ENSLAVED PEOPLES IN THE 1990s

A report by Anti-Slavery International in collaboration with IWGIA

ENSLAVED PEOPLES IN THE 1990s

Indigenous Peoples, Debt Bondage and Human Rights

Anti-Slavery International
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NEPAL
TAIWAN
INDIA
PHILIPPINES
PERU
BOLIVIA
PARAGUAY
INDONESIA

INTRODUCTION

The Enslavement of Indigenous Peoples and the Historical Movement for Indigenous Rights

Introduction

The history of the struggle of indigenous peoples for the recognition of their rights has been intimately connected to the phenomenon of slavery. Throughout the world, indigenous peoples are still subjected to a variety of forms of slavery, and this report charts a cross-section of these terrible experiences in the 1990s, varying from the sexual exploitation of women and children in East Asia to debt bondage and serfdom in the Amazon.

Slavery is a form of exploitation which has a terrible effect on all its victims, but its repercussions on indigenous peoples are particularly severe. The distinct holistic interconnections between different aspects of indigenous peoples' lives mean that slavery has an impact on an entire people's culture and social structure. For example, territorial rights are bound up with an indigenous people's collective identity, their cultural expression and customary legal systems. What appears initially to be a narrow question of labour exploitation is often in reality an attack on the very survival of a people as a whole.

Slavery is defined in Article 1 of the 1926 Slavery Convention as:

> the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised. [1]

Slavery in this sense refers to people who are bought and sold as chattels (property). Throughout history, indigenous peoples have been bought and sold as if they were the possessions of their colonisers and invaders. Almost as soon as the Spanish and Portuguese arrived in the Americas in the mid-16th century, indigenous peoples were enslaved and forced to work in dreadful conditions until (after the space of about 50 years) massive loss of life through murder and disease threatened to exterminate the population entirely. At this point, African slaves were imported to work in the mines and plantations.[2] During the rubber boom in the Amazon at the end of the 19th century, however, indigenous peoples were still being bought

and sold as slaves, the consequences of which can be seen today (see Chapter Eight on the Peruvian Amazon).

The Amazon was not the only focal point of the slavery of indigenous peoples. During the colonial period in India, even after the abolition acts of 1843 and 1861, low caste and so-called 'tribal' peoples continued to be enslaved for agricultural production.[3] Elsewhere, throughout the second half of the 19th century, indigenous people from the South Sea Islands were tricked, taken captive and bullied into working as slaves on the plantations in Queensland, Australia.[4]

The most infamous use of indigenous peoples as slaves came from Africa, where during the period of the slave trade over nine million people were taken captive in West and Central Africa, enslaved and taken mainly to the Americas, but also to North Africa to be bought and sold.[5] Through slavery, African peoples were violently extracted from their indigenous homelands by force, debt or punishment to become chattels on plantations in Brazil, the West Indies or the Southern States.[6]

However, slavery is not only an historical phenomenon. Contemporary forms of slavery or slavery-like practices continue to plague indigenous peoples. The most common forms of such slavery are defined in Article 1 of the 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery, and include such practices as debt bondage (when a person works for an undefined period to pay off a debt), serfdom (when a tenant is bound to live and work on a landlord's property and is not free to change status), and extreme cases of the exploitation of the labour of women and children.

For indigenous peoples, these different aspects of slavery frequently merge into each other. In the Atalaya region of Amazonian Peru, for example, some people have been bonded for so long in debt that they are, in practice, bound to the land of the creditor under threat of violence if they try to leave. Children can be born into slavery with landowners controlling the 'baptism right', while women are on record as having been forced to provide sexual services to landowners. The selling of debts in the Amazon from one employer to another is technically no different from the commercialisation of human beings found in chattel slavery.

The boundary between slavery and slavery-like practices is not clear-cut, and is even less marked among indigenous peoples be-

cause of the enormous diversity of social and cultural organisation and the multitude of different forms of exploitation they encounter throughout the world. In each case study, however, it is clear that slavery comes as a consequence of a series of problems which threaten the survival of each indigenous people as a whole.

Slavery is not the cause of the problems facing indigenous peoples, it is a symptom of the gravity of the conditions in which they live. The amelioration of the threats which face them cannot, therefore, simply be one of 'abolishing' slavery or even 'emancipation' solely in terms of putting an end to the unacceptable exploitation of their labour. It is necessary, in an indigenous context, to widen the meaning of emancipation to guarantee a people its own collective identity, rights and sovereignty, including control over its own resources.

Indigenous Peoples

Indigenous peoples account for between 300 and 350 million people today. They encompass a broad range of over 5,000 peoples from the Americas, the Arctic, Oceania, Asia and Africa. In a recent report to the United Nations Working Group on Indigenous Populations, human rights expert Erica-Irene Daes presents a detailed discussion of the concept of 'indigenous peoples'. She identifies four factors which are relevant to understanding the concept of 'indigenous':

(a) Priority in time, with respect to the occupation and use of a specific territory;

(b) The voluntary perpetuation of cultural distinctiveness, which may include the aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions;

(c) Self-identification, as well as recognition by other groups, or by State authorities, as a distinct collectivity; and

(d) An experience of subjugation, marginalisation, dispossession, exclusion or discrimination, whether or not these conditions persist.[7]

Indigenous peoples are colonised peoples who are denied access and control over their resources and whose fundamental rights are not recognised. The concept of indigenous was used during imperial periods of the 18th and 19th centuries to refer to the 'native peoples'

under European control. During the second part of the 20th century, the term refers to peoples living within nation states whose distinct collective rights are not recognised. Over the last 30 years, an indigenous movement has emerged from this discontent, which has succeeded in establishing a marked profile within the international political and legal systems.

The indigenous movement became particularly apparent during the 1960s, when indigenous peoples of the United States and Canada, the Arctic, Australia and New Zealand argued vehemently for the recognition of their rights. Indigenous peoples have existed for thousands of years, but a proliferation of organisations arose during this most recent period, influenced by the process of decolonisation, the Civil Rights and Black Power movements and by increased financial support for indigenous initiatives.

The movement spread rapidly, and during the 1970s local and national organisations appeared throughout Central and South America. In 1974 and 1975, the international nature of the indigenous movement became crystallised with the formation of the International Indian Treaty Council and the World Council of Indigenous Peoples; these organisations brought together peoples from the Americas, Scandinavia, Australia and New Zealand, and began to make an impressive lobby of international institutions, particularly the United Nations.

During the 1980s, the indigenous movement was active in Asia. In the Philippines, the Cordillera Peoples' Alliance was formed in 1984 after many years of struggle against massive projects such as the Chico dam.[8] This was followed by the Indigenous and Tribal Peoples' Council of India in 1986 and subsequent mobilisation throughout Asia. The Ainu of Japan and the Aboriginal peoples of Taiwan from East Asia, the Southeast Asian indigenous peoples from Thailand, Malaysia and Indonesia and peoples from Bangladesh and Nepal all joined in 1992 to form the Asian Indigenous Peoples' Pact.

Further developments in the indigenous movement took place in 1990, when the 26 peoples from the north of Russia formed their own organisation.[9] During subsequent years the pastoralists of East Africa, the Pygmies of Central Africa and the Bushmen of Southern Africa have become strongly associated with the indigenous movement.[10] Indigenous peoples have been asserting their rights increasingly at international fora but their participation was not recognised until the forma-

tion of the UN Working Group on Indigenous Populations in 1982.

Indigenous questions were first raised at the International Labour Organisation (ILO) as early as 1921[11], and subsequently several ILO conventions were adopted on the rights of 'indigenous' or 'native' workers. In the 1950s, the ILO decided to develop a Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, which was adopted in 1957 as Convention No. 107 and eventually ratified by 27 states.

Convention No. 107 essentially assumes that indigenous peoples should be integrated into wider society, but guarantees them protection until such time as they can integrate into the state. Its basic premise is '*that the integration of indigenous communities into the majority culture is both desirable and inevitable*'[12] and it places all aspects of indigenous peoples' livelihoods under the authority of the state.[13] This paternalistic convention was consistently criticised by indigenous and non-indigenous people alike. Even though it is now largely a dead letter, Article 9 of Convention No. 107 demands the complete and immediate prohibition of forced labour affecting indigenous peoples including serfdom and debt peonage. Another significant aspect of the Convention comes in Article 11, which recognises aboriginal rights as pre-existing and distinct from state land-grants.[14]

In 1989, the ILO adopted a new and different type of convention, Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries, which by 1996 had been ratified by nine countries. In this document, integrationist terminology is replaced by notions of participation and consultation, but indigenous rights are still placed within a statist framework.[15] The effect is not an instrument which respects the rights of indigenous peoples, but an orientation for regulating government policies where states retain authority over indigenous questions.[16] However, the threats which face some indigenous peoples are so grave that ILO Convention No. 169 does have some potential within its provisions in areas of cultural protection, labour rights, development priorities, and limited respect for indigenous institutions and land rights.

The most participatory initiative for the recognition of indigenous rights has been taking place in the United Nations Commission on Human Rights. Between 1977 and 1981, indigenous peoples lobbied the United Nations to address their concerns through

two widely attended NGO conferences on discrimination and land rights. In 1981, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities agreed to establish a Working Group on Indigenous Populations which has met 14 times to discuss the development of events affecting indigenous peoples and to elaborate international legal standards on the rights of indigenous peoples.

The result has been the draft Declaration on the Rights of Indigenous Peoples which was approved by the Sub-Commission in 1994 and is currently under discussion in a Working Group of the UN Commission on Human Rights. The UN draft Declaration is currently the only legal instrument which has broad support from indigenous peoples and organisations throughout the world. It starts with the fundamental right of indigenous peoples to self-determination. Any understanding of how indigenous peoples' rights relate to slavery has to begin from this point.

Article 3 of the UN draft Declaration states:

> Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Self-determination for indigenous peoples has been expressed elsewhere as:

> the right to control their institutions, territories, resources, social orders, and cultures without external domination or interference *and* the right to establish their relationships with the dominant society and the state on the basis of consent. [17]

The draft Declaration covers a broad spectrum of indigenous rights within the framework of self-determination: collective rights are recognised in Part II; cultural freedom and education are covered in Parts III and IV; participation, consent and positive discrimination in economic and social affairs in Part V; territorial rights and control over resources are covered in Part VI; and recognition of indigenous political institutions and international treaties are covered in Part VII.

Article 18 deals explicitly with labour conditions:

> Indigenous peoples have the right to enjoy fully all rights established under international labour law and national labour legislation.
> Indigenous individuals have the right not to be subjected to any

discriminatory conditions of labour, employment or salary.

This brief survey of ILO and UN provisions for the rights of indigenous peoples demonstrates the way in which labour questions are embedded in all other aspects of indigenous rights. From looking specifically at the rights of native workers on plantations, the ILO recognised that the problems facing indigenous peoples were of a broader social and economic nature. By the time Convention No. 169 was adopted, labour questions had been drawn into the cultural, economic, political and social aspects of indigenous life.

The UN, on the other hand, provides in Article 18 of the draft Declaration a general all-embracing support for labour rights, without entering into details. The reason for this is that questions of labour are intimately bound up in rights to self-determination, territorial control over resources, recognition of political institutions and indigenous customary legal systems, cultural freedom and control over development. The articles in this volume reiterate the importance of the fact that slavery among indigenous peoples cannot be separated from the whole range of rights which need to be recognised for their continuing survival. This distinct relationship between slavery and indigenous peoples is not just a recent phenomenon, but has been reflected throughout the history of Anti-Slavery International.

Slavery and Indigenous Peoples - the Work of Anti-Slavery International

> It might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil; a plain and sacred right, however which seems not to have been understood.[18]

This statement comes from the report of a British Parliamentary Select Committee which met in 1835 to:

> consider what measures ought to be adopted with regard to the native inhabitants of countries where British settlements are made and to the neighbouring tribes, in order to secure to them the due observance of justice and the protection of rights.

The Committee's findings emphasise the importance of native rights to land, and show that, in spite of the passing of 160 years, the problems facing today's indigenous peoples have not changed.

The Parliamentary report, published the following year, is a fierce indictment of the treatment of native peoples in areas of British colonial rule and describes the oppression of 'native peoples' throughout the world, covering North and South America, Australia, New Zealand, the Pacific Islands and South Africa. The violations of fundamental rights are described in all the areas scrutinised, such as land grabbing, indiscriminate killings, unfair trading practices, maladministration and abysmal health and educational facilities. Many of the suggestions for solving these problems are anachronistic in a contemporary context because they are couched in the imperial language of the time, advocating a process of 'civilising' native peoples through missionary work and strengthening the rule of colonial law. Nevertheless, beneath this rhetoric, the consequences of colonisation which faced the native peoples of the first part of the last century are broadly speaking the same as those which their indigenous descendants are facing today: murder, dispossession, deception, neglect and slavery.

Concern over the violation of the rights of native peoples arose from the anti-slavery movement. Thomas Fowell Buxton, the MP who played a major part in promoting the 1833 Emancipation Act in the British Parliament, was a prime initiator of the 1835-36 Committee and became its Chairman.[19] Buxton and Thomas Hodgkin were so affected by the findings of the report that they and several other members of the Parliamentary Select Committee formed the Aborigines Protection Society (APS) in 1837. Their purpose was to: '*assist in protecting the defenceless, and promoting the advancement of uncivilised tribes*', particularly '*other victims of colonising enterprise, who, though not actually slaves, were exposed to treatment as bad as the state of slavery involved* '.

APS worked through a system of correspondents who provided information from all over the world. There appears to have been no direct contact with aboriginal peoples and most of the information came from missionaries (which might explain the strong pro-mission orientation of the society). Much of the work of APS centred around land, such as protesting to Sir F.B. Head in 1838 to secure land for the Canadian Indians or finding a location for Hottentots on the Great Fish River in South Africa as a protection from the Boers.

According to the Society's 1837 documentation, there were about 275 million native peoples in the Americas, Africa, Asia and

the Pacific '*and a small but interesting remnant of ancient European barbarism existing in Lapland* '.[20] Throughout the 19th century, the Aborigines Protection Society worked to find ways of promoting native rights. They took strong positions against British subjects buying up Aboriginal and Maori land in Australia and New Zealand, and took the '*native side*' in colonial wars in Africa. APS supported treaties such as the Treaty of Waitangi and considered that the Maori wars were the result of constant attempts by the British to dispossess natives of their land.

For the second half of the 19th century, APS's work focused more on the increasing problems in Southern Africa, trying to reduce the influence of the uncontrolled Boer colonising frontier which was abusing native rights. However, to achieve this, the Society openly promoted extending British colonisation, as this was considered a sound means of securing law and order over a territory. The Society '*invariably supported all honest and honourable projects for such extension of British authority as is calculated to benefit both rulers and ruled* '.[21] This policy drew the Society into involvement in controversial colonial politics.

In 1888, when the Aborigines Protection Society tried to amalgamate with the Anti-Slavery Society, they were rejected. At this moment both organisations were working in similar areas with the same peoples, but were emphasising different aspects of rights. Since its foundation in 1839, the Anti-Slavery Society had promoted the abolition of slavery throughout the world. With ties to anti-slavery movements abroad, the Anti-Slavery Society supported the movement to abolish slavery in France, the US and Brazil between 1840 and 1885. Furthermore, ASS also worked to support slaves who had been liberated.

By the 1880s much of ASS's work was directed to Africa, and dissatisfied with the results of the Berlin Conference of 1885 which was meant to suppress slavery in the Congo and elsewhere, it lobbied the British government intensively for the Brussels Conference of 1889-90, which established several active measures against the slave trade and for an International Slave Trade Bureau.[22]

The problems in the Congo Free State, which was under the jurisdiction of King Leopold of Belgium from 1885 to 1908, brought the two societies' objectives together. The Anti-Slavery Society worked with the Congo Reform Association to publicise and denounce the terrible abuses which were taking place there, with an esti-

mated eight million people dying in the atrocities.[23] They lobbied for several official enquiries which resulted in Belgium annexing the Congo in 1908. The following year the Aborigines Protection Society merged with the Anti-Slavery Society.

