practice is something that does not seem to stand rigorous examination in the Philippine context. WMC is well advanced in seeking to secure the agreement of B'laan communities to allow their access to a rich copper deposit. Philippine and international human rights advocates who have visited the area catalogue a host of abuses.

In the Philippines WMC is seeking to operate in South Cotabato. To ease their passage the company has built houses for co-operative datus (tribal leaders) and placed some on the pay role. Meanwhile leaders who oppose the company have found their recognition by Government offices being withdrawn. (Ref: We feel the pain of our Mountain, Report - International Fact Finding Mission to Mindanao 7-21 December 1996, The As-

sembly of the United Church in Australia)

Other reports also accuse that some leaders have been taken on junkets to Manila and there introduced to night-clubbing. Meanwhile, areas resistant to company entry point to increased military operations in their area forcing evacuation. ('Displaced by Mining dispossessed by the Military - Human Rights and Australian Corporate Mining', The Philippine B'laan people Fact Finding Mission report Nov 30-Dec 5 1996, Indigenous Pilipinas)

The interaction with B'laan social structure seems clearly manipulative and disrespectful of indigenous decision-making. WMC has placed key local representatives of affected communities on their payroll immediately prior to a local decision-making process. Had they attempted this in white communities in their home base of Australia they would be condemned for corruption and bribery. The fabric of B'laan decision-making and community solidarity is being torn apart by the payments and other inducements offered by the company without any consideration of its legality or morality.

It is extremely difficult for individuals who are poor to resist such bribes or maintain united opposition in its face. Almost inevitably communities, sustained in the past by their unity, find themselves divided against themselves.

However, on initial contact most indigenous communities do resist. After generations of land grabbing and abuse they have little land left to them and so little choice but to stand firm.

Mining and human rights

The Subanen of Canatuan, Siocon, Zamboanga del Norte have, for example, repeatedly expressed their opposition to mining on their land by TVI, a Canadian company. Timuay (leader) of the local Subanen organisation Jose Anoy stated: *'I am against TVI because they will destroy our land, dump waste in the river and drive off the game with their noise'*.

Osino Mato another local leader told me *'This is our land. We have always lived here. I don't believe the Government in Canada know what is going on in our place. I do not believe TVI give an honest report'*.

The Canatuan Subanen have a long-standing ancestral land claim which pre-dates the entry of TVI. They are frustrated that their claim is unable to make any progress while the company continues unimpeded. Osino Mato told me *'The Philippine government is being paid to conceal the reality of our land claim'*.

Despite the promises to indigenous communities contained in the Mining Code the local mayor, not a Subanen, has taken it upon herself to give permission to TVI on their behalf. Shamefully, this questionable procedure has been readily accepted by potential investors. The British Government funded Commonwealth Development Corporation responded to protests surrounding this project by pointing to 'an independent environmental impact study ... including full consideration of the socio-economic impact' and the assurance that 'CDC ... are meticulous in ensuring that the legitimate rights of local people are observed'.

In fact on examination it transpires that CDC, who along with NM Rothschild Investment Bank have been approached to extend loans of more than \$26 million did not during their own investigations talk to any representative of the local indigenous organisations, other local affected community groups or anyone outside of the local and regional government or company.

The Canatuan operations being more advanced than those of other companies the approach of TVI to community issues therefore may offer a chilling foretaste of what might occur elsewhere.

The company's community liaison has focused heavily on lavish efforts to win the support of provincial and municipal officials rather than the most affected indigenous communities. They have also developed close liaison with the military. The company employs its own heavily armed security force. This force termed SCAA (Special Civilian Armed Auxiliary) is armed and trained by the military but is paid by and operates under the instructions of the company. Their arms include M14 sub-machine guns, other high powered rifles and unbelievably a 105 mm Howitzer field gun. The almost inevitable consequence of this sanctioned private army is abuse and intimidation.

The company has established 2 check points on what was formerly a provin-

cial road. Many Subanen and the small-scale miners community of upper Canatuan, which was established 10 years ago, now find their homes within the company's compound. The checkpoints are used to restrict the movement of people and goods into local communities. A memo signed by Lt. Severo Caballes, dated 12 March 1997, instructs security guards:

- a. To implement total banned (sic) of all goods and beverages and POL products to enter TVI complex;
- b. To banned (sic) all supplies/goods intended for the small-scale miners co-operative store.

According to local residents goods including food and drink are confiscated. The release of these goods can be secured only by paying extortion money to the guards. When the local inhabitants responded by transporting their goods the last 3 or 4 kilometres on foot along forest trails company guards booby-trapped the trails. Local residents have found more than 60 'suyak' fixed into the trail and hidden by leaves. The suyak consists of a small piece of wood with a nail driven down through it into the ground to anchor it. A second nail, in this case barbed, stands up through the wooden base as a spike in the trail. At least one Subanen carrying a sack of rice in bare feet stood on and drove one such nail through his foot.

When, in July, I visited Subanen in their homes near one of the fortified checkpoints people were afraid to speak openly. Eventually, they suggested we transfer to the Small-Scale Miners community to continue our discussion. There is a sound basis for their caution.

On 27 April, 1997, Mr Camilo Aquino of upper Canatuan was shot and wounded in drunken fire by an element of the security force. In other incidents armed SCAA guards have fired in the air and shot at local signs to intimidate residents. Armed men were also used to guard a company bulldozer when it destroyed tunnels of the independent miners.

Rio Tinto, while protesting its openness to dialogue with communities has taken the precaution of investing heavily in securing the support of the local

press. On 28 and 29 June, before meeting hostile local church groups the company hosted an exclusive weekend 'seminar'. Attendance was restricted to representatives of the local press and Department of Environment officials. The 'Seminar' which was reported to be the first in a series took place in the region's most expensive hotel. The accommodation costs of P70,000 were (according to journalists who attended) paid by Rio Tinto.

This investment paid dividends on 30 June. Following a meeting between the company representatives and the local church reporters at the press conference that followed adopted a strongly hostile line of questioning towards the opponents of the project.

During the 30 June meeting with Rio Tinto local opponents of the project asked Professor Glyn Cochrane of the company what indicators would be accepted as proof of local opposition and a basis for their withdrawal. Professor Cochrane acknowledged the strength of the opposition but none the less would not answer directly. The answer, he said, lay with the Rio Tinto Board in London. This year Rio Tinto announced a new company community relations policy. It emphasises the desire of the company to be a 'good neighbour' and to 'understand' the people where it operates. However nowhere does it acknowledge or suggest that a community has the right to say no to Rio Tinto's advances.

Frustration is inevitably mounting. The Subanen refuse to have further meetings with Rio Tinto. In Bayog where Rio Tinto has entered into agreement with a local mining firm to expedite its exploration local people have pulled up survey markers. At a meeting in Bayog on 8 July, 1997, Subanen leaders spoke of their preparedness to fight and die for what land remains to them. All across the Philippines communities are fearful of the impacts of mining and doubtful of the protection they will receive from the law. In Nueva Vizcaya a mining engineer working for Climax Mining has already been shot and killed.

The situation must also be frustrating for the companies. In May 1996 a mine on the island of Marinduque,

controlled by the Canadian company Placer Dome, spilled millions of tons of cement-like silt into a local river system. The alarm and protests that followed have forced the Department of the Environment to hold up the processing of all applications.

The demand of indigenous peoples is that the final recognition by the state of their land rights claims must precede any further major developments on their lands.

The current idea that companies can be allowed the unilateral freedom to declare the level of local support or opposition is clearly unacceptable and almost bound to lead to fraud and conflict where the profits from large-scale gold mining are at stake.

It is clear that the change in the rhetoric of companies like WMC and Rio Tinto signals a change in the balance of forces (and may indicate shifts in attitudes within the industry). Sadly, so far the head office rhetoric does not carry through sufficiently to the operations of the companies in the field. However, indigenous organisations and their supporters should be alert to the changing situation. The gold rush described here for the Philippines is in fact part of a worldwide phenomenon, and threatened communities are in urgent need of information on company operations and support in exposing the gaps between stated policy and company practice if they are to defend their lands in the increasingly globalised and liberalised world economy.

¹ An ancestral land law was recently passed into law. It is too early to judge how it may be implemented. However, some indigenous groups have criticised the draft and expressed lack of confidence particularly in relation to mineral rights and mining development.

Geoff Nettleton is British and lives in England. He is coordinator of Philippine Indigenous Peoples Links, an indigenous support organisation and a consultant for the human rights organisation Survival International. He has worked in support of indigenous peoples' rights for more than 20 years and lived in the Philippines for more than 7 years. He visited Zamboanga in June and July 1997. □

CANADA

Gender Parity in Nunavut?

On the 26th of May 1997 inhabitants of the soon to be self-governing region of Nunavut voted on so-called electoral gender parity of men and women. The voters were asked to vote yes or no on 'Should the first Nunavut Legislative Assembly have equal numbers of men and women MLAs, with one man and one woman elected to represent each electoral district? _ Yes, _ No'. If the proposal were to pass, one woman from a special women's list and one man from a special men's list would be elected from each of the 10 or 11 electoral districts. Each voter, regardless of sex, would mark two boxes: one from the women's list and one from the men's list.

The story has a quick ending, because on 26 May the proposal was rejected. 57% of Nunavut's voters voted against the proposal and only 43% for. 39% of the eligible voters went to the polls.

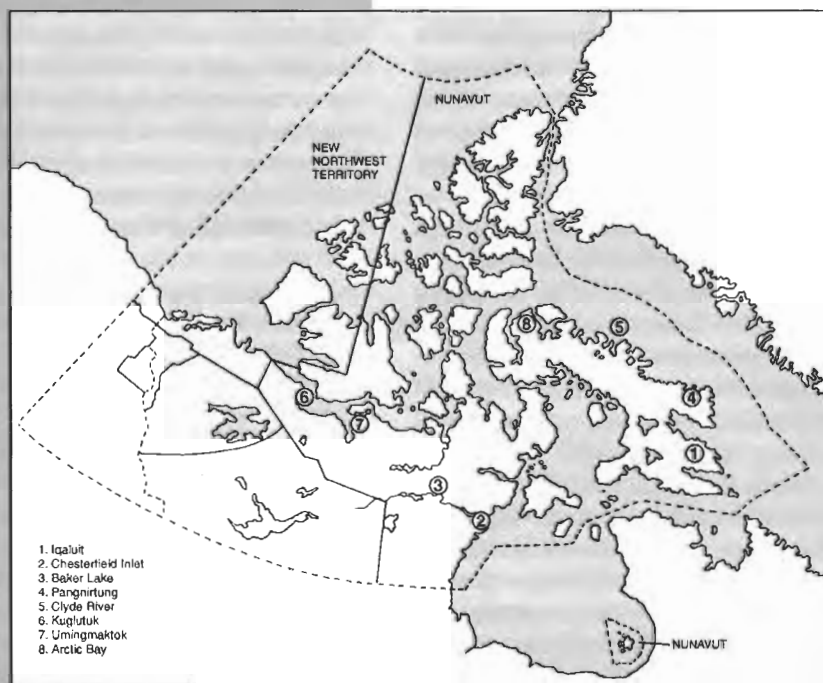
The plebiscite and plebiscite results are, however, interesting for a number of reasons:

- How can it be that there was a plebiscite on such a radical proposal? Even by global standards the proposal was unique;
- The public debate leading up to the plebiscite and the voters' decision addressed a fundamental question: the culturally determined relationship between men and women in the modern Inuit society.

Background

In 1992, the Canadian federal government made a twofold agreement with the Inuit people in the Northwest Territories. The some 20,000 Inuits form a majority (approx. 85%) of the population in Canada's enormous north-eastern corner, Nunavut, - Greenland's closest neighbour to the west - and, since the mid-1970s, they have demanded the right to self-determination. The 1992 agreements ensured the Inuits ownership rights to a good 18% of Nunavut (of which approx. 10% included full rights to sub-soil resources) and gave them special hunting and fishing rights throughout the whole of Nunavut. Moreover, their land claims agreement with the Canadian government guaranteed special rights in connection with use of renewable resources throughout Nunavut. Only the Inuit are included in this land claim agreement

A political accord calling for establishment of a self-governing region, Nunavut, in 1999 was attached to the land claim agreement. Similar to the Greenland Home Rule Government, the political



by Jens Dahl

accord will establish a territory where all inhabitants, regardless of ethnicity, have the same political and social rights. The Inuit conditioned the land claim agreement by demanding the establishment of Nunavut - well aware that they constitute the vast majority of the population.

Ahead of them lay the big job of establishing Nunavut's institutions. The Inuit had negotiated through the organisation Tungavik Federation of Nunavut. After entering into the land claim agreement the organisation's name was changed to Nunavut Tunngavik Inc. (NTI). In addition to representing Inuit the NTI will manage all Inuit owned land. Furthermore, the NTI entered into a trilateral co-operation with the federal government and Northwest Territories' government in Yellowknife. Together, they established a special institution, Nunavut Implementation Commission (NIC), which will advise the founding parties and provide proposals for the structure of Nunavut's many new institutions as well as the big questions of Inuit employment, establishment of an Inuit controlled economy, transfer of employees from Yellowknife to Nunavut, etc. Additionally, NIC has twice called for plebiscites to determine the inhabitants' opinion on issues of central importance for Nunavut. In both cases the issues were extremely controversial. The first plebiscite was called to determine where Nunavut's new capital would be located. Iqaluit, Nunavut's largest city, was selected.

Among the questions NIC had to respond to was the division of Nunavut in electoral districts as well as proposals for an electoral system (proportional representation, individual constituencies, electoral lists, etc.). In December, 1994, NIC brought forth a discussion proposal on gender parity, and two years later NIC



*The meeting in Pangnirtung discussing the issue of gender parity in Nunavut.
Photo: Jens Dahl*

was able to present a concrete proposal to the federal government, territorial government and Nunavut Tunngavik Inc. The proposal was backed by a number of the Inuit's own organisations as well as the federal minister responsible for indigenous affairs. On the other hand, the Northwest Territories' government was against the proposal, and the Nunavut caucus in the local parliament in Yellowknife did not support the proposal either. The opposition was led by Maniok Thomsen who is the Minister of Municipal and Community Affairs and the Women's Directorate.

The campaign

We are sitting in the school's gymnasium, an audience of approximately 35 listeners. Most have not removed their quilted jackets and hats, even though it is not so cold in the hall. Some women are sitting on a couple of benches along the side with their children in *amaat*, the special type of anorak where the hat is shaped like a pouch. There is also a table with coffee and different kinds of homemade, baked goods off to the side. The evening's three speakers are sitting at a couple of tables in front of us.

We are in Pangnirtung, a small community on Baffin Island, Canada. More precisely, we are in a side-fjord deep in the Cumberland Sound on the east side of Baffin Island. It is the end of May, but the fjord is still covered in ice, and the hunters still travel by snow mobile on the ice.

The meeting in the school has been called on the occasion of the approaching plebiscite on whether or not the new self-governing territory of Nunavut should have a legislative assembly with an equal number of men and women.

The three guests on the podium represent the national Inuit organisations which put forth the proposal on equal representation of men and women. They are welcomed by a local man, who asks one of the listeners present to come up to the podium and open the meeting with a prayer. Then it is time for the speakers. After the short presentations there is a question and answer session. The meeting takes place in Inuktitut, but there is simultaneous translation to English to the delight of the non-Inuktitut speaking part of the audience.

Men are the first to respond. They apologise for the low turnout, but ex-

plain that due to the good weather most men went hunting. They are not excited about the proposal. Men are the masters at home, and only problems will result if women go off instead of staying at home with the children. Moreover, they state that *'all Canadians are equal, and we can become priests or presidents - even women'*, to illustrate that the proposal is superfluous. Counter-arguments are put forth from the podium, that, for example, praxis shows that women do not have the same opportunities as men. In the future Nunavut it will be necessary to try something new to resolve the many serious social problems. And here it is important that women and men work together. *'The existing Northwest Territories parliament is something that has been rammed down our throats, so this is our proposal as to how we want to organise ourselves'*, is heard.

The debate goes back and forth. It is basically only men who speak out. After a solid hour and a half the meeting is about to come to a close. Then one of the women speaks out: *'We need to try something new'*, she says. *'With all of the bad news reaching us by radio everyday, I want something good to happen. And equal representation of men and women in Nunavut's new legislative assembly is a good place to start'*. The podium is unable to respond before another woman from the hall supports her, and she is barely finished before another woman takes over.

The meeting could easily give the impression that only men were opposed to the proposal. During the days leading up to the meeting there were radio and TV broadcasts of interviews with many women who, with the same arguments as the men in Pangnirtung, were against the proposal: all Canadians have the same rights, men and women; it is just a question of the best qualified seizing the opportunity. Supporters of the proposal point out that Nunavut first and foremost benefits men with the proposal on special financial support to hunters.

A constant issue is the comparison between the home and the future legislative assembly, 'house of commons'. Supporters of the proposal state that the legislative assembly should have the same gender parity of men and women as found in the home. One listener expressed on the radio that *'if the legislative assembly is to*

be a home, there should be room for both a mother and father figure'. The role of men and women is different, but they complement each other and are of equal importance. That is how it should also be in the legislative assembly - there are issues which women are best able to see to, and it is therefore imperative that their representation be assured. Likewise, with a starting point in the traditional division of roles in the home, opponents state that women should stay at home.

Another issue is the proposal's status as regards the Christian conception of the relationship between men and women. At the meeting in Pangnirtung one of the male listeners tried to argue that men were more intelligent than women. He modified his position, however, when the podium countered that God created man and woman equal. On the other hand, religion was often heard being used on the radio as the basis for opposition to the proposal.

A third issue is discrimination. Even women raised this question. Electoral gender parity will discriminate against women, because they will not be able to compete with men (I have neither heard nor seen presented the opposite and technically correct argument that the proposal will also discriminate against men), and if the two best candidates in a district are women, only one of them will be able to be elected.

Many of the issues which had been on the radio or TV during the previous weeks were repeated at the meeting in Pangnirtung. One of the issues which had been touched on by many perspectives was if electoral gender parity of men and women was in agreement with traditional Inuit ideas and values. And what is traditional and what is not? Are the consequences of equal representation of men and women in the legislative assembly in accordance with traditional Inuit values, or do they break with the old customs? Does the proposal represent an attempt to return to traditional, valued Inuit ideals, or is it a product of modern times? In connection to this a question arose several times as to whether or not the present proposal came from the Inuit themselves or if it was a proposal from the South. The latter was argued by opponents of the proposal. Considering that the existing sys-

tem discriminates against women, supporters considered it to be of no matter where the proposal originated; for them it was crucial that Inuits themselves found their own ways to resolve key issues. *'Gender parity is made in Nunavut'*.

After the meeting in Pangnirtung the guests flew back to Iqaluit, Nunavut's future capital, located a solid one hour flight south of Pangnirtung.

The plebiscite

There was not much evidence that in Iqaluit, on the 26th of May, a crucial plebiscite had taken place. But the event had been carefully covered by the northern media, both radio and TV. At the national level the vote received less attention and was dwarfed by coverage of the Canadian parliamentary elections to be held the following week. Due to the time difference between eastern and western Nunavut, the plebiscite ended two hours later in the west than in Iqaluit.

About a dozen people were gathered together in Nunavut Tunngavik Inc.'s rooms, including the leaders, who during the previous weeks had come out in full support of the proposal. It was not until nine o'clock that evening that the first results were announced on the radio. They were from the Arctic Bay/Nanisivik on Baffin Island and showed a small majority against. Soon thereafter the results from the nearby prison (for men) arrived and showed a small majority for the proposal, which gave cause to a number of comments.

Judging from the results from the Baffin Island region, it quickly became clear that it would be difficult to obtain a majority for the proposal. And this tendency became more and more obvious as the evening drew on and results from the eastern region (Nunavut has three regions, Baffin Island, Kivalliq (Keewatin) and the northern region Kitikmeot) came in. In Kivalliq there was a solid majority against the proposal which made any hope for passage of the proposal unrealistic. In Chesterfield Inlet there were 117 votes against the proposal and only 9 for; Repulse Bay showed 143 against and only 16 for; the region's largest city, Rankin Inlet, showed 305 for and 112 against the proposal.

It was now clear that the proposal had been rejected even though in the little

northern region of Kitikmeot there was support for the proposal - this was the only region to vote in favour of the proposal.

As the evening drew to a close, only the results from Iqaluit, the largest city, were still missing. Only an enormous voter turnout and overwhelming majority for the proposal could change the result to a yes. The results first arrived around 11.30, and by then many had abandoned Nunavut Tunngavik's offices. The atmosphere in the office was far from cheerful. One of the leading politicians watched a hockey game on TV, out of frustration, and refused at that time to speak to the radio or TV.

Five out of six communities in Kitikmeot had voted 'yes', but the voter turnout

percentage was low. In the largest region, Baffin, there were three times as many votes as in Kitikmeot and double the number of votes in Kivalliq. The voter turnout was 40.5% in Baffin; 38.4% in Kivalliq; and 32.0% in Kitikmeot. Umingmaktok (Kitikmeot) had the highest turnout of any region (76%), but there were only 50 voters entitled to vote. 75% of Chesterfield Inlet's (Kivalliq) 169 voters voted. Umingmaktok voted 'yes', and Chesterfield Inlet had an overwhelming majority against.

The lowest voter turnout rate was in Kugluktuk (Kitikmeot) with 21% and 635 voters; Clyde River (Baffin) with 26% and 341 voters and Baker Lake

(Kivalliq) with 28% and 741 entitled to vote. Kugluktuk was the only one of the three to vote 'yes'. There are a number of reasons to explain the low percentage of voters. Both supporters and opponents stated that the month of May is a period during which many inhabitants set out to fish or hunt. Another explanation is purely and simply a lack of interest in the proposal.

At this point it had to be accepted that the proposal had been voted on and rejected. Reactions to the plebiscite results in the following days were varied. Inuit leaders had suffered a considerable defeat - on the other hand, it was inflicted by their own constituents. There was no evidence that it was especially

Region / Community	Eligible Voters	Votes Cast	Yes	No	% Yes	% No	% Turnout
Nunavut	11,943	4,640	1,978	2,662	42.6%	57.4%	38.9%
Baffin	6,146	2,491	1,149	1,342	46.1%	53.9%	40.5%
Keewatin	3,486	1,338	361	977	27.0%	73.0%	38.4%
Kitikmeot	2,311	739	420	319	56.8%	43.2%	32.0%
Arctic Bay / Nan	444	134	64	70	47.8%	52.2%	30.2%
Broughton Island	304	151	83	68	55.0%	45.0%	49.7%
Cape Dorset	579	170	90	80	52.9%	47.1%	29.4%
Clyde River	341	87	40	47	46.0%	54.0%	25.5%
Grise Fiord	82	45	17	28	37.8%	62.2%	54.9%
Hall Beach	289	88	33	55	37.5%	62.5%	30.4%
Igloolik	559	281	119	162	42.3%	57.7%	50.3%
Iqaluit	1,741	715	387	328	54.1%	45.9%	41.1%
Kimmirut	227	121	49	72	40.5%	59.5%	53.3%
Pangnirtung	610	291	122	169	41.9%	58.1%	47.7%
Pond Inlet	530	209	68	141	32.5%	67.5%	39.4%
Resolute Bay	110	53	22	31	41.5%	58.5%	48.2%
Sanikiluaq	330	146	55	91	37.7%	62.3%	44.2%
Arviat	789	273	81	192	29.7%	70.3%	34.6%
Baker Lake	741	207	94	113	45.4%	54.6%	27.9%
Chesterfield Inlet	169	126	9	117	7.1%	92.9%	74.6%
Coral Harbour	313	104	25	79	24.0%	76.0%	33.2%
Rankin Inlet	1,065	417	112	305	26.9%	73.1%	39.2%
Repulse Bay	276	159	16	143	10.1%	89.9%	57.6%
Whale Cove	133	52	24	28	46.2%	53.8%	39.1%
Cambridge Bay	652	192	105	87	54.7%	45.3%	29.4%
Gjoa Haven	396	143	90	53	62.9%	37.1%	36.1%
Kugluktuk	635	134	68	66	50.7%	49.3%	21.1%
Pelly Bay	225	80	32	48	40.0%	60.0%	35.6%
Taloyoak	353	152	93	59	61.2%	38.8%	43.1%
Umingmaktok / BI	50	38	32	6	84.2%	15.8%	76.0%
Inmates	142	72	48	24	66.7%	33.3%	50.7%

Inuit who had been the supporters and the white Canadians who had been the opponents. There are not enough of the latter group, and Iqaluit with its many white inhabitants actually voted 'yes' to the proposal contrary to many communities with few White inhabitants which voted 'no'. In Chesterfield Inlet, for example, where 94% of the population are Inuit, 93% voted against the proposal.