From this period, the newly amalgamated Anti-Slavery Society looked at both slavery and the ill-treatment of native peoples by Europeans. The first major campaign was directed against the Peruvian Amazon Corporation which was responsible for atrocities committed against the indigenous peoples of the Putumayo region on the border of Peru and Colombia. By providing a strong lobby on the British government and proposing a commission of investigation under Roger Casement, who had worked with the Society in the Congo case, gross violations of human rights were exposed (estimated as a loss of about 40,000 Huitoto, Boro and Andoke lives). Casement's report was presented to the British Parliament and a Select Committee censored the company, which was dissolved. [24]

From this period until the late 1950s much of the Anti-Slavery Society's work shifted to the ill-treatment of native peoples by Europeans.[25] The Society's work was '*watching over native conditions in the Colonies for which Great Britain has direct responsibility* '.[26] A glance through the journal of the society, *The Reporter* , shows increasing concern for the welfare of colonised peoples. For example in the 1945 annual report it says '*The scope of our work, however, goes far beyond slavery and now extends to the promotion of the welfare of the colonial peoples, covering such questions as health, sanitation and land tenure*'.[27] This work consisted of monitoring the administrators in the colonial service and evaluating the consequences of their work.

The Society took a very strong line against racial prejudice and the '*colour bar*' - indeed it lost its royal patronage in 1910 for opposing what it considered to be racially discriminatory passages in the new South African Constitution. Another area was work with the newly established international organisations, first the League of Nations and later the United Nations.

However, the emphasis on the welfare of '*natives*' disappeared completely with the end of the British Empire in the 1960s. From this period on, contemporary forms of slavery became the main focus of the Society once again, while in the 1970s the Aborigines Protection Society aspect of its work began to closely follow the rise of indigenous questions.

During this period issues of indigenous peoples and slavery were followed among the Aché in Paraguay [28] and the Andoke of Colombia, and the Anti-Slavery Society collaborated with the newly formed Survival International and International Work Group for Indigenous Affairs (IWGIA). In 1972, the Anti-Slavery Society (under the name of the Aborigines Protection Society) sent a fact-finding mission to Brazil which drew attention to the appalling conditions facing the indigenous peoples of the country.[29] In 1981, the Anti-Slavery Society participated at the UN NGO conference on indigenous peoples and land in Geneva. From that period on, the organisation worked closely with the UN Working Group on Indigenous Populations, and in 1986 sponsored an extra meeting when the UN refused to provide financial support.

This report embraces both aspects of the historical commitment of Anti-Slavery International (as the Anti-Slavery Society became in 1990) to the abolition of slavery and support for the rights of indigenous peoples. Sometimes during its history the emphasis has shifted, but for nearly 160 years there has been constant support for the rights of indigenous peoples. Whereas the analysis has always been based on identifying the need for the recognition of territorial and other rights, the solutions have been markedly different. The old ideas from the last century of solving problems through missionisation and colonialism have long disappeared, and now the emphasis is on the international recognition of the rights of indigenous peoples, in particular their right to self-determination, to enable them to control their own lives and destinies.

Indigenous Peoples and Slavery - Themes in this Report

The articles in this volume draw together the themes of slavery and indigenous peoples into two broad perspectives. The first is a global panorama of different forms of slavery, while the second draws attention to those aspects of slavery which have distinct effects on indigenous peoples.

a) Contemporary Forms of Slavery

The most common form of slavery encountered by indigenous peoples is debt bondage. This is defined under international law as:

> The status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
> (UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, Article 1a).

All the chapters in this volume mention debt bondage in some form or another, and describe how after the dispossession of their lands and resources and subsequent poverty, indigenous peoples are forced to work for others, not simply as wage labourers but in a much more exploitative way, 'bonded' to their employers by a debt.

The circumstances of the debt vary. In some cases, such as in Peru, people are caught in debt through a desire to take advantage of new technology and are exploited by landowners into working for limitless periods to pay off the unpayable loans. Other studies, such as in India and Nepal, describe the situation of people who have become completely landless and have no other source of food or survival than to become tied to a landowner. In Bolivia and Paraguay, the shortage of land means that it is impossible to subsist, and indigenous people go seeking work from the ranches or plantations, quickly finding themselves in situations of continuing debt.

The slavery problems for the indigenous peoples of the Philippines and East Kalimantan (Borneo) in Indonesia arise from logging. As the forests are destroyed, the people have no means of survival and are forced to rely on the cash economy. Rather than being self-sufficient as they once were, they become tied to external employers and are exploited for their labour. In Taiwan, indigenous peoples' traditional way of life is breaking up under pressure on land and resources by the dominant Han Chinese society. There is consequently an alarmingly high proportion of girls and women from indigenous groups working in Taipei's thriving sex industry, many of whom will have been trafficked from the mountain areas. This phenomenon is found in other countries such as Nepal and Thailand. In Latin America, another form of enslavement comes from young women doing domestic service and finding themselves unable to escape the cycle of debt.

Thus, debt bondage may take place within a rural context, in agriculture or forestry, as well as in an urban context tied to domestic

and sexual services. In all these cases indigenous peoples become caught up in an economic system over which they have no control. In addition to debt bondage, there are other forms of contemporary slavery which affect indigenous peoples. The Supplementary Convention defines the institution of serfdom as:

> The condition or status of a tenant who is, by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status. (Supplementary Convention 1956, Article 1b).

In Peru, we have noted above that some slaves have remained for so long with certain landowners that they have in effect become victims of serfdom. Similar scenarios are reported in the chapters on India and Nepal, where powerful landowners may control whole villages on their estates.

Aspects of child and female exploitation affecting indigenous groups are also defined as forms of contemporary slavery. Children may, for instance, be sold into slavery by impoverished parents and then exploited for their labour, as is mentioned in Chapter One on indigenous peoples in Taiwan.

In addition to the 1956 Supplementary Convention, there are two ILO Conventions (Nos. 29 and 105) which cover forced labour. Convention No. 29 defines forced labour as:

> ..all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. (ILO Convention No. 29 Concerning Forced or Compulsory Labour, May 1932)

The convention limits the extent to which states can make use of forced labour and protects the interests of the workers in question. Signatories also '*undertake to suppress the use of forced or compulsory labour in all its forms*'. Article 4 of the Convention expressly requires the State to completely suppress the use of forced labour for the benefit of individuals or companies. But in reality, force by the state is a silent accompaniment to several of the accounts of slavery mentioned in these chapters.

In Peru, the threat of violence is one of the strongest means of controlling the Ashaninka people and preventing them from walking away from the situation. In Nepal, abhorrent labour conditions are accompanied by physical violence. The Guaraní in Bolivia also

stay on the plantations for fear of violence. In East Kalimantan private companies assume the authority of the State to make illegal use of forced labour on 'development' projects, while in the brothels of Taipei, physical violence is a constant threat used to control the girls working in them.

The emphasis on debt bondage is also significant when looking at the economic and political aspects of contemporary slavery. Different forms of slavery are connected with different types of economic practice. For example serfdom was predominant in feudal types of economy[30], while the slave trade was bound up with the expansion of merchant capital between the 17th and 19th centuries. Debt bondage, however, is a phenomenon connected with the exploitation of a system of paid labour - often arising after chattel slavery was abolished.[31] In most cases the indigenous peoples featured in this volume have their own distinct economic system based on barter and exchange. With the introduction of a cash economy by outsiders, indigenous peoples, with little use for money, readily end up working for payment in kind. This can easily deteriorate into a highly exploitative situation of the kind described in several of the case studies in these chapters.

Having looked at the features of contemporary forms of slavery which plague indigenous peoples, it is necessary to look at the distinct consequences of slavery.

b) Causes and Consequences of Slavery for Indigenous Peoples

Throughout the articles in this report four main themes recur. These relate to indigenous peoples' control over their land, their loss of identity as peoples, the weakening of their political institutions, and the loss of their capacity for self-development. These are problems common to all indigenous peoples whether in situations of slavery or not. Each report shows, however, how it is one or more of these factors which has led to slavery in the first place, or has conspired to keep the affected peoples in that situation.

1. Loss of Territorial Control over Resources

Indigenous peoples are constantly facing land invasions and the plundering of their resources. In India, the main cause of debt bondage is the shortage of land and its unequal distribution. Similarly, in Nepal the debt bondage system arose from powerful individuals

who acquired land in the forested areas for agriculture and exploited the then landless indigenous inhabitants. In East Kalimantan and the Philippines, land shortage arises from the destruction of the forests through logging. As the resources are plundered from the forest, indigenous peoples are forced into debt bondage in order to survive.

In Peru, it was noted that the desire for western trade goods attracted some Ashaninka to work for the non-indigenous *patrones* (translated as masters or bosses in English); this phenomenon can be seen in Bolivia in the early periods of debt bondage. However, the consequence of this is that the *patrones* take over the land areas and entire communities become captive. The effect of the debt bondage is that indigenous peoples who have not yet lost their land, begin to do so. At the time of writing, 94 per cent of Guaraní lands in Bolivia are in the hands of the usurping landlords.

In Paraguay, the Enxet's lack of access to their own land is directly connected to their exploitation, because since the first half of this century landowners have stolen indigenous resources and the only plots to which the Enxet have access are those bought for them as reserves by missionaries. Even in Taiwan, where the problem of child sexual exploitation and prostitution is linked to the breakdown of Aboriginal societies, the root causes of the situation go back to the problem of lack of recognition of indigenous land rights and an increasing dependency on the majority society for survival.

2. Loss of Cultural and Political Identity as Peoples

Another theme which appears throughout the case studies in the following eight chapters is how the introduction of forms of slavery goes hand in hand with the breakdown of indigenous culture and identity. This is especially the case where individuals are taken out of their communities, as in the case of domestic servants or prostitution. Racial discrimination is always a problem facing indigenous peoples, and the devaluation of people is often used as a justification by creditors to exploit them. This is mentioned specifically in the articles on Taiwan and Paraguay.

In the Philippines, the threat of cultural disintegration arises from resettlement and the destruction of resources. The breakdown of collective identity into one based only on the individual is the greatest way of destroying a people and undermining their rights as a people. This in turn paves the way for serious abuses of individual rights.

3. Weakening of Indigenous Political Institutions

One of the main consequences of slavery is that customary law becomes weak and indigenous peoples cannot assert themselves through their political institutions. The whole basis of self-sufficiency depends on a people's capacity to make its own decisions and implement them. This becomes increasingly difficult when control is taken out of their hands.

Dependency on creditors is a particular difficulty facing peoples such as the Enxet of Paraguay, leaving them powerless to assert their most basic rights. In East Kalimantan, the whole of the indigenous land tenure system runs on the basis of *adat* (customary law) but the loggers and transmigrants are able to totally disregard this system, claiming a higher authority, and the Dayaks (indigenous groups) have found their ancestral lands and hunting grounds destroyed. Not only has this resulted in resource despoliation, but is an open threat to their whole legal system.

The capacity of an indigenous people to resist slavery depends on their political strength. This can take either the form of a community organisation which makes and implements decisions, or the establishment of indigenous organisations. This process is critical for resisting debt bondage and achieving emancipation. Peru is a case in point, where the presence of indigenous organisations and the rise of the indigenous movement has given momentum to the movement for emancipation.

4. Loss of Self-development

By linking together the three previous aspects of indigenous rights - loss of territorial control over resources, loss of cultural and political identity, and weakening of indigenous political institutions - it is possible to see that slavery in whatever form prevents the self-development of a people because they no longer control their resources or make decisions over the matters which concern them, and through social and cultural disintegration lose the capacity to assert themselves collectively.

Self-development is the potential within an indigenous people or community to control their lives for their future. Slavery is completely antithetical to this freedom, which can only become manifest through emancipation.

Geographical Extent of Slavery affecting Indigenous Peoples in the 1990s

In the course of compiling this report, Anti-Slavery International collected information about the experience of numerous other indigenous peoples of debt bondage or other slavery-like practices. This information is not presented in the form of individual chapters because not enough information was available to prepare individual chapters about these peoples' experiences.

Anti-Slavery International also reviewed its own archives and files for examples of similar patterns in the past, both to assess whether there have been significant changes in the patterns, or particular improvements, and to identify any remedies which have proved helpful to indigenous peoples in escaping debt bondage or other forms of exploitation.

The area of the world which has regularly attracted Anti-Slavery International's attention on account of the enslavement of indigenous peoples is the Amazon basin. In recent years, Anti-Slavery International has received information chiefly from Brazil, where both indigenous and non-indigenous groups have been subjected to slavery, mainly in Amazonia, but also in other parts of the country. Indigenous peoples still account for some of the thousands of victims of slavery in Brazil.

In 1994 Anti-Slavery International published a report on slavery in Brazil. In his introduction, Professor José de Souza Martins, an academic noted for his research into slavery, observed that 13 different indigenous people in the Amazon region had been victims of slavery at one time or another: the Paresi and the Cinta-Larga in Mato Grosso; the Apiaká in Pará; the Kulina, Kaxinawá and Yanawá in Acre; the Baré and Tukuna in Amazonas; the Makuxi in Roraima; the Krenak in Minas Gerais; the Kapinawá in Pernambuco; and the Kaiwá and Kaingang in Mato Grosso do Sul. Commenting on the incidence of debt bondage and slavery in recent times, he estimated that: '*at least 25,000 people were at some time enslaved in Brazil's agricultural areas during the last 25 years throughout the country*'.

In June 1995 Brazil's head of state, President Fernando Henrique Cardoso, publicly recognised the scale of the problem posed by slavery in Brazil - 107 years after it was officially abolished. He ordered a special coordination committee, composed of representatives of different federal ministries, to combat the problem. However, as with some of the other measures to protect human rights announced in

Brazil in 1995 and 1996, there is little sign of extra resources being made available to back up the new initiatives. The federal authorities recognised that action against slavery had to be taken by federal officials, as local and state officials are so often in complicity with the estate-owners whose workers are being exploited as slaves. This means that raids or inspections by representatives of the Federal Government have to be organised, and this, of course, is relatively more difficult to arrange and more expensive to pay for than action by local officials.

Further North, several countries of Central America have been the scene of protracted struggles between subjugated indigenous peoples and settler employers. The region has seen systems of debt bondage and serfdom develop on large estates (*haciendas*), similar to the patterns of exploitation described in South American countries in this volume. Research in areas such as Chiapas, in Mexico, has been made difficult by current conflicts. However, the background information collected for this volume confirmed that some estates in Chiapas have continued to keep their indigenous workers in servitude, akin to both debt bondage and serfdom, with workers obliged to buy all their provisions at shops owned by their employers and maintained in permanent debt.

This volume does not contain a chapter about a particular indigenous people in Africa, which is currently subjected to slavery. There are of course numerous peoples or, in the terminology generally used in Africa, 'ethnic groups', which categorise themselves as indigenous, and it is routine that they are exploited for their labour by others living near or among them.

The debate about who is justified in describing themselves as 'indigenous' in Africa has barely begun, with the focus so far often on peoples who are experiencing political repression of some sort, such as the Tuareg in Mali and Niger or the Nuba in Sudan, rather than on peoples who are being marginalised or dispossessed essentially as a result of economic exploitation. There is general agreement that Pygmy peoples can be regarded as indigenous - for example the forest Pygmies living in southeast Cameroon and the southwest of the neighbouring Central African Republic, and the Twa of Burundi and Rwanda. They are so marginalised in their countries that relatively few representatives of such peoples have taken an active role in discussions about indigenous rights at an international level, although the 1994 genocide in Rwanda focused attention on the Twa

there, who seem to have lost proportionally more of their members in the massacres than even the Tutsi who were the principal victims. The Bushmen or San of southwest Africa (Botswana, Namibia and South Africa) have asserted their identity as indigenous, and in East Africa a number of pastoral peoples, whose grazing areas are under threat from neighbouring agriculturalists, have also claimed recognition of their rights as indigenous peoples.

In Central Africa Pygmy people not only experience discrimination at the hands of their Bantu neighbours, but are also maintained in exploitative relationships by them. In the Central African Republic, for example, entire Pygmy groups in the forest are kept in a form of servitude which has some of the same characteristics as bondage in the Amazon basin. Their 'owner' starts out as simply a supplier of non-forest goods to them. Over the long-term, however, suppliers come to regard themselves as the 'owners' of particular Pygmy groups, and Pygmies belonging to such a group must provide forest products like honey exclusively to them.

In Burundi and Rwanda the relationship between the Hutu and Tutsi who comprise the majority of the population and the small Twa minorities has for a long time been based on servitude and discrimination. When the two countries were both ruled by Tutsi monarchies, the Twa as a whole were expected to act as hunters, scouts and soldiers for the kingdom's rulers. When the Tutsi monarchy was overthrown in Rwanda at the end of the 1950s, the Twa were persecuted because they were seen by many of the majority Hutu as close supporters of the monarchy. Over the past 30 years the Twa in both countries have been increasingly marginalised, as conflicts between Hutu and Tutsi have intensified, but Twa continue to be called in whenever there is a particular 'polluting' task to carry out - such as the excavation of mass graves.

In Botswana, Bushmen continue to be exploited by cattle-owning Tswana for their labour. A form of serfdom persisted into the 1930s which forced Bushmen to look after cattle owned by others. This has been replaced by forms of exploitation on cattle stations in the Kalahari which are broadly reminiscent of the debt bondage described in cattle ranches in Paraguay in chapter seven in this volume.

In South Asia, as the chapters on India and Nepal show, indigenous peoples, once deprived of their own resources, have experienced similar exploitation as cheap farm labour to other bonded

labourers in the mainstream of Hindu society. However, while the political movement involving those categorised as 'untouchable', the *Dalit* movement, is growing stronger in India, indigenous peoples (or, as they are called in India, 'Scheduled Tribes'), remain marginalised from this movement for political, economic and social reform.

In each case, integration into a larger society or state has meant that the indigenous people concerned has been classified by the society responsible as being on the bottom of the social hierarchy. Because they are defenceless, their territory and resources can be appropriated by the State without any compensation, and their labour can be extracted for next to nothing. They are considered so marginal to the larger political scene that they generally remain excluded even when the societies concerned adopt democratic political systems. And although governments and politicians throughout the world pay lip service to the ideology of human rights, with the single exception of the Ashaninka of the Peruvian Amazon, the indigenous peoples described in this volume are continuing to experience the indignities of slavery while the governments of the countries concerned do next to nothing to intervene on their behalf.

Conclusion: Indigenous Emancipation and Self-Determination

The problems which arise from contemporary forms of slavery - loss of land and resources, culture and identity as peoples, and lack of recognition of customary legal systems and political institutions - give rise to the main demands of indigenous peoples for recognition of their rights. The process of emancipation for indigenous peoples is thus not just a question of 'releasing' them from bondage, but of ensuring that the conditions which cause the bondage in the first place are eradicated. If this does not happen, then slavery can recur.

The first factor in indigenous emancipation is recognition of territorial rights. This can take the form of demarcation and titling of lands, recognising existing territories or land reform. Land reform in Indian states such as Kerala and West Bengal has, for instance, gone a long way towards reducing the problem of debt bondage.

All the case studies in this volume emphasise the need for recognising indigenous peoples' land rights and securing their access to their own resources. The chapter on India makes it clear that bondage can only be eradicated when food sufficiency is secured

and survival is provided by the product of one own's labour or reciprocity. The land titling scheme in Peru succeeded in releasing the Ashaninka from debt bondage and demonstrates the importance of land rights as a key to the emancipation of indigenous slaves.

The second element discussed above is the importance of cultural distinctness and a shared identity as a people. Slavery has a psychological as well as a physical aspect. One of the most debilitating features of slavery for indigenous peoples is the sense of alienation and dependency that goes with it. A people who are proud of their culture, on the other hand, are much more able to assert themselves in contact with outsiders. Showing pride in indigenous culture is therefore an outward sign of emancipation. An example of this occurred with the Ashaninka during the time their lands were being recognised. The town of Atalaya in lowland Peru was dominated for years by colonists and *patrones*. Now, after emancipation, it is full of Ashaninka in their traditional *cushma*[32] robes and paint, who go to the Municipal Council, now run by an elected Ashaninka mayor and councillors. Emancipation has effected a peaceful revolution in the region of Atalaya.

The third element discussed above, political organisation, is also key to the emancipation of indigenous peoples. In the Philippines the importance of indigenous mobilisation is emphasised, while in Paraguay the chapter demonstrates that there is a great need for organisational support in the struggle for emancipation. The development of an indigenous organisation can take several forms, but it provides an institutional basis for struggle and assertion of rights. Through control over organisation and decision-making, individuals who are in debt bondage can receive the support they desperately need to demand their rights.

These three factors which lead to emancipation of indigenous peoples can all be summed up within the concept of self-determination. Self-determination is seen as the struggle against the colonisation of indigenous peoples. It is a holistic concept covering control over resources, decision-making and identity as peoples. Furthermore, it refers to indigenous consent over the form of relationship which they wish to construct with the state. Indigenous peoples consider self-determination to be the major expression of their rights. This volume shows that for indigenous peoples, slavery is not only a matter of labour rights, it is about a complex of rights which all indigenous peoples share.

While indigenous peoples suffer slavery in the same way as other people, because of their particular relationship to the state, slavery affects them differently. It attacks their whole collective identity and threatens their survival as peoples. In the same way that indigenous peoples are distinct, so the manifestation of slavery will differ according to each case under scrutiny. Throughout the history of Anti-Slavery International, since it fused with the Aborigines Protection Society, both aspects of its work - slavery and indigenous peoples - have always been interconnected. The conclusion of this document reflects this connection because it argues that emancipation can only take place by looking at and supporting indigenous rights as a whole. This is justified by the fact that the colonisation of indigenous peoples results in a lack of freedom amounting to a form of collective slavery. Only through recognition of the right to self-determination can indigenous peoples really ensure their emancipation from bondage.

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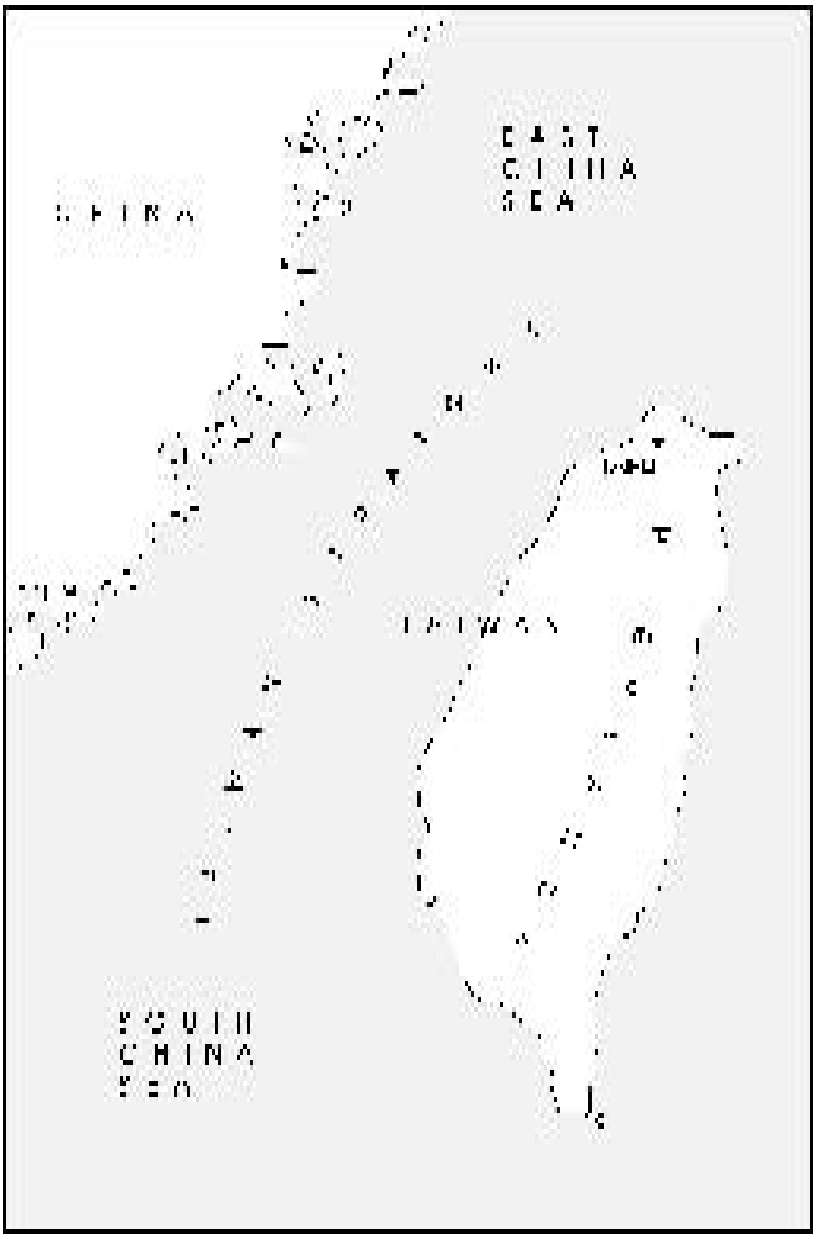
EAST
CHINA
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Name of Instrument	Date in force	States Parties to date	Taiwan* Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1967)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1967)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1966)
UN Slavery Convention 1926 (amended 1953)	(1955)	91	Yes (1937)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1957/59)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	No
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	Yes (1962)
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	No
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	No

*Taiwan was a member State of the UN, as the Republic of China, until 29 September 1972, when it was superseded by the People's Republic of China. Its status at the UN since then has not been official. Instruments ratified by 'China' before 1972 can be considered to have been ratified by Taiwan, and to be considered binding by the present government - these are detailed in the table.

It was also a founder member of the ILO (from 1919), and registered 14 ratifications with the ILO until 1 October 1949, when the People's Republic of China was founded. However it was not until 19 November 1971 that the People's Republic was officially recognised by the ILO as representing the State of China, and that ratifications were made in its name.

Chapter One:

TAIWAN
Indigenous Peoples in the Taiwanese Sex Industry

Jo Bindman

The Selling of Chen Chen

At 11, Chen Chen was promised clothes and money for her family if she would go to work. Her father received the equivalent of US$12,000, and Chen Chen was taken to a three-storey building, the purpose of which was unclear to her. For approximately 10 days, she was encouraged to take care of her body: to eat and sleep well, and to receive injections, although she was not told exactly what they were. She was also shown how to make up her face. This period ended when she was carefully dressed and made up, and displayed at the door of the building. She was then sent to carry a basin of water to an upstairs room, where she found a man waiting for her. She still did not understand and asked him what he was doing there. Chen Chen was made to remove her clothes, then she was raped.

Chen Chen says that she became passive and did not express emotions after that, until she hit a client who taunted and slapped her. The other incident which she describes is her removal from the brothel during a police raid. Chen Chen perceived the raid as bad luck, saying that the police were like bandits, treating her roughly and making her wear handcuffs. Chen Chen regarded a raid on her brothel as outrageous since those police were regular recipients of privileges in the brothel. Although a minor, Chen Chen was initially arrested and put in detention. She was later moved to a half-way house for indigenous girls from the sex industry. Although she knew that her own living conditions would improve following her removal from the brothel, she feared for her family.

Chen Chen's father, who visited her in the brothel to ask for more money, on one occasion falsely claiming that her brother was ill, was later arrested for selling Chen Chen. The initial payment of US$12,000 had been used to pay for a colour television and the

repainting of the house. '*All my relatives were drunkards*,' she said. Her mother, who was 16 when she gave birth to Chen Chen, apparently has little say in family matters.[1]

Introduction

Taiwan is famous as one of Asia's Little Tigers, the Newly Industrialised Countries which have experienced staggering rates of economic growth and rises in living standards in the decades since the Second World War. The indigenous peoples of Taiwan have not shared in this new prosperity, but are marginalised and discriminated against by the majority population.

Concerns over the enslavement of indigenous peoples in Taiwan focus on the country's thriving sex industry where a disproportionate number of indigenous women and children work. Estimates of the percentage of indigenous women and children involved in the sex industry range from 20 per cent to as high as 60 per cent even though indigenous peoples constitute less than two per cent of the population as a whole. Large numbers of indigenous girls are sent into the sex industry as minors[2], which is itself a violation of international standards on slavery and slavery-like practices. Moreover, there are many reports of both adults and children who work in the industry being held under systems of debt bondage.

Taiwan's Ethnic History

Taiwan's indigenous peoples are believed to have come originally from the Philippines. Migration is thought to have taken place in stages over hundreds of years, but ended one or two thousand years ago. The Taiwanese government currently recognises nine separate tribes, each with its own language and culture: Ami, Atayal, Bunun, Lukai, Paiwan, Puyama, Saisat, Tsou, and Yami. Together they number 357,732 and at the end of 1993 amounted to 1.6 per cent of the population. There are in addition three further indigenous groups, the Taroko, the Shao, and the Shiuan, who have not received official recognition by the government. The Shiuan have now been almost fully absorbed into the majority population.

The majority society is Han Chinese. They first arrived in Taiwan in the 17th century from mainland China. They were originally

brought as plantation labour by the Dutch colonists who occupied part of the island at that time. By the end of the 17th century, however, the Dutch were driven out of Western Taiwan and this part of the island became a province of the Chinese Empire. As such, it experienced continued Chinese immigration until the end of the 19th century.

The administrators of the Chinese Empire brought with them assumptions about the superiority of Chinese culture over the island's indigenous groups. Their approach was to integrate the accessible lowland tribes but initially to exclude mountain areas from the Empire. Instead, they designated the mountain inhabitants as '*Raw Savages*.' Towards the end of imperial rule, however, the lure of forest products brought about the replacement of this isolation policy and a call to '*Open up the Mountains and Pacify the Savages'*. [3]

In 1894 Taiwan was ceded to Japan, and Japanese colonial rule lasted until the end of the Second World War. The Japanese developed Taiwan as a plantation economy, instituting a programme of road and railway building. While this was pursued with relative success in the southern plains, the mountain areas fell under direct control of the Japanese police, who adopted a hardline policy towards the indigenous inhabitants. This included making widespread use of forced labour, and the policy sparked a conflict which culminated in an indigenous uprising against the Japanese in 1930. After this the Japanese reformed their policy in the mountain areas and introduced medical facilities alongside schools offering Japanese-language education. Japanese continues to be used for communication between tribes.

At the end of the Second World War, Taiwan was recovered from the Japanese by the Chinese nationalist regime, the Kuomintang. After its defeat by Chinese communist forces in mainland China in 1949, the Kuomintang leaders fled to Taiwan. They were accompanied by one and a half million refugees from the mainland. The Kuomintang quickly took control, but tensions with the existing Taiwanese Han population resulted in the imposition of martial law, which lasted from 1949 to 1987.

The Kuomintang hoped to secure the indigenous peoples as allies against their Han Chinese rivals by replacing the term '*savage'* with '*mountain brethren'*, and establishing indigenous reservations. They adopted a 'protective' policy towards the indigenous peoples of the island which involved restricted access to the mountain tribes.

Only Christian missionaries were allowed to enter these areas, and as a result today's indigenous population is 75 per cent Christian and is dominated by the Roman Catholic and Presbyterian churches.[4]

At the same time, however, various government instruments passed since 1945 have struck at the heart of indigenous culture. A decree establishing Mandarin Chinese language as the only legitimate medium of communication demanded the use of Chinese language and Chinese names within indigenous communities, and the compulsory education policy took indigenous children into Chinese-speaking schools. Church-promoted scripts for indigenous languages are permitted only in religious texts, and then only when accompanied by the Mandarin version.

Indigenous Peoples' Relations with the State

Before it was officially superseded as representing the state of China in the 1970s, the Taiwanese government ratified a number of international instruments, including the UN International Convention on the Elimination of All Forms of Racial Discrimination in 1966, and the UN 1926 Slavery Convention in 1937. Nevertheless, legislation introduced after ratification of these instruments continued to undermine indigenous culture.

A politically motivated regulation adopted in 1980, the Standards for Determination of Aboriginal Status, added legal weight to the custom of an indigenous person who married a Han person (as well as the children of any such union) losing their tribal identity, with the spouse retaining his or her Han status. Indigenous women who 'married-out' also forfeited land inheritance rights**.** In 1991, in response to indigenous political activism, new standards were announced which allowed affected persons to reclaim their indigenous status.