The leading article after the vote in the prominent Nunavut newspaper *Nunatsiaq News* was a bitter and frustrated reaction:

Compared to most of Nunavut's men, Nunavut's women are more literate, more level-headed and more skilled ... A self-governing Nunavut will need leaders who know how to read, write, count and compute in both our major languages, and leaders who know how to show up for work without a hang-over. But take a look at who shows up the next time your regional Inuit association or community council holds a meeting. Then, count the number of men around the table who possess those qualities. Next, count the number of women who possess those qualities. Observe who's doing the typing, the interpreting, the translating, the minutetaking, the bookkeeping and the telephone answering. Observe who's doing the work that actually takes brains to do. If you do that, you'll understand what the people of Nunavut really lost in Monday's vote. You'll understand that the gender parity proposal was not created for the benefit of women - it was created for the benefit of all. (Nunatsiaq News, 30 May 1997)

Explanation

The majority of Inuit political leaders supported the proposal on gender parity of men and women.

Some had originally been opponents, but during the two years that the proposal circulated many of them changed their opinion. Considering this, there is good reason to question why the majority of the population voted against the proposal anyway. A good part of the answer will only be conjecture, but the results could show something about modern Inuit culture anyway.

The plebiscite results showed certain regional differences in that Kivalliq unequivocally voted against the proposal. One explanation can be the simple fact that the leading opponent, Maniok Thomsen, comes from there. It could also be that the Inuit's leadership has been associated with the Baffin region, which is not unthinkable even though most political leaders come from Kivalliq (as they always have done). The plebiscite results can be understood as a certain competition between regions but also as a protest against the political leaders' power. Frustration that Iqaluit is to be the capital of Nunavut (and not Rankin Inlet in Kivalliq) could have played a role as well. The fact that it is felt that many of the positions the new development has created are monopolised by a little elite with connections to the leading Inuit organisations, which are based in Iqaluit, could also have been a factor. In this connection it should not be forgotten that there have not been any concrete improvements for most people during the preparations for the establishment of Nunavut - after decades of discussions and promises they are still waiting. Nevertheless, in the big picture, the plebiscite results show Nunavut to be more homogenous than dealt up in regions.

During the weeks leading up to the vote representatives for Nunavut Tunngavik Inc., Nunavut Implementation Commission and Pauktuutit (the Inuits women's organisation) ran a campaign in which they visited a number of communities in Nunavut. However, the plebiscite results do not evidence that these visits had any positive effect for their cause - in fact the opposite is true. This can be explained by the fact that many people felt intimidated by the one-sided campaign. Why didn't you bring representatives from the opposition? Who has paid for your campaign? These and similar questions were repeatedly asked during the meetings and by the media.

Perhaps many reacted against the feeling that they were being forced to do something and therefore withdrew and voted 'no'. There was talk of conservatism after the vote. Instead, maybe it should be understood as a withdrawal of support for a politician, not out of disagreement but simply because his or

her power is beyond that which can be considered to be legitimate.

Both sides legitimated their positions by referring to the Inuit's traditional values and ideals. In this light it can be said that the result is an expression of a positive diversity in modern Inuit culture, because it is basically unimportant who is right. Both sides referred to their position's consistency with modernity, for example, human rights.

The proposal on gender parity of men and women led a number of men to see the proposal as a threat to their position. The man is the traditional hunter who comes home with the catch; he is the provider. Out hunting he comes out into the world and comes home not only with food but with experiences, information and new knowledge about other people and about nature. It is the man who passes on his knowledge - the woman listens. In many ways the last decades have witnessed a break in this monopoly. Women have become wage earners; many have a good education; and it is now often men who are unemployed and must stay home.

This development has been psychologically difficult for many men. On top of this they are faced with a proposal which is seen to be an attempt to give women a special political position (at the cost of men, because it is not considered to be an attempt to ensure men an equal position with women) - a position which will make them the providers of income, information and power. It could be pointed out that in reality the proposal would only affect a dozen women or so. A quantitative argument is, however, not important if it is the symbolic meaning of the proposal which determines people's position. It can be assumed that many men perhaps came to consider the proposal to be the essence of the process that has deprived them of their role as provider.

The difficulties of understanding the results in terms of voter behaviour among traditional (in the Euro-American sense) social groups was made clear in a TV programme about young people. It would have been expected that young people would be more open to the proposal than older people, but after the programme it was clear that among both Inuit and non-Inuit youth there was a marked opposition to the proposal.

It has been mentioned on several occasions that the proposal on gender parity of men and women did not come from the Inuit people themselves. However, nothing suggests that this has been a decisive factor for opponents. That the proposal was accepted by a broad group instead suggests that many must have felt that it passed in with their cultural values - or perhaps that it was in agreement with the strong desire that Nunavut should function differently from the Euro-Canadian society which for decades has been forced on the Inuit people.

At any rate, it is the opinion of this article's author that if the proposal had been approved it would have meant that the entire world would have taken notice of the development in Nunavut. But

of even greater importance, it could have contributed to an Inuit understanding that it is possible to do things differently than the way they have been forced to do things by outside forces.

In the meantime, however, the proposal has been defeated by plebiscite and it is doubtful that it will be reintroduced. The strong opposition to the proposal by women shows that the desire for a strong family plays a dominant role in Inuit culture. Any initiative which can be interpreted as a threat to the family will be rejected out of fear for more social problems. Regardless of who has the best solutions, in Nunavut there is a strong ideological desire to strengthen close family relations - even if there are many indications in everyday life that point in the opposite direction. Or, as

many pointed out before the plebiscite, equality of men and women should first take place in the home before being carried out in other places.

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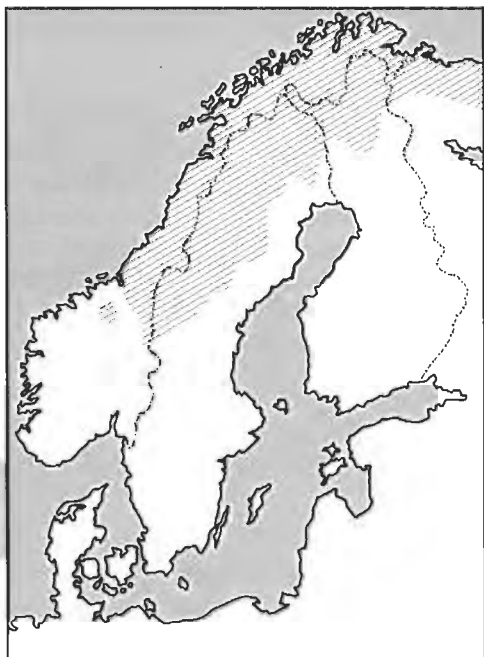
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Land Rights, Linguistic Rights and Cultural Autonomy for the Finnish Sámi People

by The Finnish Sámi Parliament

In many ways over the past few years the position of the Finnish Sámi people has improved considerably. However, since early 1995, the Finnish Sámi Parliament has observed with a growing concern that, at the same time that Finland secures or intends to secure a special position and rights for the Sámi population in its legislation, in administration and in the implementation of treaties, the acts and organised activities against the Sámi are increasing in the Sámi home-lands. Some members of the majority population – and some municipalities (local governments) – do not accept the fact that the Sámi people are guaranteed the use of their own language and the exercise of their own culture with arrangements that do not apply to the rest of the population. In addition, some news media and journalists transmit, without the slightest criticism, propaganda against the Sámi and express their own anti-Sámi attitudes.

Either because of the Penal Code or entrenched practices, public prosecutors

do not *sua sponte* prosecute anti-Sámi acts which have already become rooted in everyday life in our society. The organised anti-Sámi activities by the majority population are a source of anxiety for the Sámi, frightening some of them to the extent that they no longer dare behave as Sámi. The situation essentially weakens their *de facto* possibilities to use their mother tongue, practise their own culture and assume their own identity and own way of life. The anti-Sámi activities also have a negative effect on political decision-making, creating difficulties for legislative solutions affecting the Sámi population.

The eleventh and twelfth periodic reports of Finland

At its forty-eighth session, from 26 February to 15 March 1996, the UN Committee on the Elimination of Racial Discrimination in **item 12** expressed its concern over the 'Sámi people's participation in the 'Sámi Parliament' in their own mother tongue; and in **item 24** rec-

ommended that the State Party do all in its power to enable Sámi children to pursue their studies at primary and secondary levels in their mother tongue.

On **item 12**, the Sámi Parliament would like to specify that three Sámi languages are used in Finland: Northern Sámi, Inari Sámi and Skolt Sámi. The legislation permits the use of all three languages in the Sámi Parliament both for meetings and for records. The Northern Sámi is used for both purposes systematically. The other two can be used for meetings with simultaneous interpretation. Their use is, however, undermined by a lack of resources; both financial factors and a scarcity of qualified interpreters.

As regards **item 24**, the Sámi Parliament states that primary schools in the municipality of Utsjoki have classes where pupils are taught in the Sámi language and in the municipality of Inari the teaching of Sámi-speaking children is approximately half and half in Sámi and Finnish. Schools at secondary level in



The Finnish Sámi Parliament 1997. Photo: Pii Aalto Ohlejohka

particular are afflicted by a shortage of materials in the Sámi language and of Sámi-speaking teachers of special subjects.

It is estimated that there are only a few children under and of school-age whose mother tongue is Inari Sámi or Skolt Sámi. The teaching of these languages in the schools is decreasing, because they are optional subjects. Whether or not children take optional language classes is decided by parents, who were forbidden even to speak the Sámi language at school till the 1960s. These parents do not dare put their children in classes which are given in Sámi for fear that the children will not learn enough Finnish. The speakers of Inari Sámi and Skolt Sámi both number 400 to 500 persons. These languages are dying out in Finland and in the world. The government and the Finnish scientific community show interest in the matter in too few practical measures or allocate too scarce resources for such measures. In fact, not much would be needed to turn the development round.

The problems of education in the Sámi language are related to legislation, school administration and resources.

Our legislation does not require with sufficient unambiguity that Sámi children be taught the Sámi language and be given school education in that language. Schools are administered by municipalities. The Sámi population does not enjoy a specific legal position in the decision-making process on the provision of education for Sámi children and in the related use of government grants. These funds are not earmarked for the Sámi population. In recent years the reverse trend in government funding has led to a halt in the previous, positive development, and the municipalities have not been able to bring the education of Sámi children to the level of goals specified in the law. The teaching of the Sámi minority languages: Inari Sámi and Skolt Sámi, is at risk for yet another reason: they are optional subjects in schools.

The Sámi language is the foundation of the Sámi education and culture. Edu-

cation in the Sámi language and the teaching of that language are part of the linguistic rights of Sámi people and of the basic services for citizens. The administration of basic services for the Sámi should, in accordance with the Act on Sámi Cultural Autonomy, be administered by the Sámi themselves, instead of being dependent on the various bodies in municipal school administration, on their composition, and on the political climate at a given moment.

In spite of the legislation, the provision of daycare in the Sámi language does not function at nearly a satisfactory level; in some places it is not provided at all. The Sámi language and culture are not adequately transmitted by the generations of grandparents and parents to those children under school-age who do not receive daycare in that language. In the next phase, the school cuts the children off from their cultural background and its values.

If the Sámi language and culture are not transmitted in daycare and school education from one generation to the next, they will die, as will happen with the minority languages of Inari Sámi and Skolt Sámi during the present generation unless action is quickly taken to revive them.

Those of the Sámi population who are ill or old end up in institutions where they, as Sámi speakers, have little contact with the staff. This is due to the lack of social welfare and health care services in the Sámi language and of the near total lack of Sámi speaking staff in the municipalities of the Sámi homelands.

The shortcomings evident in municipal social welfare and health care services could be remedied by adopting Sámi cultural autonomy as the basis for the legislation, administration, provision, and monitoring of social welfare and health care services for the Sámi.

Land rights

In item 11 the Committee on the Elimination of Racial Discrimination ex-

pressed its concern over the shortcomings in the guarantees for the land rights of the Sámi people and over the national and international economic activities (mining, logging, etc.) which threaten the Sámi way of life and **in item 23** proposed that the Finnish Government draft a clear policy on Sámi land rights and on the ratification of ILO Convention No. 169.

In its present legislation Finland does not guarantee the Sámi rights on land, water and natural resources; nor does it guarantee the Sámi people the right to the livelihoods that are part of their culture. This applies both to the rights relating to the property of the Sámi population and to their rights under international treaties.

As early as 1978 the Constitutional Law Committee of Parliament gave an opinion (PeVL 7/1978 vp) that it would promote the aims of the Convention on the Elimination of Racial Discrimination and increase the protection of law afforded to the Sámi people if the law on the division of water areas, as far as the legal rights of Sámi communities are concerned, were the same as those of other title holders. To date, this has not been implemented as far as the Sámi water areas or fishing rights are concerned; however, the fishing rights are protected under the Constitution Act of Finland, as was noted by the Constitutional Law Committee of Parliament as early as 1978 (see PeVL 30/1993 vp, e.g.).

The situation is similar as regards the ancient Sámi right of ownership to land – and the related rights to practise reindeer herding, fishing and hunting – which remains unsettled in law, even though the Constitutional Law Committee of Parliament has repeatedly urged the Government to present proposal to solve the question without delay (see PeVL 3/1990 and 6/1990 vp; HE 248/1994 vp p. 3). Yet another area where these rights remain to be settled is administration where the Sámi do not yet have a special position.

In 1993 the earlier Sámi Parliament was assigned the task of drafting a pro-

posal on land rights, and the Parliament set up a working group for that purpose. The current Sámi Parliament pursues the task, with a view to producing a proposal in the form of a Government Bill, which would in its part remove obstacles to the ratification of ILO Convention No. 169. In accordance with the views adopted by the Ministry of Justice and the Ministry of Labour, the Government is obliged to provide the Sámi Parliament material support for its task. The Sámi Parliament considers the concern expressed by the Committee over the Sámi land rights justified. The question is before the Sámi Parliament for settlement, but to date the Government has not allocated funds for the work. While the Government is yet to adopt a policy on Sámi land rights, it has in any case entrusted the Sámi Parliament with the task of drafting a proposal to solve the matter.

Linguistic and cultural rights and resources

Since 1992, under the Sámi Language Act (516/91), Sámi people have had the right to use the Sámi language before authorities, orally and in writing, and to receive a reply in the same language. In practice, however, the exercise of these linguistic rights by the Sámi is based on translation and interpretation, creating crucial obstacles to dealing with authorities. The level of linguistic rights afforded to the Sámi population in the Sámi Language Act should be re-examined to assess whether it reaches the level guaranteed to the Sámi in the Constitution Act as regards the right to maintain and develop their own language and culture (see Chapter 3). The status of the Sámi language in school laws should be examined in the same light.

In Inari the education and training centre for the Sámi region already offers classes in the Finnish and Sámi languages; the knowledge of both languages is included in the qualifications of newly recruited teachers. The purpose of the school is to preserve and develop the Sámi culture and natural livelihoods.

The Sámi people are in a determining position in the administration of the training centre.

In 1996 the Sámi Parliament adopted three Sámi languages spoken in Finland as the languages which have an equal status in the Parliament: Inari Sámi, Skolt Sámi and Northern Sámi. The implementation of the decision is being postponed until government funds are made available for it. In many places Sámi people have already changed languages. This particularly applies to Inari Sámi and Skolt Sámi, and in certain areas also to Northern Sámi. The revival, maintenance and development of the Sámi languages require speedy measures and targeted resources.

Today, the practice of Sámi culture is subsidised from the state budget. Decisions on the allocation of the funds are made by the Sámi Parliament. The Sámi Radio has a channel for daily broadcasts in the Sámi language. Construction for a Sámi Museum started in the autumn of 1996. Special measures are still needed to create such cultural services as TV broadcasts in the Sámi language, especially programming for children, to support Sámi arts, and to protect Sámi handicrafts and the Sámi cultural heritage.

The fundamental rights and cultural autonomy of the Sámi people

The legislation relating to the Sámi population has recently undergone a profound reform. On 17 July 1995, in the context of the Fundamental Rights Reform (969/95), a new Section 14 was incorporated in the Constitution Act of Finland which in subsection 3 guarantees the Sámi people, as an indigenous people, the right to maintain and develop their own language and culture. The reform came into force on 1 August 1995. At the same time, a new section 51 a (973/95) was added to the Constitution Act which gives the Sámi people, as an indigenous people, cultural autonomy in respect of their language and culture within the Sámi homelands. More specific provisions on the matter were incorporated in the Act on the Sámi

Parliament (974/95), which applies to a body of representatives elected by the Sámi people from among themselves and the powers of that body. The laws on cultural autonomy came into force at the beginning of 1996. They do not apply to land rights or to the right to a livelihood (See PeVM 17/1994 vp).

Together with the Sámi Parliament Act, the amendments to the Constitution Act considerably improve the possibilities of Sámi people to develop their own language and their own culture on the basis of cultural autonomy. In practice, however, the implementation of the reform is being slowed down by a lack of resources and vocal anti-Sámi activities.

The purpose of the Act on the Sámi Parliament was to slightly widen the definition of Sámi which is based on the Sámi language. Because of a technical error which through oversight was left in the bill, the definition of Sámi became so ambiguous (see PeVM 17/1994 vp) that most non-Sámi people in the Sámi homelands have reason to believe that if they so wish they can seek to be defined as Sámi. They believe that this gives them a right to decide on cultural autonomy for the Sámi and to enjoy any other rights and benefits afforded to the Sámi people.

The Sámi Parliament, adopted on 1 March, 1996, a statement to draw attention to the shortcomings in the Act on the Sámi Parliament. The Parliament rejects the new, wider definition of a Sámi and demands that the definition based on language be restored to what was the definition in the Decree on the Sámi Parliament (988/90) and still is in the Sámi Language Act (516/91). If that definition is not restored, there is a risk that the wider definition in practice leads to the forced assimilation of the Sámi with the majority population, against the purposes of the legislation on cultural autonomy. In its statement the Parliament also requires that the laws relating to the electoral register for the Sámi Parliament be harmonised with the safeguards under European Community law for the private life of an ethnic group.

Relations between population groups

The unresolved nature of the Sámi land rights and of rights to livelihood together with the problems relating to the Sámi right to cultural autonomy and an ambiguous definition of Sámi is about to turn the concept of cultural autonomy for the Sámi people against the Sámi.

Some members of the majority population in the Sámi homelands have organised into a registered group called 'Lappalaishallitus - ja perinnedyhdistys r.y.' (Association for Lapp Culture and Traditions). The association works systematically against the Sámi population and against cultural autonomy for the Sámi people, attempting to prove its own members as the real Sámi and the Sámi people as self-seekers and fakes. The purpose of this activity is to undermine the identity of the Sámi minority and to obscure and deny the existence of the Sámi culture. The anti-Sámi group is not interested in the language and culture of the Sámi people. Instead, they try, against the wishes of the Sámi population, to be elected to the Sámi Parliament as Sámi, in order to enjoy the economic benefits they expect to gain and to nullify the Sámi cultural autonomy.

The means used by the group include threats made in public on civil war and violence. The group has publicly spread lies and defamatory comments about Sámi people, their representatives, and officials in Sámi administration, in addition to spreading anti-Sámi propaganda. The group has obstructed the work of the Sámi Parliament by making requests to the police and the highest authorities exercising legality for investigations, and by submitting demands to the supreme courts for the cancellation of the results of the elections for the Sámi Parliament and for the publication of electoral registers on the Sámi, which records on ethnic origin.

The municipalities in the Sámi homelands – Enontekiö and Inari – where the Sámi are a minority, have acted in support of the anti-Sámi activities of the majority population.

A number of news media and journalists, such as the largest provincial daily in Lapland, the major national daily newspaper and a national news agency, have since the spring of 1995 systematically transmitted anti-Sámi propaganda in the name of the 'Lappalaishallitus - ja perinnedyhdistys r.y.'. This type of activity seems to be increasing and taking harsher forms.

The penal law

To date, public prosecutors have not *sua sponte* held it necessary to, under the Finnish Penal Code, prosecute activities directed against the Sámi. In addition, the Finnish Penal Code (Chapter 11, Section 8) does not in every respect fulfil the obligations under Article 4 of the Convention on the Elimination of Racial Discrimination. The Article requires that the State Party declare illegal, among other things, the following acts:

- all dissemination of ideas based on racial superiority or hatred;
- incitement to racial discrimination against ethnic groups or individuals;
- all acts of violence and incitement to such acts against ethnic groups or individuals;
- assistance to racist activities, including financing;
- organisations which promote racial discrimination;
- organised and all other propaganda activities which promote racial discrimination; and
- participation in such organisations or activities.

All the obligations under Article 4 of the Convention should be incorporated in the Finnish Penal Law in the manner required by the Convention.

This article is based on a position paper from the Finnish Sámi Parliament to the Finnish Ministry of Foreign Affairs concerning the Report of Finland to the UN Committee on the Elimination of Racial Discrimination. □



15TH SESSION OF THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

GENEVE - 28 JULY - 1 AUGUST 1997

The Working Group on Indigenous Populations (UNWGIP) held its 15th session from 28 July - 1 August, 1997, under the chairmanship of Ms. Erica Daes. The session was attended by 40 observer governments, 13 United Nations and intergovernmental organisations as well as an ever-growing number of indigenous representatives from all over the world. This year's attendance reached a peak with 887 participants.

This year the Working Group commemorated the first NGO Conference on indigenous peoples at the United Nations in Geneva. This conference was titled '*Conference on Discrimination Against Indigenous Populations of the Americas*' and was held in September 1977. It was this conference which started the process that led to the creation of the UNWGIP.

The 15th session of the UNWGIP was inaugurated with a very impressive opening ceremony starting with a march of indigenous representatives from the 'Palais des Nations' through the UN territory up to the meeting room. Once inside, the indigenous spokespersons as well as United Nations officials gave speeches and greetings to commemorate the event.

In their speeches each paid homage to all indigenous representatives who in the last twenty years had struggled for the recognition of their rights within the structure of the United Nations. Although there was a general recognition that a certain amount of progress had been made, and the importance of the Working Group was acknowledged, all pointed out the long road ahead before

their basic rights become fully recognised.

The 15th session of the UNWGIP had as a focal theme '*Land, Environment and Sustainable Development*', which was discussed extensively. 140 indigenous participants presented their statements under this item. Access to land and resources was identified as the crucial issue for indigenous peoples' physical and cultural survival by the indigenous speakers as well as by Ms Daes' working paper (E/CN.4/Sub.2/1997/17).