The Taiwanese government does not acknowledge indigenous land rights, reserving to itself the ownership of all land. In 1967, however, the government set aside approximately 240,000 hectares of land for allocation to indigenous peoples, explicitly to maintain their agricultural income and protect indigenous culture from Han society. In fact, the delayed release of this land has meant a significant shortfall in agricultural production among indigenous communities. National economic development schemes, purchase by non-indigenous citizens, and the creation of national parks have exacerbated the problem by swallowing up further tracts of mountain land. In

1985 new restrictions were imposed on the movements of mountain peoples, who became obliged to seek entry permits from the police for visits to areas outside their own township.

Popular discrimination against the indigenous minorities, rooted in imperial confidence in the superiority of Han culture, endures. College students from indigenous groups in a 1987 survey reported contemptuous remarks and harassment from their fellow students, while the common term for indigenous persons has connotations of 'savage' or 'uncivilised'.

The students felt they suffered from the prevailing stereotype put forward in the national media and film industry, of indigenous peoples as having a less intellectual and more physical nature than the Han. Their peers from the majority society however, were barely aware that such comments expressed contempt.[5]

Indigenous Girls and Women in the Sex Industry

The disproportionately high presence of indigenous women and children within the sex industry in Taiwan fits neatly into this racist perception on the part of the majority society, that indigenous peoples are culturally inferior and have physical rather than intellectual natures. The real reasons behind the statistics are much more complex. The indigenous peoples have been socially, culturally and economically marginalised by Han society and their traditional social structures are disintegrating to varying degrees in the face of Han cultural encroachment. The most adversely affected have so little of their social, cultural and economic identity left that the stigma of the sex industry holds little fear for them.

Commercial sex has been tolerated in Chinese societies for centuries. It is seen as one way of limiting damage to the stability of arranged marriages caused by extra-marital sexual relations. In a 1983 survey of Taiwanese men, over 50 per cent admitted to experience of commercial sex.[6] Many respondents claimed that they had been accompanying clients to a brothel to ensure a successful outcome to a business meeting. Indeed, the prominent role of the Taiwanese sex industry in corporate entertainment is one expression of a wider acceptance of commercial sex as part of white collar male culture in the region as a whole.

Prostitution is legal for registered women over the age of 21. Laws enacted in the 1970s aimed at suppressing prostitution have resulted in token concealment, with much of the trade taking place under

the cover of barber shops, restaurants and other service enterprises. Police pay-offs are rife. In 1992 even the Interior Minister acknowledged police corruption in this area, commenting that: '*everybody knows where to find the girls except the police themselves.*' [7]

As in Japan and Thailand, the purchase of sexual services is a man's activity which outsiders, including wives, are expected to tolerate. Although the men believe that their activities are not a cause for shame, they do not apply the same standard to the women who provide them with sexual services. While sexual promiscuity is tolerated in men, female sexual promiscuity, and by extension sex work, is heavily stigmatised by society as a whole. Entry into the sex industry is generally ascribed to the individual deviance and immorality either of the women and girls themselves or of their families.

In the context of stigma, individuals will enter the sex industry if they face strong economic pressure, psychological distress, or do not strongly identify with the culture which determines that stigma. Indigenous women can be seen to be affected by various combinations of all three of those factors.

Education in Chinese, with no reference to indigenous experience in either content or process, plus the fact that in indigenous areas the law requiring nine years of compulsory schooling is not well enforced, leaves indigenous young people at a disadvantage with respect to further education and the job market. The Aboriginal Administration Bureau notes that only 14 per cent of the indigenous population finishes high school, against a national average of 25 per cent, and just over two per cent of the indigenous population holds university degrees, compared to 11 per cent of the total population.

Industrialisation and the penetration of the cash economy into indigenous society has increased the need for money to pay for goods from the commercial sector, such as foodstuffs and alcohol, which were not previously traded but home-produced. Traditional agriculture has suffered from insufficient land allocation by the state. Meanwhile, popular prejudice declares that indigenous workers are best suited to manual labour, so that indigenous entry into the industrial economy is mainly restricted to low-status manual work for men, and factory work for women, with long hours for low pay. The commonly held belief that indigenous workers have poor working practices and limited abilities, combined with the generally lower level of educational attainment in the indigenous community, may limit access even to these jobs.

At the same time, the proliferation of mass-produced consumer goods has raised the emphasis in every sector of Taiwanese society on wealth as a determinant of social status. Denied any other route to social status, indigenous families are under additional pressure to seek the economic benefits of the sex industry. Access to a new house, and other representations of comfort and status, is often only possible through the large cash sums provided by agents representing brothels. These can be as much as US$25,000 for a virgin sold for 'life', to US$2,500 - 10,000 for an annual contract. Peer approval of the fruits of new wealth reinforces the practice of sending daughters, and encourages non-contracted girls who remit cash to stay in the sex industry.

Conditions in the brothels

Inhabitants of a brothel are generally kept confined. There are stories of girls receiving up to 50 customers per day, with figures of 20-30 per day commonly quoted[8], 30-40 for the younger, more desirable girls. Since women outside brothels are reported as receiving as few as one or two clients per day by choice[9], even the lowest of these estimates represents a very harsh regime. Movement is commonly restricted. Girls, especially minors, are not permitted to leave the brothel without a bodyguard, apparently for fear of abduction by other agents as much as to prevent escape. Articles for daily use, such as food and cosmetics, are brought into the brothel. The girls' illegal status precludes access to state health checks, so incidence and treatment of sexually transmitted diseases cannot be gauged.[10]

A 1984 study by Wang Xiurong found that illegal brothels were very dilapidated. Living space is minimal, sometimes no larger than a mattress. Poor ventilation, lack of space and sometimes permanent darkness induced claustrophobia in the inhabitants. Working days were 15 hours long, from 9 am to midnight, but in fact clients could be admitted at any time. Food was considered good, but meal times were erratic, fitted around the flow of work. Resistance to ill-treatment was considered hopeless; security guards were hired by the owners to maintain discipline, and the girls were heavily dependent on them for protection. Refusal of their frequent demands for sex could be met with maltreatment or withdrawal of protection.[11]

Chen Chen reports that inner rooms in the brothel were for customers who entered the brothel voluntarily and chose a girl. The outer rooms opened onto the street, and girls were stationed

literally to drag men into the brothel, '*even if they have girlfriends with them'*. Once inside the brothel, the men are obliged to pay. Indigenous girls, including some as young as 13, very often perform this task, being regarded as physically stronger than Chinese girls.[12] One researcher found that customers sometimes discriminated against indigenous girls, but that as the girls held the customers in contempt they claimed not to take such behaviour seriously.[13] The greater likelihood of an indigenous girl finding herself in a brothel is the principal manifestation of discrimination against indigenous peoples.

Young girls are sometimes injected with hormones to make their bodies mature faster[14] - in Taiwan, the majority of clients do not regard a child's body as attractive. While virginity, and youth as an indicator of inexperience, are considered appealing, physically immature girls are often procured simply because they are available, cheaper and more obedient than adults.

Slavery of indigenous girls in the sex industry

The international definitions of slavery and slavery-like practices revolve around the idea of ownership of one person by another. The United Nations Slavery Convention 1926 defines slavery as:

> The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

Later international instruments identify particular situations, such as debt bondage and child servitude, which may be classed as institutions and practices similar to slavery.

The conditions in which young indigenous girls work in the sex industry in Taiwan, as well as the manner in which they are recruited, clearly contravene these legal instruments. In a very revealing part of her testimony on her experiences in the sex industry in Taiwan, Chen Chen recounts how when she objected to one client touching her head the man replied: '*You don't own your body anymore. Why protect your head?'*

Conditions in the brothels themselves, for many of the women and girls working there, amount to more than just economic exploitation. Where they are physically confined, where there are no restrictions on the hours they work, where they receive no or insufficient payment and where the work itself is dangerous and abusive, they are in effect under the complete control of their employer. In fact the position of the brothel owners and pimps is not one of exercising

the normal powers and rights of an employer, but rather of treating the women as objects that they own. As such, the women, regardless of their age, can be considered as being in a situation of slavery.

There are several devices used by the brothel owners in order to gain this control over the women and girls, who are, for instance, physically intimidated by the brothel's security guards and unable to refuse orders for fear of reprisals. There are cases where they are bonded through debt to the brothel owners after having taken on loans to pay for health care. Where movement is restricted, the sex worker may pay an inflated price for personal essentials brought into the brothel for sale, leading again to indebtedness. Dependence on mood-altering drugs may also be encouraged, both to assist in adapting to the work and to tie the girl more heavily to her owner. The cost of the drug is added to the girl's debt.

The issue which has been of greatest concern to campaigners, however, and the one most associated with the enslavement of indigenous peoples, involves the sale and trafficking of minors from the rural areas into the sex industry in Taipei. This has become known as '*sold daughter prostitution'* in which a girl is contracted for a period of years or even for life, against an initial payment to her parents, with or without her informed consent. The girls are usually minors and find themselves in the low-price brothels, where conditions are worst.

In many cases, and certainly before the issue began to receive widespread publicity, it is highly likely that many girls, and even parents, were deceived by the agent who came to the village and did not know that their daughter would be forced to work in the sex industry. These days even pre-teenage school children know about girls being taken to sleep with men in exchange for money but even so the girls concerned will have very little choice in the matter. In practice, filial loyalty discourages protest even when girls are fully aware of the conditions awaiting them.

This practice is clearly in breach of the United Nations 1956 Supplementary Convention on Slavery (Article 1(d)), the Slave Trade and Institutions and Practices Similar to Slavery, which identifies as a form of slavery a situation where:

> A child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

Inherent in the UN 1956 Supplementary Convention on Slavery is the idea that the child is much more vulnerable to slavery-like practices when working outside the family home. This is borne out in research carried out in 1985 by the Rainbow Project, a Christian non-governmental organisation (NGO). Here researchers sent men posing as customers to visit all the brothels in Hua Hsi Street, the famous red-light district in Taipei. Of the 800 prostitutes recorded who were found to be working illegally (and whose status is lower than that of the 300 licensed women), 63 per cent were found to be under 18 years old, and almost all of them of indigenous origin. A member of Taiwan's legislative body has also drawn attention to the massive preponderance of minors from the indigenous peoples involved in the sex industry.[15]

While a 'contract' is usually made, it is not legally valid but is used to ensure the girl's compliance. The girl fears that she will not be welcomed home if she leaves before the contract has been fulfilled, as her family will be forced to repay, send another daughter in her place, or face harassment. The period of the contract can be extended at any time if the family seeks more money from the agent but the contract does not specify the number of customers per day, the proportion of the girl's takings she actually receives, and deductions for board, lodgings, medical and other expenses. Of the US$10.00-12.00 per 15 minutes paid by a client, the girl receives an amount varying between 25 US cents to US$5.00-6.00, depending on the brothel and her status within it. A proportion of the remainder covers some of her board and lodging and other expenses, but the rest is for the owner. With sums in thousands of dollars paid for a girl, the number of clients she must service also runs to thousands to ensure that the brothel owner makes a good profit.

This, of course, is not the only means by which girls and young women enter the sex industry. Chain migration is common, with a girl following a friend or relative to the city, with or without full knowledge of the friend's occupation, sometimes without parental consent. Factory workers are approached by agents offering a way out of drudgery. Other women may enter the sex industry gradually, beginning as a waitress or a hostess in a karaoke bar, eventually going out with special clients, or moving into the sex industry as the primary source of income. These women are, however, in a much stronger position to negotiate their working conditions, with friends who already 'know the ropes' and without a debt tying them to a particular establishment or owner.

Responses in Taiwan

The involvement of indigenous women and children in the sex industry has been brought to public attention in Taiwan as a result of campaigns against the sexual exploitation of children. Since investigations by NGOs into the sex industry have revealed the disproportionate representation of indigenous girls, child protection activists have been specifically addressing this aspect of the problem.

NGOs took up the cause of children in the sex industry in 1987. They found that police raids on brothels routinely report that girls under 16 account for half or even all of those found. Christian groups, women's groups, human rights groups and welfare groups all identified 'sold daughter' prostitution as a widespread social problem and saw it as being rooted in socio-economic inequality. Police corruption and the social and legal tolerance of men who have sex with under-age girls in brothels were also blamed.

Following demonstrations against the exploitation of children in the sex industry in 1987, the Taiwanese government initiated a programme of raids on brothels believed to be holding under-age girls. On several counts this proved to be an unsatisfactory response. The girls were either treated as criminals, and so subjected to confinement and punishment by the authorities, or they were returned to the families from which they had originally been sent or had fled. Many of the cases brought against pimps in the country at the time were later dropped.

As NGOs gather more information, the inappropriate nature of Taiwan's development programmes for indigenous peoples has been a subject of further campaigns on the issue of child sexual exploitation. Demands also continue for action against police collusion in the exploitation of under-age girls, against impunity for their customers, and for improved rehabilitation services for rescued girls. These have induced government action from time to time, but there appears to have been little impact so far. Recent steps against child prostitution have included the public exposure of sex offenders and re-education programmes for the children concerned.

In addition to campaigning, NGOs have established various projects to address the needs of girls who are at risk or already in the sex industry. The Taiwan Women's Rescue Foundation tries to educate girls in school about the risks of agreeing to go away to work, and has set up a telephone helpline. Most girls in the sex industry, however, are not even reached by an NGO. One activist noted that

her project had seen 800 girls by 1995, while she estimated that tens of thousands were affected.[16] Another obstacle to rehabilitation is social stigma, which means that returning to school or to other forms of work can be very uncomfortable, and lack of education continues to be a barrier to any but the most menial and ill-paid alternative employment. In response to this problem, several NGOs have set up half-way houses, offering several months of re-education.

Nonetheless, social workers continue to comment on the difficulty of keeping girls in rehabilitation projects: in fact most leave to return to the sex industry. After receiving 20-30 customers per day in a brothel, girls are happy to have the chance to live well, often continuing to support their families, while taking only one or two customers per day.[17] In addition, since cooperation with police and NGOs often requires disloyalty to parents, this is a great struggle for girls who make sense of their situation in terms of their important contribution to the family, or take pride in their ability to earn money. The social workers themselves, many coming from religious, middle-class and non-indigenous backgrounds, experience difficulties in understanding the needs of girls and young women who do not conform to the model of passive victim betrayed by parents.

Despite the recognition among child rights activists that the phenomenon is too large to be explained as a series of isolated incidents of dysfunctional behaviour by individual girls or their families, nevertheless their approach to campaigning and rehabilitation continues to focus on deviant individuals. Children and their innocence continue to be the central theme of their campaigning rather than the exploitative conditions experienced in brothels in general.
Even in cases where a girl has not been introduced to the sex industry at her family's direction, NGO comments appear to define all girls in the sex industry first and foremost as daughters, with a resultant focus on the 'dysfunctional' family. This may be the obvious concomitant of their emphasis on under-age girls. A notion of the 'maladjustment' of indigenous groups to modern capitalist society preceded and still accompanies recognition of the imperfections of development programmes imposed by that society. Rehabilitation programmes aim to change the individual's sexual behaviour and to teach her to accept other forms of low-status labour, with a resultant drop in income.

Addressing Root Causes

In addition to the work of child rights activists, indigenous rights organisations have begun to have some impact in making explicit the link between juvenile involvement in the sex industry and the socio-economic marginalisation of indigenous communities. Certainly, members of the legislature have taken on this idea[18], but the government and authorities seem more resistant to pressure.

An illustration of socio-cultural dissolution is provided by studies of alcoholism amongst indigenous communities. The socially marginal position within which indigenous families operate does not only result in economic hardship. Economic exclusion coupled with disintegration of traditional social structures also produces a disproportionate incidence of family distress when compared to the majority population, and when compared to earlier generations of the indigenous communities. In 1977, Atayal consumption of rice-wine was five times the national per capita amount, and Ami consumption, at the bottom of the scale, was still twice the national average. A survey reported in 1995 of 993 men and women from four different tribes, including the Ami and the Atayal, found that the incidence of alcoholism had increased dramatically since a survey conducted just after the departure of the Japanese in 1945. This period corresponds with the growth of the industrial economy and the increase in contact between the majority society and indigenous groups.[19]

Michael Rudolph's comparative study of the Ami and Atayal people supports the argument for the close association of socio-cultural dissolution within indigenous communities with entry into the sex industry.[20] The Ami, the largest indigenous group located in the lowland areas, appears to provide only a small proportion, 10 per cent, of the young girls found by researchers in the brothels. In contrast, 70-80 per cent of all indigenous girls in the brothels are from the Atayal people from the mountain areas.