The agenda of the 15th session also examined issues such as the concept of 'indigenous' and the establishment of a permanent forum within the United Nations.

Indigenous participants took the opportunity to voice their concerns and views with regard to those agenda items and this edition of *Indigenous Affairs* includes statements presented at the meeting by: Chief Oren Lyons from the Onondaga Nation Haudenosaunee on behalf of North American Indigenous Peoples, the Asian Indigenous Peoples' Caucus, Mr Hjalmar Dahl from the Inuit Circumpolar Conference, Mr Nepuni Piku from the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest, Mr Kuupik Kleist on behalf of the Nordic countries including the Nordic Sámi Parliaments and the Greenland Home Rule Government, Mr Marcial Arias Garcia from the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest and the Grand Council of the Crees.

Opening remarks by Chief Oren Lyons, Onondaga Nation Haudenosaunee, on behalf of North American Indigenous Peoples

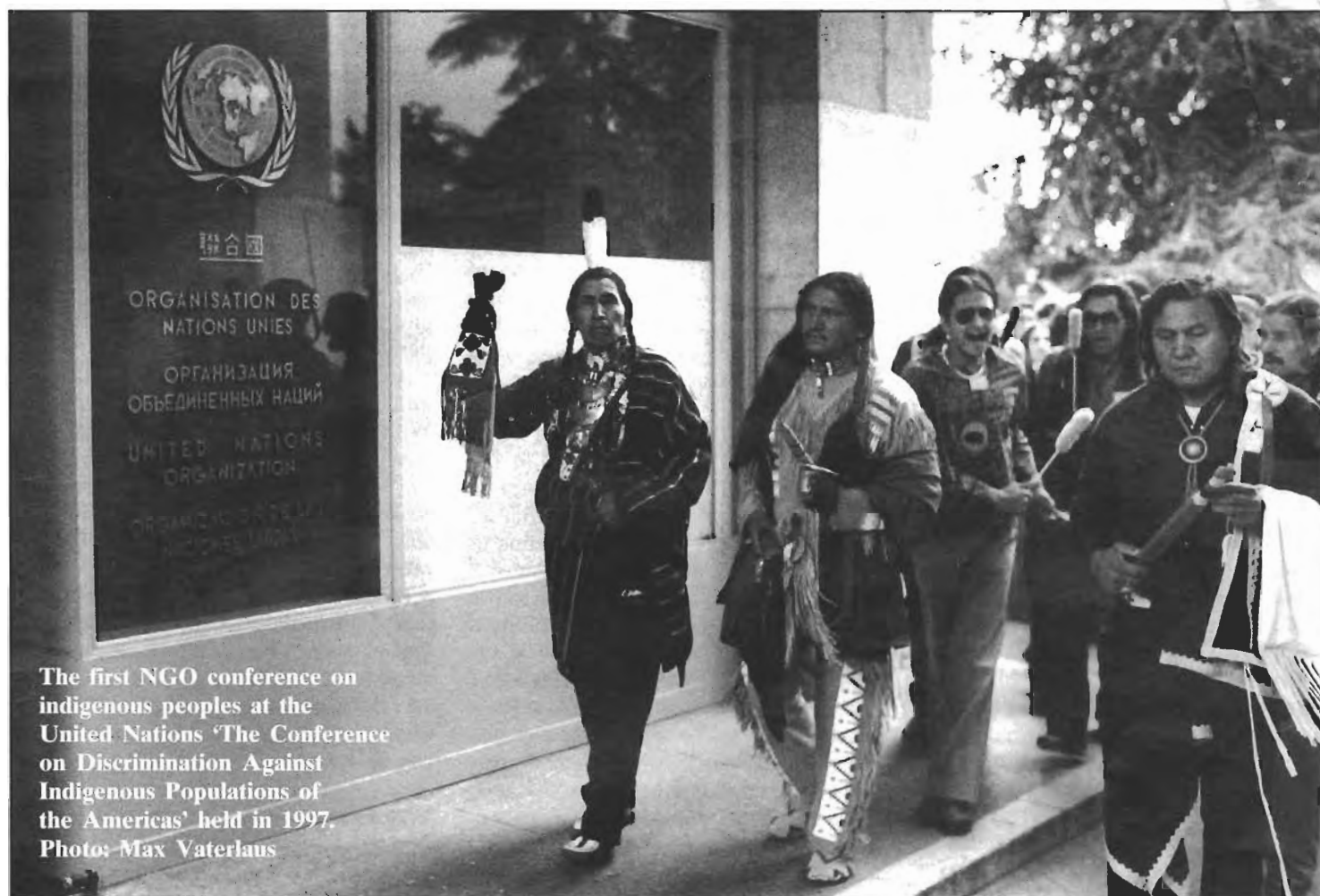
I do not see a delegation for the four-footed. I see no seat for the eagle. We forget and we consider ourselves superior, but we are after all a mere part of the creation. And we must continue to understand where we are. We stand between the mountain and the ant, somewhere and only there, as part and parcel of the creation.

UN Geneva, Switzerland, September 1997, Oren Lyons

Today it has come to my responsibility to speak on behalf of the indigenous peoples of the Western hemisphere, more specifically North America, called Turtle Island.

In 1977 I had similar duties as one of the original delegates to that now historic occasion, the Non-governmental Organisation Invitation to Speak on the Prevention of Discrimination and Protection of Minorities in the forum of the Commission on Human Rights, right here in these same halls.

At that time, great efforts were put forward to get indigenous delegates to Geneva to present testimony on the conditions of our peoples. This was accomplished and 160 delegates participated in that event. We came seeking justice in our homelands. We came here to appeal to the world at large to support our efforts to seek equitable solutions to discrimination, exploitation, racism, ethnocide and genocide of indigenous nations and peoples.



The first NGO conference on indigenous peoples at the United Nations 'The Conference on Discrimination Against Indigenous Populations of the Americas' held in 1997.

Photo: Max Vaterlaus

We came here to speak on behalf of the natural world being plundered by governments and corporations. We spoke on behalf of rooted trees that could not flee the chainsaw. We spoke on behalf of salmon, herring, tuna and haddock killed in their spawning beds. We had alarming news from the Four Directions about fish, wildlife and birds, contaminated, sick and disappearing. And today we continue to speak on their behalf. Today, they are more endangered than ever, and if anything, their conditions are worse.

What can we report to you about indigenous peoples today? The good news is that we are still here and we intend to be here twenty years from now. We hope that our next generation's report will be better than today's for all concerned.

In 1982 the Working Group on Indigenous Populations was established. We challenged the term 'populations'; we insisted 'peoples' was the proper term, for the simple reason that it would recognise our nations as human beings eli-

gible for human rights. Today, we report limited progress. We note that much of the international community still continues to designate indigenous peoples and populations as minorities, thus preventing the extension of human rights to our peoples. This does not preclude the fact that we are human beings and that this is a moral question that tests the integrity of nation-states.

Modification of principle leads to disintegration of government. At this moment, world leaders are challenged by the rise of rampant unregulated capitalism. We need to remind ourselves that capitalism is not democracy. Governments need peoples; corporations need human resources. A recent study published by World Watch Institute, an international publication, noted that, and I paraphrase, 'of the wealthiest hundred economic units in the world today, 49 are countries and 51 are corporations'.

The balance of economic power has shifted to corporations where decisions are based upon short-term economic prof-

its. There is little long-term vision – that is left to governments. However, we see little long-term vision by world leaders and we say that profits are being taken today at the expense of our grandchildren and the natural world.

The foundation of the Haudenosaunee (the Six Nations, Iroquois Confederacy, circa 1000 AD) is based upon the principles of peace, equity and justice; power and health of the 'Good Minds'. The founding authority is known as The Great Peacemaker. Among the many instructions he gave, one is especially relevant to the world situation today.

He said: *'When you sit and council for the welfare of the people, think not of yourself, your family, nor even of your generation. Think of the future generation, so that they will enjoy what you enjoy today. This will ensure peace and health for your generation.'* (Guyanashanagonah, The Great Law of Peace, circa 1000 AD).

Leaders today must have the courage and conviction to do what is beneficial

for all peoples to work for the common good. If democracy is to prevail, then you as world leaders must challenge the consolidation of wealth (and the power it brings) into fewer and fewer hands. Beware that corporate 'states' do not eat nations.

Indigenous peoples are just beginning to be recognised as peoples with important fundamental knowledge of the world in which we live. This knowledge has provided our leaders with vision and long-term perspectives that co-ordinate with the natural rhythms of the Earth. This understanding of natural law governed the activities of our peoples. Respect is a law among our nations and peoples. This law guarantees community and peace. In these times, humanity must work together, not just for survival, but for quality of life based upon universal values that protect the delicate interrelated web of life that supports us all.

The natural law is colour-blind and extremely democratic in retributions. Biodiversity is a clinical, technical term for this intricate inter-weaving of life that sustains us. We the indigenous peoples say that we are related to this life; thus your '*resources*' are our relations. It is all in how you look at it. The great efforts put forth at the 1992 Earth Summit in Rio, to gain consensus and mutual support for the protection of the environment, was just assessed at Earth Summit +5 in June 1997. The results were discouraging. Yet, we cannot abandon our responsibilities to our future generations.

We said that in 1977, we say it again in 1997. Indigenous peoples have something to offer in this equation for survival. We have the perspective of time. Living in one place for thousands of years has given us an understanding of the complexities of life forces. Our language are libraries of knowledge that may contain keys to survival, and I use that word advisedly. One of our Elders said a long time ago that '*there will come a time when we will cease to live and begin to exist*'.

For the sake of life and our grandchildren, we can not let that happen in our generation. We have common goals and responsibilities, and I say, that you, the leaders of this great hope of the world's people, the United Nations, should be working with us and not against us, for peace. We submit to you that as long as

you make war against Etenoha (Mother Earth), there can never be peace.

Agenda item 4.a: The concept of 'indigenous peoples'

Statement by Asian Indigenous Peoples' Caucus

Madame Chair.

On behalf of the indigenous peoples of Asia, we, the indigenous peoples of Asia represented by the Asian Indigenous Peoples' Caucus at the 15th Session of the Working Group on Indigenous Populations, 1997,

STAND by the position taken by all the indigenous peoples present at the 14th Session of the Working Group on Indigenous Populations in 1996, that we do not accept any attempts to define us or impose a definition from outside;

SUPPORT the position expressed in your working paper (E/CN.4/SUB.2/Ac.4/1997/2, 19 June 1997);

FIND the criteria of the Martinez Report, the notes by the Chairperson/Rapporteur and ILO Convention No. 169 are adequate to determine whether a person or community is indigenous or not.

However, since several Asian governments have expressed the view that a definition was essential and should be developed, and that as you yourself, Madame Chair, have maintained that there is room for a reasonable evolution and regional specificity of the concept of 'indigenous' in practice;

We wish to invite the governments of Asia for an open dialogue and discussion, if necessary, under the auspices of the UN to come to an understanding of the concept of 'indigenous' in the context of Asia.

We hope that such a dialogue will lead to the recognition of the universality of the rights of indigenous peoples.

Agenda item 5.a: Land, Environment and Development

Presentation by Inuit Circumpolar Conference, submitted by Mr. Hjalmar Dahl

Thank you Madame Chairperson for allowing me to take the floor. I would also like to use this opportunity to congratulate you on your re-election as chairman rapporteur of the Working Group. Like previous years we are looking forward to working with you and your colleagues during this session of the UNWGIP.

I represent Inuit Circumpolar Conference (ICC) which is an International Inuit Organisation representing approx. 130,000 Inuit from Greenland, Alaska, Canada and Chukotka in the Russian Federation.

Madame Chairperson:

It is a fundamental objective of the Arctic policy of the ICC to protect the delicate environment, including the marine and other resources on which Inuit depend. The right to a safe and healthy environment is an emerging human right and is especially important to Inuit. Within the vast Inuit homeland, Inuit have the right and responsibility to ensure the integrity of the circumpolar environment and its resources, as a continuing source of life, livelihood and well-being for present and future generations.

As the representative for Inuit in Greenland, Canada, Alaska and Chukotka, ICC enjoys today a Permanent Participant status together with the Sámi Council and association of the Indigenous Minorities of the North, Siberia, and the Far East of the Russian Federation in the Arctic Council, after having worked together in Arctic Environmental Protection Strategy over the last 6 years.

One of the results from this initiative was presented at the ministerial meeting in Alta, Norway in June of this year. The report called Arctic Monitoring and Assessment Programme, (AMAP), revealed that the Arctic, as compared to other parts of the world still remains one of the cleanest environments. But, the report also concluded that certain Persistent Organic Pollutants, including PCBs and many pesticides such as DDT, lindane, toxaphene, and chlordane, produced and used far to the South are now widespread throughout the Arctic. Many do not readily breakdown in our environment but, instead, build up in the fatty tissues of animals and increase in concentration at higher levels in the food chain. This situation leaves us with great worries and concerns, and we still do not know what the long-term effects can be of these findings also on our people. Therefore, our clean Arctic environment is being threatened today by others far from our homelands and of course we, as representatives of our people, are doing ours to influence the eight Arctic countries and other governmental bodies under the UN system and call for im-

mediate action eliminating or at least limiting emissions and uses of pollutant sources.

It is also a necessity for us to urge the nation-states co-operating in the Arctic Council and Arctic Environmental Protection Strategy to look into the local indigenous practices with regard to the implementation of Agenda 21 of the Rio Declaration and the Convention on Biodiversity.

Madame Chairperson:

As aboriginal peoples, Inuit have the right to exercise sufficient control over matters affecting their traditional territories, communities and interests. An integral part of this right to self-determination within states is the right to self-government.

To maximise Inuit self-determination within states, the powers of institutions of self-government must include the exercise of jurisdiction and control over land and waters.

I will be happy to provide the Working Group with a copy of an informative paper on Land, Resource and Environmental Rights – the Case of Inuit in Northern Canada and the Nunavut Agreement. The Nunavut Agreement between the Government of Canada and the Inuit focuses upon ownership and management of land, water, ocean areas and wildlife, and the creation and sharing of wealth created through development of natural resources within the settlement area.

The ICC has also decided to use this opportunity to inform you and the members of the Working Group of what is going on in the Arctic regarding Inuit's respect for the principles of human rights and wishes that our circumpolar homeland must only be used for purposes that are peaceful and safe. None of these objectives are truly realisable isolated from one another.

The so called 'cold war' is over, but nevertheless there are still problems affecting Inuit and new problems are possibly arising.

During the last session of the Commission on Human Rights we informed the members that the forced relocation of the Thule people, Inughuit from the Northernmost part of Greenland back in 1953, still is an issue which has to be handled and solved by the Danish authorities with the involvement and con-

sent of the Inughuit. This has not happened yet. That is the reason why the survivors and their descendants of the Inughuit through their grassroots organisation 'Hingitaa' (Outcasts 1953) have chosen to take the case to the Danish court system to prove misuse of fundamental human rights, to get back the lost hunting grounds and obtain compensation.

Madame Chairperson;

Back in 1951 Denmark and the United States of America entered into a defence agreement concerning Greenland. According to a secret technical schedule to the agreement US Thule Air Force Base was established in the Thule District, seizing a very large area in the centre of the traditional hunting territory of the Inughuit, the Thule people, without consent nor consultation. By US request in reference to military necessity the base was expanded in 1953 leading to the forced removal of the people, the Inughuit -with only a few days notice- from the settlement of Uummannaq.

The local authority first submitted a claim for compensation in 1959 and 1960 for losses incurred by the intrusion into the hunting territory, but the Danish authorities have consistently failed to respond to the claim and thereby failed to provide justice.

Inuit Circumpolar Conference is supporting the claims by the 'Hingitaa 53' to the Danish court. Our involvement in this case is on an advisory basis.

Madame Chairperson:

Another issue which has ended up as a very hot issue in Greenland and Denmark is possible storage of nuclear materials in Greenland. In a report developed by an American corporation called RAND, Greenland is considered as one of the safest areas in the world to store nuclear materials, which has been positively received by Greenland's leading authorities. The last political step in this connection is to start up an impartial investigation on whether or not the possible storage of nuclear materials will be environmentally responsible or safe.

Even though the political argument is to contribute to world peace in connection to possible storage of nuclear materials in Greenland, it is a necessity and most important for the Inuit Circumpolar Conference to reaffirm its opposition to storage and/or disposal of nuclear mate-

rials in the Arctic. Since its inception the Inuit Circumpolar Conference has passed numerous resolutions to promote the Arctic as a demilitarised and nuclear-free zone of peace. In addition it has to be emphasised that the ICC back in 1992 adopted the Principles and Elements of a Comprehensive Arctic Policy where one of the sections clearly and specifically states that the Arctic 'must not be used for storage or disposal of hazardous substances of any kind which emanate from other locations'.

Thank you.

Statement given by the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest, by Mr. Nepuni Piku

Chairperson, distinguished delegates and my dear indigenous brothers and sisters. The members of the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest from all over the world met in Nagpur, India from 3-8 March 1997 for its third international conference. It was a historic occasion for us indigenous and tribal peoples where we had a week-long consultation and discussion on issues affecting our lives.

Chairperson, while celebrating this meeting, we were saddened by the absence of our sisters and brothers from the Amazon region and Malaysia, whose rights to free movement and association with other indigenous peoples were curtailed by the Indian and Malaysian governments by creating a consular problem.

At this conference, our participants reported cases of serious violations against our peoples. The abuse, Chairperson, has occurred in the name of social progress, national unity, economic development and national/military security which can be considered a case of ethnocide and genocide of the indigenous peoples. Whereas, to the governments that would be a simple case of social change.

The cases of violations filed during the conference included:

- State sponsored alienation of adivasi lands and resources in India;
- Failure to recognise the legal land rights of adivasi people;
- The need of community forest law in Thailand to allow the indigenous peoples to settle in their ancestral homeland and granting of citizenship;
- Mining and logging of Maroon and

- indigenous territories in Suriname;
- Abuse of indigenous land rights by mining companies in Guyana, the Philippines and the Pacific;
- Patenting of indigenous genes in Papua New Guinea;
- Unrestrained commercial exploitation of indigenous lands in Indonesia;
- Expropriation of indigenous lands in Sarawak by the Malaysian government;
- Violation of human rights and violent conflicts in Africa;
- Failure to achieve peace in the Chiapas region of Mexico;
- Lack of consultation of indigenous organisations by 'Indigenist' institutions in South and Central America;
- Condemnation of political failure and human rights violation in the North-East of India;
- Oil extraction and despoliation of Ogoni homelands in Nigeria, Africa;
- Call for recognition of indigenous and black communities in Honduras;
- Condemnation of new liberal policies and economies in Panama;
- Demanded Adivasi rights to recognition and self-governance; and
- Call for self-representation and conflict resolution in Fiji.

Chairperson, the power and creativity of indigenous peoples in putting forward alternative perspectives on nation building, economic development, self-sufficiency and conservation were also highlighted and applauded, proving true the statement 'If Indigenous peoples survive, the world will survive'.

The conference participants affirmed the safeguarding of our lands, forest, waters and identities as requirements to survival as peoples, at a time when economic globalisation driven by neo-liberal policies has meant intensified invasion and consumption on indigenous and tribal homelands.

Chairperson, we the indigenous and tribal peoples are convinced that in the light of these experiences the adoption of the UN Draft Declaration on the Rights of Indigenous Peoples and the General Assembly, and its implementation through national legislation and reform is an agenda for urgent action.

We the International Alliance of the Indigenous and Tribal Peoples of the Tropical Forest believe that the indigenous-tribal peoples can be partners with the international community in seeking

solutions to global problems related to land, environment and development.

We appeal for more space in the spirit of mutual respect for a healthier dialogue and partnership between the government's and the indigenous tribal peoples.

Thank you for your kind attention.

Agenda item 8: Consideration of the Establishment of a Permanent Forum for Indigenous People

Statement by Mr. Kuupik Kleist on behalf of the Nordic countries, including the Nordic Sámi Parliaments and the Greenland Home Rule Government

Thank you, Madam Chairperson, Speaking on behalf of Denmark, Finland, Greenland Home Rule Government, Iceland, Norway, Sweden including the Sámi parliaments of Finland, Norway and Sweden I am pleased to take the floor on agenda item 8, entitled 'Consideration of a permanent forum for indigenous people', which we consider as one of the most important items of the Decade and of this meeting.

The Nordic countries strongly support the establishment of a permanent forum for indigenous peoples in the United Nations system.

I also wish to take this opportunity to express our gratitude to the Government of Chile for hosting the second workshop and for facilitating the whole event including excellent facilities and accommodations. Also, thanks to the UN Centre for Human Rights for successfully organising this event in Chile. The turn-out for the workshop was a success. The workshop was attended by more than 100 participants, including more than 10 United Nations bodies, organisations and specialised agencies. The large number of participants is a clear sign that there is a growing interest in all parts of the UN-system and in the international community for the idea of a permanent forum. A very important exchange of views took place, and a fruitful debate was held during the workshop in a true spirit of partnership.

We now have the 'Draft Report of the Workshop held in accordance with Commission on Human Rights res. 1997/30' in front of us (Doc.E./CN.4/Sub.2/AC.4/1997/CRP.1). The report reflects in an adequate manner the comprehensive and rich debate we had in Santiago de Chile.

Therefore, there is no need for us to enter into much detail in the following comments. However, the Nordic countries wish to mention some points which are of importance to us.

The report shows that all speakers found that the Review of the Secretary-General established an important point of reference for the deliberations of the meeting. The Nordic countries along with the majority of the participants found that the review points at the clear need for a permanent forum, showing that there are virtually no mechanisms within the United Nations system which give indigenous peoples an opportunity to take part in policy and decision-making processes.

Turning to the discussion on the permanent forum, substantial progress was made on fundamental questions concerning the mandate, membership and financial implications of a permanent forum. The Nordic countries and many of the participants found that the mandate of the forum should be broad, in order to take up all issues affecting indigenous peoples within the framework of ECOSOC. On the membership issues the Nordic countries were among the many participants who expressed the view that the forum should be composed of an equal number of governmental and indigenous representatives – both groups with the right to vote. As to the membership the forum should have around 20 members, representing a geographical balance and nominated by their regional groups.

On the financial implications we and many other participants found it appropriate that the forum be funded by the regular United Nations budget. The Nordic countries also consider that voluntary contributions should be made available if possible.

The Nordic countries envisage that the establishment of a permanent forum should be seen as part of the reform process of the United Nations and that it would add value to the United Nations system.

Drawing the attention to the conclusion of the workshop which is very well reflected in the report the Nordic countries fully support the suggestion made, that 'the Commission on Human Rights at its 54th session consider how to further the process towards establishment of a permanent forum for indigenous people within the UN system, inter alia through the drafting of a concrete proposal'.

As the indigenous peoples' concerns both cover human rights as well as social,

economic, cultural and environmental affairs the Nordic countries along with most of the other participants found that the permanent forum should be established at the highest level of the United Nations system and most appropriately directly under ECOSOC. We therefore encourage the working group to propose to the Commission on Human Rights to consider the possibility of submitting the matter to ECOSOC.

As agreed upon at the workshop, the Nordic countries want to stress the importance of annexing the four documents made available at the workshop to the report. These documents, inter alia the Danish Working Paper on an Outline of a Permanent Forum for Indigenous People and the Temuco Declaration, form an important basis for the further work on this issue at the next session of the Commission on Human Rights.

In order to gain momentum in the process the Nordic countries would urge the working group to submit the report together with any comments arising from this discussion to the Sub-Commission at its upcoming session. It is important that the drafting process starts as soon as possible, in the spirit of partnership and with active participation of indigenous peoples.