This is explained by looking at the relative ease with which Ami culture has been able to adapt to contact with the Chinese in comparison to the Atayal. Even outside the village, Ami industrial workers in the cities continue to live together, organising group activities and enterprises, observing traditional festivals, and maintaining close contact with their villages. Most individuals have been able to retain their indigenous identity while adapting to new conditions. This in turn has both perpetuated adhesion to existing social rules,

including recognition of the stigma attached to the sex industry, and at the same time protected individuals from the psychological distress resulting from social disorientation. It is perhaps not surprising, therefore, that the Ami have the highest proportion of skilled workers among the different tribes, and that Ami men tend to have a higher socio-economic status than the less assimilated Atayal.[21]

The Atayal, on the other hand, were among the last groups to make contact with the Chinese. Their traditional social structures have little in common with Han society and have suffered greatly from contact with the dominant culture, as has their productive system from contact with the cash economy. Moreover, the differences make it difficult for young Atayal to fit into the educational or mainstream economic structures of the dominant society. Their lower level of educational attainment and rejection of business and factory careers has excluded them from the economic benefits of industrialisation.

So far the main focus for indigenous protest has been land rights. A year after the lifting of martial law in 1987, the Return Our Land Alliance protested against government land appropriation. In June 1994, the Alliance to Modify the Constitution Movement called for indigenous rights to land and autonomy to be included in the new constitution, and a local demonstration was staged against the establishment of Taroko National Park. No constitutional changes have yet been made and the only government response to date was limited to a further allocation of 16,000 hectares of land for indigenous use.[22]

In addition to campaigning on issues of land rights, some indigenous groups are acutely aware of the importance of preserving aspects of their cultural heritage, focusing on education in their own language as a means of promoting 'self-identity'. A village workshop scheme initiated by an indigenous group set out its goals as:

> to promote study plans for school children; to prevent aborigines from moving out of the village; to strengthen family relationships.
>
> Aboriginal people have nearly lost their traditional survival skills, so our urgent task is to improve agricultural techniques. Simultaneously, elder people with skills gather to teach the young generation traditional handicrafts which are becoming extinct, such as weaving. In this way our culture can be reconstructed and passed down from generation to generation.[23]

These developments must be considered as very positive; however it is worth noting that both the indigenous and child rights movements have been closely associated with the Christian churches. The churches have undoubtedly played a crucial role as a focus for indigenous peoples to organise themselves and ensure they are not overwhelmed by the State or majority society, for the preservation of indigenous languages, and as advocates for exploited children. However, they have contributed to the erosion of indigenous religious practices and there are fears that social workers from Christian NGOs can be more concerned with girls' indifference to the 'immorality' of the sex industry than with their welfare.

The idea that responsibility for exploitation of indigenous peoples lies uniquely with 'deviant individuals' has serious implications for the welfare of indigenous peoples. It allows the government to appear to be acting on the problem, by invoking the criminal law, while ultimately avoiding responsibility for wide-reaching policy decisions to improve the status of indigenous peoples and other disadvantaged groups. An immediate result of penalising affected families will be to label a large proportion of the indigenous population as criminal, while the disproportionate involvement of indigenous families in 'deviant' behaviour reaffirms popular notions of the 'low morality'' and 'primitive nature' of indigenous peoples.

Conclusion

As in other countries, the issues of sexual promiscuity and the handing over of daughters by parents for exploitation in the sex industry have resulted in a focus on the morality of individual women and their families, and on the shortcomings of indigenous culture. This is not an approach which is likely to bring about a swift solution to the inhumane conditions which many indigenous girls face in the sex industry.

Simply removing women and girls from brothels, criminalising the adults concerned and the parents of the minors, does not address the situation which originally made the poor conditions of the sex industry a viable option for them. Nor does it address the exploitative conditions both women and girls are kept in. As long as the sex industry remains the easiest opening for indigenous people, they will continue to seek employment there. Promoting better conditions for adult women while helping minors to continue their educa-

tion can have an enormous impact on the welfare of the significant number of indigenous women and girls already in the sex industry.

Genuine economic alternatives must be found for indigenous communities, in particular by giving them a stake in tourist development in their areas. Educational authorities will need to work with communities to improve school services for indigenous children. On a national level, measures are needed to improve access to employment in all sectors of the economy and to tackle the discrimination which indigenous people face in their contact with the majority society.

Notes

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14 Chang Kuei-ying, Cindy, *Women's Movement and Prostitution in Taiwan,* presentation at Beijing UN Women's Conference, NGO Forum (8 September 1995).

15 Records of Proceedings (Lifayuan Gongbao), Vol. 36 23 1987:70f. Cited in Rudolph, 1993. *op.cit*.

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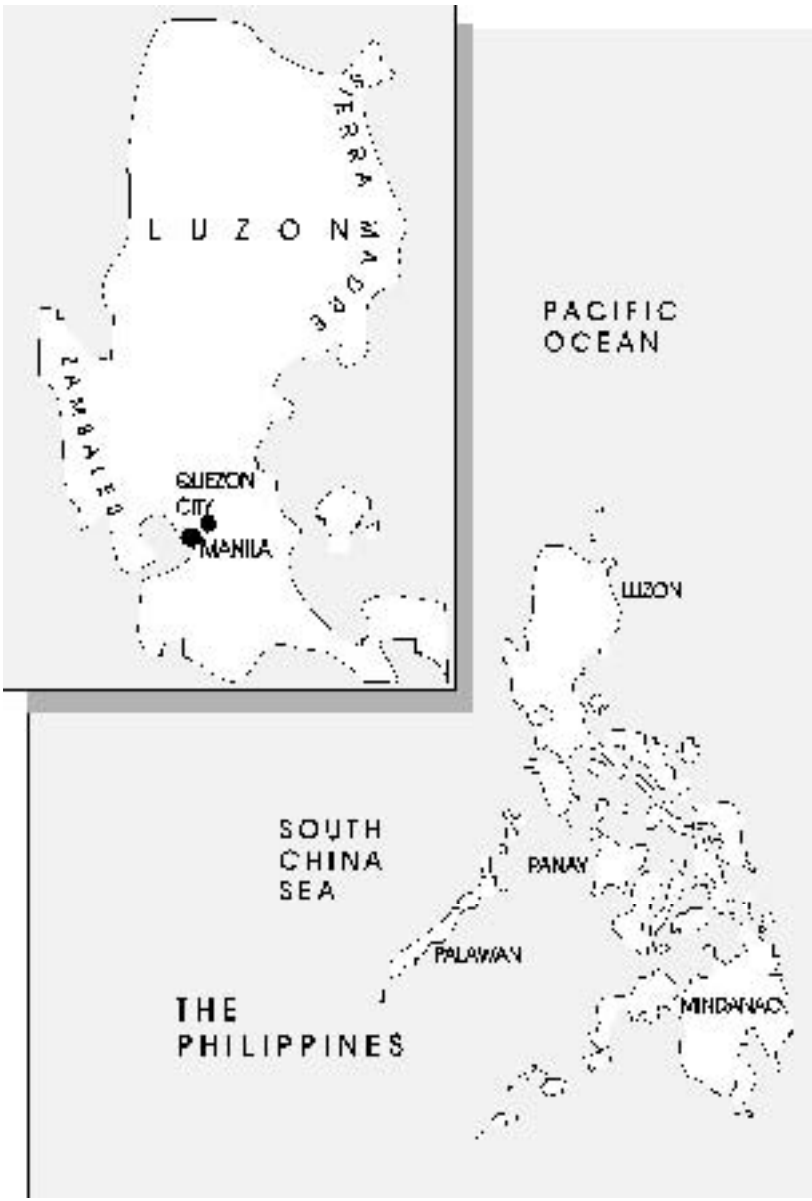
LUZON
SIERRA MADRE
ZAMBALES
QUEZON CITY
MANILA
PACIFIC OCEAN
LUZON
SOUTH CHINA SEA
PANAY
PALAWAN
MINDANAO
THE PHILIPPINES

Name of Instrument	Date in force	States Parties to date	Philippines Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1974)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1986)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1967)
UN Slavery Convention (1926, amended 1953)	(1955)	91	Yes (1955)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1964)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	No
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	Yes (1960)
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	No
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	No

Chapter Two:

PHILIPPINES
Indigenous Peoples subject to the *Tabong* System

Ed Legaspi, Maria Jennifer Haygood and Arminda Santos

Introduction

Cultural diversity in the Philippines is such that a minimum of 6.5 million of its inhabitants (out of a total approaching 68 million) are judged to be indigenous peoples. These are a collection of 40-50 officially recognised ethnic groups distinguished by their economic, political and socio-cultural characteristics, and surviving a colonisation which has lasted over 400 years. As a whole, the inhabitants of the Philippines can be divided into about four main racial groups: Malay peoples (the majority), indigenous peoples, and Chinese and Caucasian minorities. The indigenous peoples have traditionally been referred to as *Negritos* by the non-indigenous, from the Spanish term meaning 'little blacks' or 'little negroes'. The term is regarded as insulting by the indigenous people themselves. Linguistically nearly 90 native dialects and languages are spoken, while English and *Tagalog* are the official languages. While sources vary, national minorities overall have been estimated to constitute between 12 per cent[1] and 16 per cent[2] of this multi-cultural population.

It is believed that the islands were first settled by *Negritos* around 30,000 years ago, while Malay settlers did not arrive until about 3000 BC. From the 16th to the 19th century the Philippines was under Spanish rule, and during this period the influence of the Catholic church was considerable. From 1898, after an anti-colonial revolution, the United States gained control of the islands up until the Second World War, during which period the islands were occupied by the Japanese. The United States maintained a military presence up to 1992. Although colonial domination has now come to an end, indigenous groups are still vulnerable to exploitation, and are under increasing pressure to abandon their distinct identities and assimilate into the mainstream culture.

Traditional indigenous territories are concentrated predominantly in remote inland regions and are under threat from nation-

wide economic development. Land, the source of indigenous life, is considered to be owned by the state, and indigenous groups are categorised as temporary occupiers or squatters. This lack of legal land rights, coupled with environmental destruction, has led to extreme poverty, which in turn has provoked the abandonment of traditional livelihoods and of a sustainable use of resources. Most of the original homelands of indigenous peoples are now taken over by commercial agriculture, ranches, logging and mining concessions and other projects in the name of 'development'.

The assimilation of indigenous cultures into the dominant 'Filipino' culture now sees indigenous youth forsaking its own ancestry, with the mass media and national educational system conspiring to foster an ethnocentric lifestyle. In the face of elitist political values, traditional leaders have lost their authority and indigenous groups have become powerless over their own lives. Remnants of indigenous culture are now peddled as tourist attractions. However, indigenous communities are increasingly working for self-empowerment. New grassroots organisations, ranging from village to national level, espouse a different form of self-government and alternative models of development. But in the Philippines the indigenous peoples' movement is still a fledgling one, and its actions, and those of mainstream society, are only beginning to address the issues.

Slavery Among Indigenous Peoples

Filipino historians claim that pre-colonial society in these islands had a slave class as an addition to existing social classes. Indigenous peoples today stress that their societies accepted no such system. For them, social rank was and continues to be organised around the delegation of responsibilities, and was not based on nobility or economic factors. Self-sufficiency, directly linked to the products of nature, characterised their livelihood. Slavery, and more specifically debt bondage, was a concept alien to their way of life.

The current existence of debt bondage among indigenous groups first came into public view in 1987, after the results of a fact-finding mission were published in a national daily newspaper. But since then the issue has received little coverage.[3] Furthermore, although the government is under an international legal obligation to prevent debt bondage (as the Philippines ratified the UN treaty which prohibits debt bondage in 1957), the authorities have neither adopted

a specific law against debt bondage nor launched official inquiries to check on its extent and how to prevent it.

Research has revealed that debt bondage of indigenous peoples in the Philippines is widespread. The following sections of this chapter cover parallel situations involving two tribal groups in the northernmost island of Luzon; the Agta people[4] in Quezon Province and the Aeta people in Mount Pinatubo, Central Luzon. Both peoples are affected by similar systems of debt bondage, which operate under different names. *Tabong* and *suki* are the terms used in the different regions, to refer to individuals who operate debt bondage, or to the system itself. In this chapter all the systems are referred to as *Tabong* for the sake of clarity. The two sections describe the plight of people in debt bondage, as well as action taken by specific community organisations to address the problem.

Informal talks with leaders of indigenous peoples' organisations and non-governmental organisations confirm that other indigenous peoples, not referred to in this chapter, are also exploited under similar systems. The *Tabong* system is for instance known to exist throughout the Sierra Madre mountain range, where the Agta live. Indigenous peoples in the southern Mindanao island, such as the Mamanwa in Surigao at its northern tip, are also reported to be victims of debt bondage.

Although there are also lowlanders exposed to abuse by a similar system of debt bondage, their treatment is invariably better since the *Tabongs* regard them as equals. The sufferings of indigenous peoples stem directly from their lack of education. This, added to racist attitudes which ridicule their colour and culture and label them 'uncivilised', combines to make them easy targets for debt bondage and other injustices.

System Within a System

There are several forces which push these peoples into unfair terms of exchange with lowlanders from the majority society. Population pressure and the destruction of the environment force many indigenous peoples to abandon their traditional sources of livelihood, such as hunting, gathering and swidden farming (shifting cultivation based on farming in rotation forest clearings on mountain slopes). Destruction of the forests has inevitably caused a scarcity of wild plants and animals, which indigenous peoples traditionally collect and hunt, and it has also caused their harvests to dwindle. Almost all

indigenous communities in the country confirm that they have never encountered times as difficult as these.

This destruction has forced them into the cash economy and consequent dependence upon the lowlanders. Survival in such a situation makes debt bondage a realistic option; one with its roots in the indigenous systems of barter trading which pre-dated the arrival of non-indigenous lowlanders. In certain circumstances the exchange of food in return for forest products or cash can be a valid form of trade and a viable means of earning, but such exchanges have also allowed a much more exploitative system to take root.

Within a larger context, the Philippines government, with its export-oriented economy, encourages this system to flourish. The introduction of the *Tabong* system coincided with the time when logging was the major export trade in the Philippines. In the 1970s, the Marcos administration encouraged the export of rattan handicrafts and furniture, causing rapid expansion of debt bondage among indigenous peoples. Products traded with the *Tabong* intermediaries depend on the government's bias and promotion, and on available resources in the area.

The mere fact that *Tabongs* are lowlanders, with access to education and other resources, tilts the balance in their favour. Government officials and services (including the police) are also easily accessible to them, and the generally low regard in which lowlanders hold indigenous peoples works to the advantage of the *Tabong*.

If indigenous peoples had had more control over their land and security, they would not have been so vulnerable to such a system. The state, as the biggest landowner, owns all untitled lands in the country. Indigenous peoples, whose traditional belief is that land cannot be owned since all peoples depend on it for their survival, are therefore categorised as squatters. Exclusive access to forest resources is granted by the government to concession holders, usually big business enterprises. Within a logging concession for example, indigenous peoples are prohibited from farming or gathering wood or other plant products. Rattan-gathering concessions are usually owned by large-scale traders with enough capital to buy rights to the land. Most *Tabong* are only sub-contractors of the concession holders, who may or may not be involved in the debt bondage system. There exist, therefore, several levels of traders involved in a single product, making the indigenous peoples, who are at the very source, the biggest losers.

Case Study 1: The Agta of Quezon

There have been no more *Dumagats* in northern Quezon province since 1985. It was then that the Agtas came in to existence. The *Tagalog*s, the majority people of Central and Southern Luzon, christened the 'short, dark, kinky-haired people' living near the sea *Dumagats*. The term is related to the *Tagalog* word *dagat*, meaning sea. However, the people themselves have chosen a different name which stems from their own language: *Agta,* meaning human being.

The term *Dumagat* used to apply to all the peoples of the Sierra Madre mountain range, the longest mountain range in the Philippines. The population in 1988 was estimated to be 70,000. Of these, it is only the Agtas of Quezon and the Altas in Aurora province that are known by names of their own choice.