The report will now be circulated to governments, the United Nations system and organisations of indigenous peoples. It is our hope that all interested parties will comment on the report in order to contribute to the further debate in the Commission of Human Rights. This will provide the Commission with the most appropriate basis in order to further the process on the establishment of a permanent forum.

Thank you, Madam Chairperson.

Statement by Marcial Arias Garcia, Panama, for the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest

Madame Chairperson:

Allow me to make a statement on behalf of the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forest on item 8 which concerns the establishment of a permanent forum for indigenous peoples.

Madame Chairperson, I have participated in two UN seminars on the establishment of a permanent forum for indigenous peoples and not once have I experienced any opposition from governmental repre-

sentatives, NGOs or indigenous peoples to its establishment. There is a difference of opinion on the forum's capacity which has led some to insist on a definition of the term 'indigenous people'. And still others are concerned with a possible duplication of the Working Group's work.

The Secretary General's report also reaffirms the need to create mechanisms for indigenous peoples within the UN system by pointing out that no mechanism exists allowing indigenous peoples the opportunity to take part in the making of decisions.

In this sense, Madame Chairperson, we can not continue prolonging the discussion through seminars. We firmly believe that it is necessary to take stronger steps to ensure the forum's establishment. Therefore, I ask this Working Group to consider the second workshop's recommendation that at its 54th session the Commission on Human Rights examine how the process to establish the forum can be furthered. This should not be justified by reference to the reforms being carried out by the UN; I believe that the reforms should take into account the changes which already exist.

Today, we are commemorating 20 years of indigenous participation in the UN system. If the reforms seek to truly reform the current state of the UN there would be recognition of the full participation of indigenous peoples at the highest level of the UN system. Only then would we be talking about the real reforms the UN system needs. Peoples whose voice has been historically denied and who have been totally isolated from the decision-making process regarding problems which concern them would be given the opportunity to be heard.

Madam Chairperson, it would have been extremely important if this Working Group were to have examined the Secretary General's report with regard to the review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous peoples as this report presents the tangible reality of the indigenous peoples in the UN system.

Finally, Madam Chairperson, I invite the governments and my indigenous brothers and sisters to support the recommendations of many of the second workshop's participants to establish the permanent forum at the ECOSOC level. Thank you very much.

Statement by the Grand Council of the Crees

1. The Grand Council of the Crees attended the recent workshop on a Permanent Forum for Indigenous Peoples in Santiago, Chile.

2. We welcome the report of that workshop. We would point out that the idea for the establishment of a permanent forum is receiving renewed and additional support from several states, and that states that previously opposed the establishment of a permanent forum have now softened their positions, stating instead that they have not formed a judgement on its establishment.

3. It is important to point out that there was consensus on a critical point: all of the participants, indigenous peoples and states alike agree that the Report of the Secretary General demonstrates that at present the United Nations System does not adequately serve the needs of the world's indigenous peoples.

4. In our opinion this demonstrates the need to establish a Permanent Forum for Indigenous Peoples.

We have now held two workshops and it is more than evident that we must move ahead with the establishment of the permanent forum. Madame Chairman, I would like to make some proposals that I would ask this Working Group in its report to put forward as recommendations. We want to see the permanent forum established within the International Decade and must take action now if this is to be done.

We ask this Working Group in its reflection upon the report of the 2nd Workshop on a Permanent Forum for Indigenous Peoples, held in Chile, to call upon the Commission on Human Rights to decide on the establishment of a permanent forum and to move this issue on to the Economic and Social Council.

We ask that the Working Group recommend the immediate establishment of an advisory post within the office of the Secretary General to co-ordinate and strengthen the response of the United Nations on indigenous issues and to co-ordinate the necessary steps that will lead to the establishment of a permanent forum within the United Nations.

Madame Chairman, we ask the Working group to take this initiative to bring to fulfilment the proposal approved by the Vienna Summit on Human Rights. □

BOOK REVIEWS

BOOK REVIEWS

COMMENT:

There is Something Rotten
in the 'States' of Australia...

Since 1993 Michael Dodson has annually published the 'Native Title Report' and the 'Annual Report'. This year's editions are the last, as Michael Dodson's term as Australia's first Aboriginal and Torres Strait Islander Social Justice Commissioner is coming to an end. The Australian Government apparently is not planning to prolong his employment, a fact the rest of us can only deeply regret. It is yet another symptom of the changed policies towards Aboriginals and Torres Strait Islanders that Prime Minister John Howard and his government are conducting.

Michael Dodson's reports have each year provided us with invaluable material on the indigenous peoples' situation in Australia and insights into and reports of each year's political happenings and events that are related to the indigenous peoples of Australia. This year's final reports from Michael Dodson are sinister reading.

Both reports reflect the sad state of the current situation in Australia. Aboriginals and Torres Strait Islanders are facing a strong backlash both in the form of the government's Wik-legislation: a 400-page Amendment Bill that in reality extinguishes the Native Title Act, but which is also a deterioration of conditions for Aboriginals and Torres Strait Islanders in society in general, especially in attitudes towards the indigenous peoples of Australia and in withdrawal of welfare programmes aimed at Aboriginals and Torres Strait Islanders. It is with growing astonishment and disbelief that governments and peoples outside Australia follow the proposals and the altered policies of the Howard government. The new position on indigenous policies taken by the Howard government has also been felt in international fora, i.e. the UNWGIP meeting in Geneva this year.

Mr. Dodson puts in perspective the last year's developments and how the government's policy towards Aboriginals and Torres Strait Islanders has undergone an about-turn since the beginning of 1996 when Mr. Howard came into office.

Australia's first peoples have, since colonisation, always suffered from the lack of any treaty with the colonising white societies that settled in Australia. Although there are only a few examples that First Peoples elsewhere in the world have been treated fairly and justly, treaties have in some places provided a base for juridical recognition and even (albeit ridiculously small) economic compensation. The first peoples of Australia and the Torres Strait Islands did not even get this kind of minimal recognition. According to the foreign white settlers there was nothing but fauna, and Australia

was Terra Nullius: empty land. The doctrine of Terra Nullius was only partly breached with when the High Court of Australia made its Mabo and Wik decisions, the latter confirming that Native Title was not necessarily extinguished by pastoral leases and other rights. Native title is entitlement to use of land for traditional purposes, if you as an indigenous people can prove a continuous relation to a specific area. It is a very limited granting of rights, and is by no means comparable to ownership. What John Howard probably wants to achieve with his Amendment Bill is the once and for all extinction of native title, although he tries to convince the rest of the world that this is not the case.

Since the Referendum in 1967 when Aboriginals and Torres Strait Islanders came to enjoy the same rights as non-indigenous Australians, there has been a slow but steady development that has ameliorated conditions for the indigenous peoples of Australia. The ultimate peak was when the Native Title Act came into existence in 1993. A possibility for recognition of such fundamental human rights as the right to their own land was suddenly possible. That is why the Amendment Bill is such a major backlash to the Aboriginals and Torres Strait Islanders. Australia is still a society ripe with prejudices and discrimination that Aboriginals and Torres Strait Islanders have to face and live with every day. Michael Dodson documents this thoroughly in the appendixes to the Annual Report.

Both of Mr. Dodson's reports present the indigenous peoples' response and position to the government's new policy. The question Mr. Dodson raises is why the government is so adamant in its policies towards Aboriginals and Torres Strait Islanders. According to him it can perhaps only be answered with lack of knowledge and understanding of the issues, if it is not a question of sheer racism. As Michael Dodson points out the white settlers not only brought dispossession of the first peoples with them, they also brought a legal tradition that recognises basic possession rights and other human rights - basic values that are the core of the government's policy towards all other ethnic groups in Australia except the Aboriginals and Torres Strait Islanders. Why is it then, that these values and rights are not applied when it comes to the indigenous peoples of Australia? Why are young Aboriginal put away in custody thousand of miles from relatives and family for minor crimes, when at the same time the government supports the family as the basic element to build a society upon. The keep-

ing in custody of young Aboriginals is surely destructive, and it could be easily solved if the Aboriginal local communities and families were involved. As it is said 'It takes a village...' to raise a child, but present practices and the institutions of keeping in custody surely allow no Aboriginal village to take on this responsibility. Michael Dodson also reports on the horrible conditions in connection with minor law breaches that young Aboriginals are forced to suffer under. The government does nothing. Why hasn't any Amendment Bill been put to Parliament abolishing the present custody system?

One of Michael Dodson's very fine points is the description of the peaceful coexistence between white settlers and Aboriginals in the cattle industry. Without the indigenous workforce there would have been no cattle industry in Australia. It has been a source of wealth and prosperity, at least to the whites. But in this coexistence one can find a model for a solution to all the misunderstandings and abuses that take place. This is of course a political question, i.e. whether this kind of coexistence is a desirable goal. But the Australian Government should at least work for the respect of the basic human rights of all its citizens, especially the rights of the descendants of the peoples who, through their ancestral heritage, hold the birthright to the land in Australia.

The relation to land is of such central importance to both the cultural and physical survival of Australia's first peoples. According to Aboriginals the Amendment Bill implies a violation of their property rights. Moreover, Aboriginal and Torres Strait Islanders' religious practices are intimately connected to sacred sites and the land itself. To deny access to land and protection of sacred sites and places of religious practices is to deny Aboriginals and Torres Strait Islanders the right to their religious identity and, on a broader level, the right to existence as distinct peoples with their own cultures.

It is this right John Howard is extinguishing when he and his government extinguish native title. Michael Dodson's reports clearly illustrate this and describe all the violations of basic rights the indigenous peoples of Australia have to live with.

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Michael Dodson, *Aboriginal and Torres Strait Islander Social Justice Commissioner. Fifth Report 1997, Human Rights and Equal Opportunity Commission. Commonwealth of Australia.*

Michael Dodson, *Native Title Report July 1996 - June 1997, Human Rights and Equal Opportunity Commission. Commonwealth of Australia.* □

BOOK REVIEWS

BOOK REVIEWS

by Andrew Gray



Community Forest Management in Protected Areas

All over the world indigenous peoples face the imposition of protected areas over their ancestral territories. In Latin America over 80 per cent of protected areas have been established on indigenous lands while in India over 600,000 tribal people and forest dwellers have been displaced to make way for environmental conservation. The book *Community Forest Management in Protected Areas: Van Gujjars Proposal for the Rajaji Area* takes on these issues directly, not only by analysing the inaccurate and discriminatory principles by which conservationists and government institutions establish and manage protected areas, but by proposing solutions.

The Van Gujjars are a nomadic forest people numbering about 7,000, who live in the Shiwalik hills in northern India not far from Dehra Dun. Their transhumant lifestyle involves looking after their buffaloes in lower forest pastures, about 2,000 feet high in winter, and moving 200 kilometres for the summer months between April and September to the cooler hill areas of about 10,000 feet. They are a self-sufficient people, relying on the forest to provide their livelihood and provide for their buffaloes. They also have important trade relationships with local sedentary villages.

In 1983 official notification was made of the intention to create the Rajaji Park covering 825 square kilometres integrating the

Chilla, Rajaji and Motichur Wildlife Sanctuaries along with some reserve forest under the control of the Forest Department. The Van Gujjars and villagers from around the boundary of the proposed park were not consulted; indeed the original plan for the park was to evict them from their territory and remove them forcibly to a new settlement outside of the protected area. The Van Gujjars refused to be relocated and eventually the Uttar Pradesh government accepted that their wishes should be respected.

The Van Gujjars did not object to the idea of a park but they did not want to lose control over their lands and resources. Meanwhile, the Forest Department took responsibility over the whole proposed park area and, through a severely misguided administrative structure, seriously affected the livelihoods of the Van Gujjars. Poaching, corruption, misinformation and threats have been constant problems for the Van Gujjars in recent years.