In physical terms the Agtas are almost indistinguishable from the Aetas. Owing to the physical characteristics that they have in common, both tribes suffer the same ridicule and racial prejudice from lowlanders. Village elders are suspicious of the state education system and are unwilling to expose their children to the foreign cultural values that go with it. This, coupled with the racial discrimination that Agta children face if they go to school explains why nearly three-quarters of the adult indigenous population are illiterate.

Although most Agtas live in the highlands, association with lowlanders has allowed them to absorb the *Tagalog* culture. As a result of this semi-assimilation, Agta men have ceased to wear loin cloths, and almost all of them now dress in the fashion of lowlanders, as well as speaking the language of the *Tagalog*s. They do have their own language but there has been increasing concern amongst the elders that younger Agtas actually use their own language with less and less frequency, and that only a few of this younger generation speak it fluently.

At the same time the Agtas' traditional livelihood has not really changed, owing to the illiteracy of the bulk of their population and the location of their communities. Most of them remain swidden (slash and burn) farmers in what is left of their ancestral domains, but also engage in fishing. The trading of rattan and other forest products with lowlanders is an additional and relatively recent occupation.

The Agtas still live in the highlands, and inhabit small, simple dwellings usually consisting of two sections: a lower space for the kitchen, and an elevated sleeping area. There is no separate living

room and no furniture, nor is there plumbing or electricity. Their water supply comes from nearby rivers and streams. Agta communities are heavily concentrated in Quezon province in Southern Luzon. During pre-colonial times, the area now known as Infanta was the centre of Agta cultural, political, and religious life. However, non-Agta settlers began to migrate into the area from nearby provinces and soon dominated what had been exclusively Agta territory. As a result, the Agtas were driven to live in settlements around the periphery of the province. One such location is the municipality of General Nakar.

Barangay Sablang (Sablang Village Community), in General Nakar was originally settled by Agta who had been forced out of Infanta. The present inhabitants are fourth-generation descendants of the first settlers. The *Tagalog*-speaking people again followed the Agta into the area however, and the Agtas retreated further into the mountain ranges. With time, the *Tagalog* have come to dominate the cultural, economic and political set-up of the area and the former owners of the territory have become their subjects.

Debt bondage under the *Tabong* system

Tabong as a term, a system, or person, reached the shores of Sablang 20 years ago, and its origins are traceable to the *Tagalog*s. To supplement their swidden cultivation, which usually supplies enough food for only three months, all Agtas engage in rattan gathering, most of them through the *Tabong*, and from hunting and gathering.

The commodity that the *Tabong* usually lends to an Agta is rice. Because of dire need and hunger, the Agta can be seduced with ease into incurring such a debt. This can happen: on the occasions when Agta land fails to yield crops due to typhoons, pests, or other natural disasters; during the period when they are waiting for their harvest to ripen; or when fish and other seafood harvests are not available. In return for the debt of rice, the *Tabong* expects the Agta to gather rattan in the mountains for him for no further payment.

Rattan, being an expensive material and one of those most in demand for furniture in Western countries, is popular with the *Tabongs* because of its marketability to exporters of Philippine-made furniture. The Philippines even has to import rattan from neighbouring Indonesia and Malaysia to meet its export needs. The pricing practices employed by the *Tabong* highlight the exploitative nature of the system. The rice given to the Agta*s* in return for their

rattan is valued at 50 per cent more than the market price. If the Agta concerned is already indebted to the *Tabong* and therefore bound to trade with no-one else, the rice is valued at over double the market rate. The rattan, on the other hand, is grossly undervalued, one bundle being considered equal to roughly one kilo of rice.

The *Tabong* purposely inflates the debt of the Agtas to keep them tied by debt bondage. In practical terms the bonded Agta ends up being owned by the *Tabong*. Frequent demands are made on the Agta or members of his or her family to provide labour for tasks other than gathering rattan. Even the fruits of the worker's own harvest, whether from hunting or fishing, can be claimed by the *Tabong*. Moreover, the Agta can be forced to work off his debt by gathering rattan, without provision of any tools or food, an activity which usually takes two days. Often the Agta then has to increase the debt to the *Tabong* in order to feed himself during this time. The Agta is caught up in a vicious circle of bondage through increasing debt.

The chances of ever escaping the debt are almost nil. Workers who escape by somehow finding enough money to pay off the loan are sometimes reported by the *Tabong* either to local government officials or to the military, who brand them rebels or insurgents. In these cases the Agta will easily be hounded back into continuing to work for a non-existent debt, or face worse consequences.

An Agta Organisation's Response

Disputes over land are taken very seriously by the indigenous peoples. Land to them is life, and their life is tied to the land they inherited, which they till, and which they consider their home. This sentiment was strongly expressed by Bayani Ascarraga, the vice-chairman of SAKABINSA, an organisation of Agtas with eight chapters in Quezon province. Agta solidarity in this form aims to assist the individual or group members of the organisation in the problems they have regarding their livelihood, health, education and social justice. As cases of land-grabbing committed by *Tagalog*s against Agtas have multiplied over the years, SAKABINSA has decided to intervene in disputes involving *Tabongs* and workers where it involves the sale of land to pay off an Agta*'s* debt.

SAKABINSA aims to prevent the unfair acquisition of land by *Tabongs* from Agtas. In a more general way, the organisation is trying to address the exploitation of the Agtas under the debt bondage

system. Its leaders hope to settle disputes in situations when Agta*s* attempt to cease working for the *Tabong* to whom they have been bonded, especially when they believe that no further payment in labour is required to pay a debt. SAKABINSA's actions in support of the Agta also attempt to counter-balance the unfair influence that the *Tabongs* have over local government officials. The Agtas have recently recognised the need for representation in local government, and in recent local elections three Agtas stood as candidates for the council. One of the three was elected as a council member. SAKABINSA also aims to equip its members with additional tools for dealing directly with the *Tabong*, by providing a literacy and numeracy programme. They hope cheating the Agta will thus be reduced.

As a more lasting response, SAKABINSA has also organised a communal livelihood area to which each of the eight SAKABINSA chapters sends representatives to partake in communal work; the fruits of harvest are divided equally per chapter. Recently they have also obtained a rattan-gathering concession from the government in direct response to the *Tabong* problem. The members of the concession will be able to gather rattan on fairer terms, enabling them to pay back their debts and break the cycle of debt bondage. However, lack of capital, experience and contacts in the rattan trade prevents SAKABINSA and its members from making the most of their concessions.

Offering support to the Agtas or to any other group of indigenous people, however, is not enough. The Agtas must be allowed to direct their own route to self-determination, and any form of development in their particular group ought to be determined and decided by themselves.

Case Study 2: The Aetas of Central Luzon

In most cases in Central Luzon, those who owe debts to the *Tabongs* are the Aetas, who either plant for them or gather forest products in exchange for food. The nature of the relationship and the extent of control which the *Tabong* wields over the Aetas varies. In some areas, such as Kamias, Porac, and Pampanga for example, one powerful *Tabong* controls over 75 per cent of the Aeta population in the area through a reign of fear. Other *Tabong* who attempt to enter his area in order to develop trade relationships with the Aetas are threatened by the dominant *Tabong*, and do not last long. In other areas however both the more and the less powerful *Tabongs*

go about their business without interfering with one another. It is usually the less powerful who threaten the Aeta if the latter cannot pay off their debt on time. Wealthier *Tabongs* give the Aeta time to pay debts, since it is on this very trade relationship that their profits depend.

Nevertheless, the Aetas are always at a disadvantage in their relationship with the *Tabong*s. The Aeta are bonded to just one *Tabong*, and in no case are they permitted to trade with a different *Tabong* unless they have fully repaid their debts to the first.

Background

Like the Agta*s*, the Aeta*s* are one of the indigenous peoples referred to by others as *Negritos*. In Central Luzon the preferred name is *Aeta*, which, like *Agta*, simply means 'human'. The Aeta group is further divided into sub-tribes: the Maguindi Aetas in Pampanga, and Zambal Aetas in Zambales.

Formerly hunters and gatherers of forest products, the Aeta roamed the vast plains and mountains of Central Luzon. But with the advent of land-grabbing, illegal logging, lowland farming, and the encroachment of large-scale business ventures and government projects onto their ancestral lands, they have gradually been forced to assume the role of wage earners and have been absorbed into the cash economy. Even those who have retreated to remote mountain areas have not escaped the threat of cultural disintegration, since the fast disappearing forests can no longer provide for their survival.

The eruption of Mount Pinatubo in 1991 exacerbated the plight of the Aetas. Most of them were resettled from the foot of the mountain (their remaining ancestral domain) to more densely populated areas where they were grouped together with lowlanders. However the land in the resettlement areas, being both limited in extent and rocky, is not fit for farming. Other more fortunate Aeta groups were able to return to their original homes. Some Aetas go back to the foot of Mount Pinatubo to work the portions of their land where volcanic ash has been washed off; others work lowlanders' fields for a salary of from around US50 cents to just over US$1.00 a day**.**

The enslavement of Aetas to lowland merchant-intermediaries is a problem that appears to have been overlooked by both the government and NGOs. Given that, at least since the eruption of Mount Pinatubo, the Aetas are not only the best known indigenous group, but also the most exposed to government rehabilitation pro-

grammes, it is ironic that this issue has escaped attention.

Portrait of a Tabong: Apong Belto

Edwin Danan was able to escape debt bondage to the local *Tabong*, Apong Belto, through the small allowance given him for three years by an NGO which funded a literacy programme in the area. His family, however, continues to be in debt to Apong Belto. With no other means of livelihood and no skills other than hunting and gathering forest products, they depend on Apong Belto for their supply of rice, coffee, sugar, and salt, as well as other commodities on offer in his store. In exchange they give bananas. Edwin describes Apong Belto:

> According to our elders, Apong Belto was adopted by our people during the Japanese occupation. Belto was later given land by the Aetas in Pasbol, just below Kamias. In time, he was able to acquire almost the whole of Pasbol. He married Apong Ende. It was really Apong Ende to whom our people have incurred debts. When she died, Apong Belto took her place.
>
> He gives out rice, coffee and sugar, salt and other commodities in exchange for our bananas. In Sitio Liplip, 80 Aeta families are in his debt, in Sitio Patal, 60 families; in Sitio Kuyukut, 49 families. In Kamias, a total of 127 families (430 individuals) are in his debt
>
> There was this Barangay [Village Community] captain in Kuyukut, back on November 25 1992, who tried to break free of his bondage to Apong Belto by ignoring the debts. Apong Belto shot him. The captain barely escaped death: the bullet only grazed his temple. This was witnessed by many Aetas.

The Aeta are cheated several times over, according to how much they receive in rice or coffee for the bananas that they deliver to Apong Belto. The Aeta however are powerless to command their own terms and prices, precisely because of their indebtedness.

The Aetas in Kamias were previously self-sufficient, subsisting on bananas, sweet potatoes and other rootcrops found in their forests, but with the introduction of commodities alien to their environment, they gradually learned to consume other substances like rice, coffee, sugar, bread and cigarettes that they were neither used to nor self-sufficient in. This created a dependency on the lowlanders, the main suppliers of these products.

The extent of the *Tabong's* control over the Aetas of Kamias is compounded by the compliance of his two sons, one of whom is a

member of the local police force and the other a local government official. Both his sons use their official positions to intimidate the Aeta*s*.

Organising Against Exploitation

LAKAS (meaning 'strength') is an indigenous Aeta organisation operating in Zambales, part of Central Luzon. The organisation held its first assembly in 1986. One of the goals outlined in this assembly was to free the Aetas from bondage to lowlanders.

When the church people came to Mount Pinatubo (before its eruption) most of the Aeta families lived at the foot of the mountain. The Aeta leaders borrowed some US$200.00 from a priest and used the money to build a store to cater for Aetas' needs without their having to buy from their *Tabong*. Once LAKAS was established in 1986, funding also came from international donors. This allowed a variety of programmes to be set up, including the cooperative store, which lessened the Aeta*s'* dependency on the *Tabongs*. As a result they were much better able to negotiate reasonable trading terms with the *Tabongs,* reflected in the much higher price now paid for bananas in the area.

Membership of the programme spread to neighbouring *Barangays* (Village Communities) at the foot of Mount Pinatubo. The membership fee was less than US$1.00, and the cooperative gradually became successful. Marketing of the Aetas' bananas was controlled by the LAKAS cooperative, and lowland merchants bought at the cooperative at the price dictated by the Aetas. They also managed to acquire transportation for their produce. In addition, LAKAS ran other programmes: a literacy and an animal dispersal programme, one teaching literacy and the other providing animals. Two hundred and fifty-seven Aeta families were liberated from bondage through the efforts of the organisation.

Response to the *Tabong* System and *Tabong* Victims

There has been little more than a token response from the government to the plight of indigenous peoples. One reason for this may be the lack of adequate representation of indigenous peoples' concerns. Social services rarely reach indigenous communities except during

election season when incumbents are courting votes. The indigenous peoples have not been represented in political decision-making institutions. The constitutional provision granting indigenous peoples the right to their ancestral territories was encompassed in basic law for the first time in 1987. In the two terms of Congress since then, however, the provision has been ignored.

The Aeta situation is a case in point. It was only after the 1991 Mount Pinatubo eruption that the government looked into the plight of the Aetas. But even now there has been no criticism of the *Tabong* system, nor has any programme been implemented to secure the rights of the Aeta to adequate land.

Any meaningful response to the question of slavery among indigenous peoples in the Philippines must first address their demands and rights to land. From the very outset indigenous peoples, naturally aware of the primacy of this issue, have made repeated attempts to put a stop to the continued forced displacement of indigenous groups. It is vital that access and control of the land be secured in order to give those enslaved by debt bondage real choices for independent survival.

The here mentioned indigenous peoples' organisations are taking practical steps to address the debt bondage that their members suffer, are members of a national federation of indigenous peoples' organisations, KAMP (*Kalipunan ng mga Katutubong Mamamayan ng Pilipinas*). The federation recently drafted a comprehensive Indigenous Peoples' Agenda, focusing on the essential question of land for indigenous peoples. Among other things, it includes a programme to control, manage, and develop their ancestral domain so that they may be able finally to reap its benefits for themselves.

Although the Indigenous Peoples' Agenda lacks a specific programme directly addressing debt bondage, its member organisations can and are using the principles enshrined in it as a framework for doing so. Actions resulting from this, initiated by peoples' organisations themselves, rather than non-indigenous NGOs, represent a new phase in the struggle of indigenous peoples, which, in view of the government's inaction over the whole issue, constitutes their main hope for bringing injustices to an end.

Recommendations

- Government bodies and NGOs should support the Aetas' livelihood programmes essential to their eventual emancipation. Both

government and NGOs should recognise the Aetas' capacity to organise and lead themselves;

- Debts incurred by the Aetas from their *Tabongs* should be cancelled;
- There should be a thorough investigation by government officials of the *Tabong* system; and the trade between the indigenous groups and the lowlanders should be strictly regulated to protect the Aetas from exploitation, from debt bondage or forced labour, and from loss of their lands;
- The government should recognise the rights of the indigenous peoples to their ancestral domains, including the exploitation of the resources found within their domains;
- Indigenous groups should help each other by sharing their experiences and organising to address the situation from a position of strength;
- The results of any research should be made available to indigenous peoples' organisations so that they may more effectively respond to the situation.

Notes

1 1970 figures from the National Census and Statistics Office, Manila.

2 Episcopal Commission on Tribal Filipinos, Manila, October 1979.

3 The research for this chapter has been carried out by TABAK (*Tunay na Alyansa ng Bayan Alay sa Katutubo*, or Alliance of Indigenous Peoples Rights Advocates), and follows an earlier report on the situation of the *Dumagat* communities living under the *Tabong* system in *Nueva Ecija* Province since 1987.