The book documents ecological problems in the proposed park: forest deterioration, the depletion of ground vegetation, weed infestation, problems from wildlife, increased soil erosion and forest fires. The Forest Department blames the local Van Gujjars and villagers for these ecological problems and on this basis argued for their eviction from the area. However, the book describes each problem in depth and shows that far from the Van Gujjars being the cause of the ecological problem, the administrative structure of the Forest Department is fundamentally to blame. Furthermore, the analysis demonstrates how the Van Gujjars have protected the whole area of the proposed park for centuries through their environmentally sensitive lifestyle.

Instead of forcibly relocating indigenous peoples, an increasingly popular proposal for solving conflicts between parks and peoples is based on 'Joint Forest Management' where local people participate in the administration of a park and the government and local communities share responsibility in a partnership. However, in an excellent analysis of this form of 'joint partnership', the book shows that the Van Gujjars and the authorities can never run a park together as equals. In the first place, the political relationship between the parties is not equitable. The Van Gujjars find themselves reacting to outside initiatives and are not in control of their own lands and resources. Furthermore, the villagers in and around the park live in symbiosis with the Van Gujjars and they also need to be incorporated sensitively into any management plan.

Instead of unequal participation which would receive no legitimacy from the Van

Gujjars, the book proposes a model of Community Forest Management of the protected area where the local communities take initiatives and manage their resources while the state provides a monitoring and supportive role. The Van Gujjars have demonstrated for centuries that they can manage this area, the book provides an astute and clearly written proposal as to how this can continue. The principles of control over resources and consent for the establishment of any park are fundamental.

The book makes it plain that many of the current problems facing the area are structural and that a new administrative structure is necessary. It proposes a democratic model of indigenous institutions (based on the Van Gujjar households and localities as well as villages) and links these into more all-embracing regional committees. At each level, representatives of other interests are included in the committees; but fundamentally, the Van Gujjars should control their lives and destinies. The book also explains the need for parallel local technical support in the form of training and development programmes.

The book ends by suggesting a series of practical steps whereby this proposal could gradually become a reality, moving out from a core area to include the villages and gradually the whole protected area. In this way the Van Gujjars' nomadic life can be supported and the Rajaji proposed park protected.

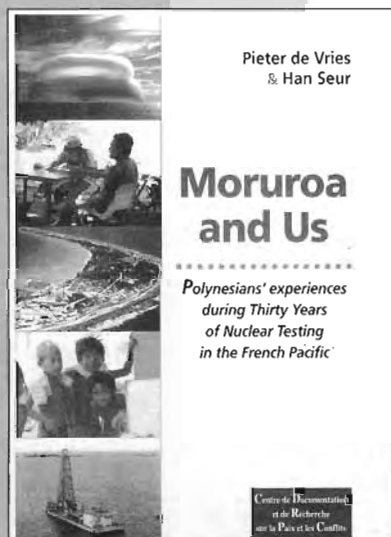
RLEK have carried out excellent fieldwork and have provided a book which could serve as an inspiration in India and much further afield. All that remains is that the political and economic conditions can be made available so that the Van Gujjars can at last control the Rajaji National Park and that constructive solutions can be found to combat the multitude of problems facing indigenous peoples who live in protected areas.

Rural Litigation and Entitlement Kendra (RLEK). *Community Forest Management in Protected Areas: Van Gujjars Proposal for the Rajaji Area.* Dehra Dun: Natraj Publishers, 1997. ISBN 81-85019-64-9.

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BOOK REVIEWS

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From 1966 to 1996 the French Government tested almost 200 atomic bombs in French Polynesia (the exact number is not officially known). During the period up to 1975 the nuclear tests were atmospheric, and 45 bombs were detonated over the atolls of Moruroa and Fangataufa. From 1975 onwards the tests were carried out underground and mainly on Moruroa. During that period more than 150 bombs were exploded.

'Clean and harmless'

How did this massive nuclear test programme affect the health of the Polynesians and their environment? Shockingly, very little is known. For thirty years France has surrounded its testing programme with an atmosphere of secrecy. And despite the well-documented consequences of the United States' nuclear tests in the Marshall Islands (atmospheric) and the Nevada desert (underground) in terms of radioactivity and nuclear contamination, the French Government has always maintained that their tests were 'clean and totally harmless'.

It is, however, known that there have been a number of serious accidents in relation to the French tests. To cite only two: in 1971 several islands in the Gambier and Tuamotu archipelago were contaminated by radioactive fall-out and the population was temporarily evacuated; in 1981, a strong cyclone uncovered more than 10 kilograms of plutonium which had been buried on Moruroa under a layer of asphalt and 2,500 civilian technicians threatened to strike

if the waste was not cleaned up.

The Polynesians and other concerned persons and groups have over the years protested, claiming that there were many indications that the nuclear tests were impacting on the health and well-being of the islanders, that, just like it had been the case in the Marshall Islands, the number of cancer cases, miscarriages, stillbirth and other ailments that could be attributed to nuclear testing had increased over the years. Several governments including that of New Zealand and of Australia, have accused France of endangering the environment as well as the livelihood of the peoples living in the Southern Pacific region.

Thirty years of silence

All this has been to no avail. Repeated demands for research addressing the relationship between testing and the increase in the incidences of various types of cancer and other diseases have not been taken seriously. For many years cases of cancer were not registered, and even today, medical and epidemiological statistics are not reliable. Hospital files are not accessible on the grounds that the hospitals are under 'military administration'.

Nor has there been any research on the possible relationship between reef damage caused by the construction of the test centre infrastructure and the alarming increase in ciguatera poisoning (ciguatera) caused by fish consumption. The three independent scientific missions that during the '80s, after much international pressure, were given permission to investigate the level of radioactive contamination and the ecological state of the atoll were only allowed to visit the atoll on short notice, for only a few days and under extremely restricted conditions. According to the French, the missions clearly

THIRTY YEARS OF NUCLEAR TESTING: THIRTY YEARS OF SILENCE

by Diana Vinding

BOOK REVIEWS

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showed that nuclear testing at Moruroa did not represent a risk, but the scientific debate raised by the missions shows that there is and there has been no agreement within the scientific community as to the effects – especially the long-term effects – of both the atmospheric and underground nuclear tests.

The Polynesians' experiences

All this is documented in a new book, *Moruroa and Us - Polynesians' experiences during Thirty Years of Nuclear Testing in the French Pacific*, written by two Dutch sociologists - Pieter de Vries and Han Seur, with the support and help of the Polynesian NGO Hiti Tau, the Eglise Evangélique de Polynésie Française and many other committed Polynesians.

The purpose has been to bypass the lack of basic information by giving voice to former 737 test-site workers and islanders living in the vicinity of Moruroa and Fangataufa, and document their anxieties and uncertainties concerning nuclear testing.

It is not officially known how many Polynesians worked for the CEP (Centre d'Experimentation du Pacifique). Estimates run between 10,000 and 15,000. But it is the first time since the beginning of the tests in 1966, that former test site workers are the subject of an independent inquiry which looks into how they were recruited, the types of work they carried out, how they experienced the tests, and how they perceived the risks. The book also describes their feelings of anguish, fear and powerlessness as to what the future may bring to themselves, their families and their communities as a consequence of the tests.

To complete the picture, a number of institution representatives from the Gov-

ernment, Health Ministry, churches, political parties, trade-unions and anti-nuclear activists have been interviewed as well and the book furthermore gives a concise report on the scientific debate about the risks of nuclear testing.

The result is a well written and sober report with much disturbing and thought provoking information: 33 per cent of the test-site workers were employed for more than ten years; 10 per cent of the workers were recruited although they were under the age of 18 (6 per cent were even children under 16 years of age); 49 per cent had spent time in possibly contaminated areas, 41 per cent had worked in possibly contaminated areas and for the majority of them this had taken place during the atmospheric era (1966-1974). Among those who had worked in possibly contaminated areas, 38 per cent stated that at times they were exposed to radioactivity or contamination. At the same time, it appears that there was inconsistency in the implementation of the safety rules and regulations, and more than half of the test-site workers admitted fishing and consuming the catch despite rumours that the sea could be contaminated.

What future?

Not surprisingly, one of the main anxieties of the former test-site workers concerns their health and the health of their offspring. But research on the long-term effects of the nuclear testing programme on the health of the test-site workers has never been contemplated by the French, and it seems that the French authorities did not even bother to collect relevant data on this subject: although almost all employees (94 per cent) had a medical examination before they arrived at the sites, and 65 per cent of them were also

examined while working for the CEP, only 48.5 per cent were examined at the end of their stay at the sites.

The inquiry also reveals a number of specific cases of individuals who were exposed to the risks of radioactive contamination with dramatic consequences. All these people had one thing in common: that after becoming ill or learning about deeply disturbing events they had to face a wall of disbelief and disinterest on the part of the French medical experts, and some were even subject to intimidation by the authorities.

Not surprisingly, and although the tests have now been stopped, a large majority of the respondents think it is important to continue with the discussion about the possible consequences of nuclear testing and that a thorough epidemiological investigation should be undertaken in order to answer some of their most pressing questions.

The issue should not be forgotten

In 1996 France decided to stop nuclear testing, thereby assuaging world opinion. But, as the authors write, 'the fact that France and the world seem to have turned the page must not mean that we can simply forget about the problems former workers and the Polynesian population as a whole are facing'.

Moruroa and Us is an important contribution to the debate surrounding the nuclear programme. It is also a message to the international community not to forget the Polynesians' struggle to obtain answers to the questions they have been asking for so many years. Without international pressure it is highly doubtful that the French authorities will ever accept their responsibility and address the problems the former employees of the CEP are faced with. □

Pieter de Vries and Han Seur
***Moruroa and Us - Polynesians' experiences during
Thirty Years of Nuclear Testing in the French Pacific***

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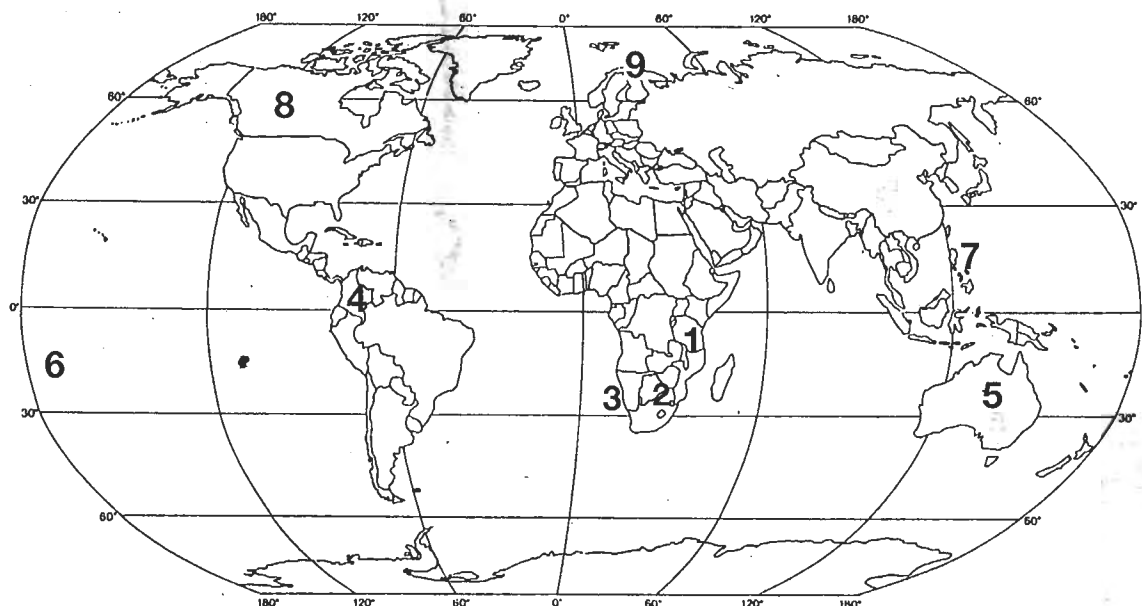
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