4 Both groups are also known collectively as *Dumagat* by the *Tagalog*-speaking lowlanders.

Name of Instrument	Date in force	States Parties to date	**Indonesia** Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	No
UN International Covenant on Civil and Political Rights (1966)	1976	133	No
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	No
UN Slavery Convention (1926, amended 1953)	(1955)	91	No
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	No
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	Yes (1950)
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	No
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	No
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	No

Chapter Three:

INDONESIA
Forest Destruction and the Dispossession of Indigenous Peoples: the Case of East Kalimantan (Borneo)

The author of this chapter prefers to remain anonymous

Introduction

Indonesia, second only to Brazil in terms of forested area, contains 10 per cent of the world's tropical forest resources. The World Bank estimates that as much as 60 per cent of Indonesia's forests are occupied and/or claimed by local communities. Up to 65 million people, many of whom are indigenous forest dwellers, are directly dependent on forests for their livelihood[1]. Although Indonesian national law acknowledges the existence of customary land tenure systems and the usufruct rights of forest communities, the Indonesian Ministry of Forestry, logging corporations and industrial tree plantations exercise *de facto* control over most of Indonesia's forests. Given the Ministry of Forestry's lack of law enforcement capacity, as well as its close relationship with private sector logging corporations, this has led to the wholesale, virtually unregulated destruction of much of the nation's forest resources as well as the dispossession, marginalisation and impoverishment of indigenous and migrant forest communities in the name of 'development'[2].

Using case studies from East Kalimantan, this chapter examines the manner in which private sector operations and government policies have brought about such devastation.

The Indonesian Concept of 'Development'

In order to understand the context of these events, it is necessary to examine the concept of 'development' as espoused by the Indonesian government and by one of its largest funders, the World Bank. Bruce Rich, in his detailed analysis of World Bank development-oriented lending policies, describes the menacing paradox which lies at the heart of many development efforts as an:

> increasing rationality in form accompanied by ultimate unreason and nihilism in its consequences.

Rich notes that historically:

> The market-driven rationalisation and administration of the earth's surface and natural resources for economic production has had a brutal corollary: the uprooting and depossession of huge rural populations[3]...

According to one of Indonesia's leading intellectuals:

> Development... has become one of the... most important key-words [in the Indonesian language]... President Soeharto [Suharto] is named the 'Father of Development'. The current administration has not only called itself the 'New Order' but also the 'Development Order'. All of the cabinets in the New Order administration have been called 'Development Cabinets'... This key-word has become a focus of authority and legitimacy, and a departure point from which to re-interpret old facts and direct the future course of history.[4]

The indigenous peoples of Indonesia, notably the rainforest shifting cultivators of the Outer Islands are '*in official discourse ... marginalised as tribal minorities, outside 'civilisation'* '[5] and, as such, are seen as both a target of and a hindrance to development [6]. In order to provide a clear understanding of the way in which modern forms of enclosure, dispossession, and pauperisation are being carried out in the name of 'development', we will examine recent events in East Kalimantan.

East Kalimantan: Destruction and Dispossession

The Indonesian province of East Kalimantan, located on the island of Borneo, is the site of some of the most extensive and biologically diverse forests in Indonesia. Like most of the outer islands of Indonesia, the province's biological diversity is matched by a high level of cultural diversity. A variety of indigenous groups, called *Dayaks*[7] by outsiders, have traditionally inhabited the forested regions of Kalimantan. Malay sultanates historically controlled the coastal regions of the island and regulated (taxed) the trade in forest products which flowed from remote forest communities along river networks to coastal port cities at the mouths of large rivers. After World War II when Indonesia gained independence from the Dutch colonial gov-

ernment, increasing numbers of Indonesian (primarily Javanese) police, military officers, school teachers, and other government officials moved into the interior regions of Kalimantan. Beginning in the 1970s, entire settlements of logging and mining camp workers, as well as government-sponsored Javanese transmigrants,[8] moved onto indigenous lands.

During the initial years of large-scale commercial logging, many indigenous groups found portions of their ancestral lands and hunting grounds occupied and destroyed. Faced with threats made by company personnel backed up by armed forces, tribal peoples had little choice but to resettle themselves on the remaining portions of their lands. Since their lands were usually quite extensive, however, they often had sufficient room in which to continue their swidden[9] cultivation.

In the mid-to-late 1980s and early 1990s, however, deforestation and human rights abuses in East Kalimantan escalated sharply. Not only did commercial logging reach unprecedented heights, but government policies ostensibly aimed at bettering the lot of forest communities and ensuring forest conservation, resulted in increasing destruction and dispossession. What can be considered modern forms of slavery were observable throughout the region.

In 1990, as a result of the negative impacts of logging concessions on local communities, the Indonesian government required all concessions to undertake the development of a nearby community under what was known as the HPH Bina Desa programme. If a logging concession were not able to implement a village development project successfully, its licence could be revoked by the government. What commonly happened, however, was that companies coerced and threatened villagers into forming work groups or farmers' groups. The groups were then ordered to carry out uncompensated labour on what was euphemistically called a 'participatory' development project, designed by the logging company without regard for the needs or wishes of the community being 'developed'. Most of these Bina Desa projects were complete failures, and led to additional environmental destruction and social conflict. Nevertheless, as far as the companies were concerned, they served their purpose, allowing them to secure the renewal of their timber licences.

In addition, the Ministries of Forestry and Transmigration produced a law by joint decree, requiring all logging concessions to develop Industrial Forest Plantations, known as *Hutan Tanaman*

Industri (or HTI). This law was designed partly in response to environmentalist criticism of the Indonesian forestry sector, and the HTIs were proposed as a form of reforestation, as a way of ensuring the sustainability of the forestry sector.

In reality, however, HTIs have led to even greater deforestation and human rights abuses. In order to set up an HTI, land clearing, not logging, is carried out. Unlike official logging operations which are theoretically subject to numerous forestry laws regulating allowable species and tree sizes for legal timber harvests, 'land clearing' allows complete deforestation and concessions are no longer restricted to selective cutting. By law, HTIs are to be implemented only on marginal, unproductive, unused and unowned lands suitable for reforestation.

But in practice the primary and secondary forest hunting grounds and highly productive rattan, rubber and fruit gardens of the *Dayak* peoples of East Kalimantan are being bulldozed under military escort during HTI landclearing phases. All standing timber is cut down and harvested, leaving nothing left but ruined rattan, rubber, and fruit gardens, and exposed topsoil. After a few days of rain, the topsoil is completely eroded and is no longer suitable for growing either annual food crops or trees. A World Bank review team assessing land clearing operations for transmigration settlements and HTIs found that:

> Slopes over eight per cent had been cleared, trees were bulldozed into waterways, erosion measures along contours were not undertaken, and (due to clear cutting and destruction of the forest) the opportunity to introduce settlers to a range of forest products was lost .[10]

This appears to be of little importance, however, to the logging companies which, through clearcutting, have been able to harvest a substantial amount of timber to which otherwise they would not have access. The companies then claim that they have implemented an Industrial Forest Plantation (HTI) and continue to receive their logging licences.

It should also be noted that the trees which are planted on the ruined soils are fast-growing exotic species such as eucalyptus or acacia. These trees do not represent Kalimantan forest species and are instead designed to be used in paper and pulp factories, assuming they survive on barren land.

Debt Bondage

With the destruction of their lands and livelihood, the affected indigenous *Dayak* peoples are forced to seek employment in marginal jobs in urban areas or as temporary workers without contracts on the very Industrial Forest Plantations (HTIs) which have destroyed their ancestral lands. Plantation wages are usually significantly lower than the cost of living.

With the destruction of their agroforestry systems and rice fields, indigenous *Dayak*s are also forced to purchase food instead of growing it. Many HTI's and logging concessions have taken advantage of this fact and have established 'company stores' near their base camps. Purchases may be made at the company stores under a voucher system run by company management. Since these stores are often the only ones in remote regions or the only stores which give credit to the *Dayak* workers, they are able to charge very high prices. The credit is based upon the future wages of the *Dayak* labourers who often find themselves not only dispossessed from their lands but trapped deeply in debt to the very companies which appropriated their lands and forests.

In addition, after the World Bank withdrew funding for Indonesia's transmigration programme as a result of a massive international outcry over the environmental destruction and human rights abuses occurring under it, the Indonesian Ministry of Transmigration requested that the forestry sector fund its programmes. As a result, as part of HTI development, transmigrants (usually impoverished farmers from Java) are shipped out to the wastelands which have been created on deforested and bulldozed indigenous territories and assigned to plantation labour. This results in a tremendous increase in rural population densities and leads to an even greater strain on food resources.

Due to the inability of 'land cleared' regions to support agricultural and silvicultural activities, as well as the unsuitability of the farming techniques practised by transmigrants for the poor soils of Kalimantan, there is a high rate of failure in these transmigration schemes. In this respect it is not just the indigenous *Dayak* communities who are affected. Industrial Forest Plantation Transmigration programmes leave the transmigrant labourers themselves trapped and desperate. Under the transmigration programme, impoverished farmers are provided with a boat ticket from Java to a Kalimantan port. They are then taken miles deep into indigenous territories,

where often there are no roads other than rough logging roads. Usually there is little public transportation, and what is available is infrequent and expensive. After the failure of their food crops, it is very difficult for the transmigrants to leave the regions where they have been placed. Often there is no choice but to engage in plantation labour at salaries lower than the cost of living. Prostitution flourishes around the logging camps and industrial estate plantations, often involving transmigrant women desperate to feed their children. In addition to plantation labour, transmigrant men often form work gangs under a contractor who sells their labour to the logging concessions. These logging gangs go into the forest for months at a time scouting for timber. Measures to protect workers' health are minimal or non-existent. Malaria, cholera, typhoid and logging accidents take a heavy toll.

Work gangs also comb the forest for valuable products such as rattan, swifts' nests or fragrant *gaharu* wood. Food and equipment for the forest work gangs are obtained as loans from a company store or a trader's post. The inflated prices of the goods combined with the under-valuing of the forest products brought back by the labour gangs ensure that labourers remain trapped in a cycle of debt and must continually return to the forest in order to collect valuable products so that they are able to pay off the debts they incur on every trip.

CASE STUDIES[11]

Case Study 1 - Logging Company PT.K.[12]

Logging company PT.K is a branch of one of Indonesia's largest and most well known forestry conglomerates, considered to be a leader in the industry. The operations of this company are typical of the operations of Indonesian logging concessions throughout the country. Such operations have resulted in the destruction of the natural resource base and wider human rights abuses, including the use of forced labour. The following activities were observed at the PT.K logging concession in East Kalimantan between 1990 and 1994.

The creation of a climate of fear

The company represents itself to the villagers as working for the government in Jakarta, carrying out development through logging,

and eradicating shifting cultivation. Villagers are told that if they disagree with or oppose the company, they are opposing the central government. The logging company has hired on-duty policemen from the district to work illegally as a private security force. The police, as employees of the state, receive salaries simultaneously from the government and from the company, and are posted during government office hours for months at a time on logging concession grounds. The use of government security forces for private business objectives creates a climate of fear and intimidation. The enforcement capability of the national police force is used not to enforce national law, the violations of which are frequent on company grounds, but to enforce company policies.

Routine violation of forestry laws

Harvesting of illegal tree species is widespread. Such trees, which are owned by the local *Dayak* inhabitants, were frequently observed after they had been cut down, at the logging concession basecamp, logging sites and log pond. In addition the company harvests logs which are below the legal size limit. Logs as small as 25 centimetres in diameter were routinely observed in log pond, basecamp, and logging sites.

Although replanting and enrichment planting of native forest species is required by Indonesian forestry law, this is carried out by the company in a *pro forma* manner, simply to create the appearance of compliance with forestry law, and is unsuccessful.

Destruction of the local river system

Rivers are the lifelines of the local population in East Kalimantan. They provide the major source of water for drinking, bathing, washing and sanitation. In addition, river travel is usually the sole method of transportation for people living in rural areas.

Prior to the start of logging activity by PT.K, approximately 10 years ago, the largest river in the district was clear and clean with abundant fish. A decade later, the river has been reduced to a shallow coffee-coloured waterway full of soil eroded from the logging areas and road building sites. Fish are increasingly difficult to find. Drinking water is coloured brown with the eroded soil, which, according to consulted medical experts, carries a heavy parasite and disease load (worms, typhoid, hepatitis, cholera).

The forerunner of PT.K was an American logging concession, which later sold its interests to the Indonesian-owned PT.K company. The American company still maintains close business ties with PT.K, importing much of the output from its plywood factories to the United States. In the early 1980s, the American company built its main corridor logging road parallel to the largest river running the length of the district. This river provided the sole means of communication and transport between many of the villages in the district, as well as being the sole source of drinking water for the villages along its banks. Instead of building bridges over the tributary rivers that feed into the main river, the company simply dammed the tributary rivers with massive structures of wood and earth. This resulted in the creation of large areas of malarial swamps on one side of the logging road, as water from the tributary rivers was prevented from flowing into the main river by the dams, and gathered in newly-created dank pools. This cut off one-half of the water supply of the district's main river for a distance of over 100 kilometres and had severe effects on the local economy, local agricultural activities (which often necessitated river travel to reach farmers' fields), and local health conditions.

The level of the main river dropped, making river transport more and more difficult. The *Dayak* villagers began to ask the company for rides on their logging trucks instead, but this was not an effective alternative. At most, three or four people can fit into the cab of a logging truck at any given time and although sometimes villagers succeeded in flagging down a passing dump truck, more often than not, company truck drivers would not stop to pick up villagers. It should also be noted that the sexual harassment and rape of women seeking rides on company vehicles is a common phenomenon.

The destruction of the local river system has not only had significant impacts on the ability of *Dayak* villagers to engage in commerce and communication with the outside world. It has also increased health problems both directly, through water pollution and an increase in disease-related problems, as well as indirectly, by making it increasingly difficult to leave remote villages to seek medical care. For example, the district capital, which is located on one of the main rivers ruined by the PT.K company, is four kilometres from the PT.K logging road. In the case of a medical emergency, given the difficulty of river travel due to reduced levels of the main river, a seriously ill individual would have to walk four kilometres

up and down steep hills before arriving at the corridor logging road. Then the ill person would have to wait, sometimes overnight, for a truck driver willing to pick them up. Prior to logging concession operations, someone who was seriously ill could be taken immediately by boat to the nearest doctor, located five hours away by river travel.

Forced Labour on 'Village Development' Projects

In order to obtain a renewal of their logging licence, the PT.K company was obliged by law to implement a village development project near its concession area under the HPH Bina Desa Programme. *Dayak* villagers, however, were extremely suspicious of the motivations of the company, having watched PT.K appropriate their traditional lands, destroy their river system, log illegal species and sizes of trees, and harass and rape *Dayak* and immigrant women. Local villagers were ordered to form cooperative work groups or farmers' groups to work on development projects designed by the company. When farmers refused, village leaders were bribed and then coerced into helping the company and local police to force villagers to form a work group.

Logging company representatives claimed to be carrying out development. They stated that they were working 'for the government' and that opposition to their development projects would also be interpreted as opposition to the government, or subversion (punishable by a lengthy prison sentence). Even given the climate of fear created by the logging company, the *Dayak* farmers were reluctant to use village lands for what were viewed as company projects. They feared that such lands would later be claimed by the company. Finally, however, under extreme duress, approximately 10 families reluctantly participated in the development projects which, due to their poor design, as well as the climate of fear in which they were implemented, resulted in environmentally damaging failures.

The goal of the projects implemented by PT.K was to eradicate shifting cultivation. Shifting cultivation, in the case of the *Dayak* peoples who live in the region affected by the PT.K concession, is an ecologically sustainable, equitable, and productive system of agroforestry well suited to the poor soils of East Kalimantan[13]. Shifting cultivation is the primary form of agriculture in the region, and eradicating it without a clear and well-tested alternative system to replace it is an invitation to both ecological and social disaster. In areas such as the region around the PT.K concession, there is no

ecological, economic, or social reason for attempting to eliminate shifting cultivation other than to remove indigenous people from their lands and to annul their claims to areas coveted by the logging concession. Often campaigns to eliminate shifting cultivation take on an almost genocidal cast, with the apparent aim of eliminating not only shifting cultivation, but also shifting cultivators, who are usually indigenous forest dwellers.

Usurpation of Indigenous Lands, Destruction of the Economic Livelihood of Indigenous Peoples

In the early 1980s, the American forerunner of the PT.K logging concession constructed its basecamp on a village site and removed the inhabitants. Their land was seized, their graveyards were destroyed, and their extensive and economically productive fruit and rattan gardens were bulldozed without permission or compensation. As a result, the villagers were extremely angry and there was serious potential for physical violence.

According to the government's Land Compensation Table for the region, the villagers were entitled to over US$28,000 for the land alone. A further US$3000 should have been paid as compensation for the destruction of the graveyards. The company never paid the compensation. After forcibly removing the local inhabitants, the company ploughed a rough road to the nearest village (eight kilometres away) and claimed that this work had a value of US$ 18,000. They gave the villagers US$1000 in cash as compensation for the rattan gardens, fruit gardens and sacred honey trees which were destroyed by the construction of the logging road. They also gave the villagers a gift of a colour television and a parabola antenna. The rest of the compensation for the seized lands and ruined livelihoods has never been paid by PT.K, a branch of one of the wealthiest conglomerates in Indonesia.

Sexual Harassment and Rape of Indigenous and Transmigrant Women by PT.K Staff

Dayak village women working in the logging camp are routinely sexually harassed. Indigenous men who work in the basecamp return to their villages and advise their female relatives not to seek employment there because there is a good chance they will be raped. Since rape brings great social opprobrium to women, they

are very reluctant to talk about it. Truck drivers preferentially give rides to young women rather than the men of the village, and routinely harass them. Women wanting to transport a sack of rice the 10 kilometres to the rice mill or to the trading post must run the risk of being sexually abused by the truck drivers during the trip.

Sexual abuse does not necessarily mean rape, but it has included rape and observed cases of men holding the women's breasts and/or masturbating against the women. None of these incidents have been reported to the authorities due to the climate of fear created by the company and its proclamations that 'the company' is the same thing as the central government.

Case Study 2 - PT.G Industrial Forest Plantation (HTI)

In 1990, *Dayak*s from the village of 'A' heard the sound of chainsaws in their valuable rattan gardens. The village of 'A', as is true throughout East and Central Kalimantan, was the site of a sophisticated and successful tradition of small-scale rattan plantations. In response to international demands for rattan, over a period of more than a century local *Dayak* farmers developed an elaborate system of rattan production which currently generates tremendous national and local revenues. In many of the relatively isolated regions of East Kalimantan, much of the population is dependent on rattan production.

Rattan gardens function like a bank account for the local farmer. When prices are high or if there are important family obligations, the farmer may sell his crop. If prices are low, and if there are no pressing needs, the farmer simply allows his rattan garden to continue growing and increasing in value, adding as it were, interest to the account.

It was with a sense of stunned disbelief when villagers from a site which has been occupied by this *Dayak* group for over 400 years heard the sound of chain-saws in their rattan gardens. When they went to investigate, they were met by a chainsaw crew from the PT.G rubber plantation (HTI) and were told that PT.G had permission from Jakarta to make a rubber plantation in the area where their gardens stood. The local people were not allowed to see the permit from Jakarta and were threatened by the company manager who told them that if they asked too many questions they would find themselves in trouble.

Despite the fact that HTIs are, by law, only to be established on marginal and unproductive land, which is not currently owned

or used by farmers, the HTI manager declared that his project was 'development' and part of government plans. The farmers were completely at a loss. In a short period, 1,000 hectares of their valuable rattan gardens had been cut down, destroying their hopes of using rattan funds to send their children to school, of being able to face medical emergencies, to prepare for a comfortable old age, to purchase outboard motors or water pumps, and so on. Their savings accounts had been emptied by complete strangers, in broad daylight, claiming a mandate from Jakarta to do so. The company has since announced plans to clear an additional 27,000 hectares of rattan lands.

Initially, no compensation was offered for the ruined rattan and fruit gardens. After many complaints and increasing tension, PT.G agreed to pay US$0.25 for each rattan clump and fruit tree destroyed. It should be noted that a single rattan clump may have a productive lifetime of up to 40 years and at any given time may have 30 to 50 actively growing stems. The value of a single clump of rattan, therefore, can be estimated to be from US$500 to over US$1000 throughout its productive lifetime.

Needless to say, the farmers considered the offer of 25 cents per rattan clump insulting. The manager of the camp then bribed the village head with approximately US$1000 in cash and the village head signed, on behalf of the village, the compensation agreement. The affected farmers were furious and have since (so far, unsuccessfully) sought legal assistance in order to remove the corrupt village head and to challenge the company.

In response, the company has hired on-duty policemen from the district to work (illegally) as a private security force for the plantation. In addition to creating a climate of fear and intimidation through the use of government security forces for private business ends, PT.G built fences around the destroyed rattan gardens and posted signs to the effect that only PT.G employees were allowed on company rubber garden land.

As of 1992, less than 24 indigenous people had been hired by PT.G. Those hired after their rattan gardens and agricultural lands were seized and destroyed, received a daily wage of approximately US$1.75 without food or a food allowance. A meal at a local food stall costs between US$0.75 and US$1.00. Clearly this wage does not begin to meet basic needs. After the company's water pump experienced a mechanical failure, the salaries of all workers were

cut in order to punish them and to pay for a new pump. This type of unilateral wage cut is in direct violation of Indonesian labour laws.

The plantation set up a company store where labourers could only purchase goods at exorbitant prices using a voucher system. Transactions could not be made with cash. Indigenous workers, having lost their lands and therefore their ability to grow their own food, now use vouchers representing future wages in order to make purchases at the company store. When they make purchases, they are not informed as to the amount of their total debt. The increasing debts are then subtracted from their future wages, turning once independent and relatively well-off farmers into impoverished bonded labourers trapped in an ever mounting cycle of debt.

Conclusion

The case studies presented above illustrate how the largely unmonitored activities of logging corporations and plantations have led to disturbing patterns of dispossession, marginalisation, and impoverishment of indigenous and migrant peoples in resource-rich regions such as East Kalimantan in Indonesia.

These gross violations of human rights have been accompanied by an unprecedented destruction of the natural resource base, which in turn has served to further impoverish and marginalise populations which were dependent for their livelihood upon such resources.

Currently, the extent to which indigenous peoples as well as transmigrants are vulnerable to debt bondage and forced labour is not widely publicised. Given the power of the business interests behind the logging concessions and plantations, and the military backing they receive, it is difficult for Indonesian or foreign investigators to obtain the information, and within Indonesia the national press is still strictly censored.

At this point, it is of paramount importance to bring these issues to the forefront of ongoing debates on democratisation, the environment, and human rights in Indonesia. The Indonesian and international public must be made aware of the gross violations of human rights and environmental devastation associated with such private sector activities and governmental development policies.

Notes

1 World Bank, 1994. *Indonesia, Environment and Development: Challenges for the Future,* Environment Unit, East Asia and Pacific Region.

2 *ibid*.

World Bank, 1994. *Indonesia Transmigration Program: A Review of Five Bank-Supported Projects,* Operations Evaluation Department.

Zerner, Charles, 1992. *Indigenous Forest-Dwelling Communities in Indonesia's Outer Islands: Livelihood, Rights, and Environmental Management Institutions in the Era of Industrial Forest Exploitation,* A Report Commissioned by the World Bank, Forestry Sector Review.

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4 Heryanto, A, 'The 'Development' of Development' (Trans. by N. Lutz) in *Indonesia* No. 46, October 1988.

5 Tsing, Anna L, 1993. *In the Realm of the Diamond Queen: Marginality in an Out-of-the-Way Place,* Princeton, Princeton University Press.

6 *ibid*.

Fried, S, 'Writing for Their Lives: Dayak Authors and Indonesian Development Discourse', in C. Zerner (Ed.), 1994. *Forests, Coasts, and Seas: Culture and the Question of Rights to Southeast Asian Environmental Resources.*

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Peluso, Nancy L, 1990. 'Rattan Trade in East Kalimantan, Indonesia: Can Extraction be Reserved?' in Nepstad, D. (Ed.), *Extractive Economies in Tropical Forests.*

Weinstock, Joseph A, 1989. *Study on Shifting Cultivation* Phase I and II. Jakarta, FAO.

7 The term '*Dayak*' simply means 'up-river' or 'one who lives up-river' in many Kalimantan languages and has come to be associated with the indigenous, up-river peoples of the interior of Borneo.

8 In the late 1970s the Indonesian government started building a system of transmigration camps in Sumatra, Sulawesi and Kalimantan. Ostensibly these were designed to ease overcrowding and unemployment in Java but were widely used to re- settle released political prisoners in areas where they could no longer represent a threat to the government in Java.

9 Shifting cultivation based on farming forest clearings in rotation on mountain slopes.

10 World Bank, 1994. *Indonesia Transmigration Program: A Review of Five Bank-Supported Projects,* Operations Evaluation Department.

11 Other examples are contained in the following World Bank Reports:

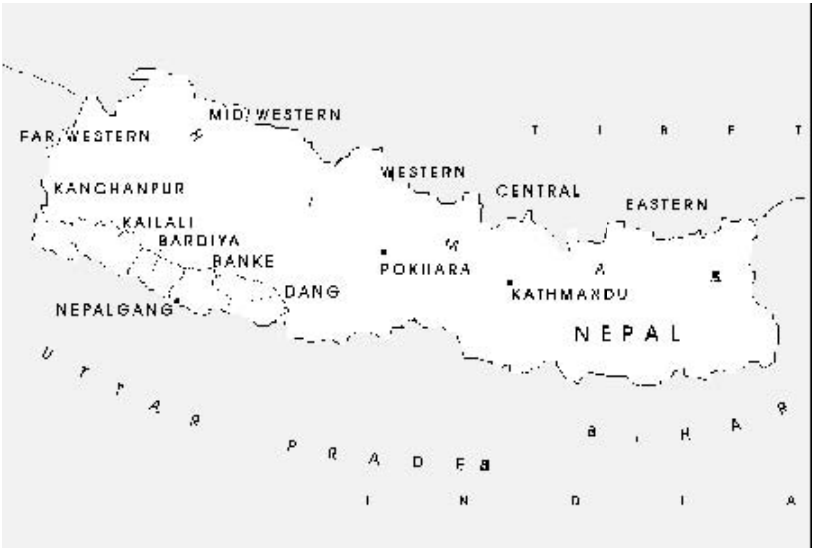
World Bank, 1994. *Indonesia, Environment and Development: Challenges for the Future,* Environment Unit, East Asia and Pacific Region.

World Bank, 1994. *Indonesia Transmigration Program: A Review of Five Bank-Supported Projects,* Operations Evaluation Department.

An additional World Bank report titled *Indigenous Forest-dwelling Communities in Indonesia's Outer Islands: Livelihood, Rights, and Environmental Management Institutions in the Era of Industrial Forest Exploitation* details 17 such case studies.

12 Examples of the processes outlined in the previous text are presented in the two following case studies of logging and plantation (HTI) operations in East Kalimantan. Given the climate of fear and intimidation in Kalimantan and the threat of company and government reprisals, neither the names of particular *Dayak* groups and their villages, nor the names of the logging companies and industrial estate plantations are given.

13 Much scientific research has been done which indicates not only the sustainability of certain types of shifting cultivation but also its high returns to labour.



Name of Instrument	Date in force	States Parties to date	**Nepal** Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1991)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1990)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1971)
UN Slavery Convention (1926, amended 1953)	(1955)	91	Yes (1963)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1963)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	No
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	No
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	No
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	No

Chapter Four:

NEPAL
The Struggle Against the *Kamaiya* System of Bonded Labour

Adam Robertson

To relate the history of colonisation of the forested lowlands of Nepal is to tell the story of the systematic exploitation and marginalisation of the local indigenous people, the Tharu. Up to 70,000 Tharu[1] in the *Terai* or plains of the Mid- and Far Western development regions now work under the *Kamaiya* System (a system of debt bondage). For a large proportion this means a life of slavery, working up to 20 hours a day just to pay the interest on a debt they may have inherited as a child.

> We work as kamaiya and bukrahi (male and female bonded labourers) for a debt. We don't have our own land and we survive by working for the landlord. If I miss one day's work the debt increases. I have a sick child; what should I do? Go to work; or stay and look after the baby? I don't even have time to clean his soiled clothes. We are human beings and we should have leave when we are sick.[2]

The *Kamaiya* System was first noted by anthropologists in the 1960s[3], but it is only really since the re-establishment of democracy in 1990 that action has been taken to expose the system. This has been led by a handful of Tharu activists and non-governmental organisations (NGOs) who have begun programmes to empower the affected groups and to press for wider government action.

This chapter seeks to explain how the process of opening up the Western *Terai* has led to the evolution of this contemporary form of slavery, to review the success of the NGO and government programmes to date, and to determine what further steps must be taken to bring about the abolition of the *Kamaiya* System.

A research team, consisting of an Anti-Slavery International staff member and a researcher from the Nepali NGO Informal Sector Service Centre (INSEC), collected information in Nepal during October and November 1995. This included two short field trips

to five districts in the Mid-Western and Far-Western development regions of Nepal, where the research team was greatly assisted by Backward Society Education (BASE), and INSEC's regional field staff. Additional information was sought in interviews with politicians, academics and Tharu and *kamaiya* activists in both the study area and in Kathmandu. The article also draws upon previously unpublished research collected by INSEC.

Introduction

Nepal is a country of immense diversity. This is as true of its geographical make up as of its ethnic composition. It is arranged into three distinct zones, running east to west: the Mountains (*Himalaya*), Hills (*Pahar*), and Plains (*Terai*).

The population of approximately 18.5 million people speak some 20 different languages. These can be broadly divided into Indo-Aryan or Tibeto-Burman linguistic groups. At various stages in the country's past, attempts have been made to incorporate Nepal's many different ethnic groups into a formalised caste system based on the Hindu model. As a result, the high-caste *Brahmin* and *Chetari* have become the most powerful groups in Nepal.

Slavery was officially abolished in 1926 but highly exploitative systems of labour continue. In addition to the *Kamaiya* System of the Mid and Far-Western *Terai*, other systems of agricultural labour exist which in some cases may be termed debt bondage. These systems are known as the *Haliya* System in the hills and the *Haruwa* System in the *Terai*. In the towns and particularly around Kathmandu, children are known to be involved in debt bondage, working in sweat-shops, tea houses, or as domestic servants. Bonded child labour is also reported in the carpet industry. Large numbers of women and children are trafficked from Nepal each year to be exploited as prostitutes in India.

The Origin of the Tharu

With a population of 1.19 million (6.5 per cent of the national population), the Tharu are one of the country's largest ethnic groups. They are indigenous to the *Terai* region where the vast majority are still spread across 22 districts from east to west. They are particularly numerous in the West and Far-Western Districts of Kanchanpur, Kailali, Bardiya, Banke, and Dang. Government statistics indicate

that 79 per cent of Tharu above the age of six have never gone to school [4].

Within the Tharu community there are some 26 major sub-groups[5]; these include the four largest groupings, Dangaura Tharu, Rana Tharu, Chitwan Tharu, and Katharia. A rivalry exists between these different Tharu sub-groups, some claiming separate descent. For this reason the exact nature of their origin is the subject of fierce debate. Some date their arrival in the *Terai* to the destruction of the Indus Valley Civilisation circa 1500 BC. Others declare that the Tharu are the descendants of the Sakya Dynasty who introduced Mahayana Bhuddhism to Nepal in the second half of the 1st millennium BC[6]. The Rana Tharu have a strong oral history which claims descent from the Rajput refugees who fled from their native Rajistan during the first Moslem invasions in the 13th century AD.

The fact is that the Tharu themselves did not keep written records and what is known of their early history is derived from passing references in religious texts and etymological evidence. It seems probable that there is not just one origin of the Tharu and that the people arrived in the area from different places at different times. As such there may be truth in all the theories.

The Tharu were feared by outsiders and the land they inhabited was infested with malaria, to which the Tharu have a natural immunity. They were consequently left to develop in comparative isolation for many centuries. It is only in the recent historical period that they have come into direct contact with neighbouring civilisations. For the Tharu this contact has had disastrous results.

The History of Colonisation

Originally the Tharu's traditional lands extended well into Northern India but in the 19th century these forests were rapidly eroded from the south to supply the British Raj's timber-building projects, in particular to meet the huge demand for railway sleepers for the growing Indian railway. In the same period in Nepal however, the Shah rulers, and later the Ranas, faced a dilemma. On the one hand they saw the malarial jungle as a useful southern barrier between themselves and their expansionist neighbour, while on the other they needed to extend their tax base. For these reasons direct colonisation was limited to quasi-military settlements, while the local Tharu headmen (*Chaudhary*) were empowered to collect taxes for the Crown.[7]

The *Chaudhary* system however, gradually gave way to the *Ja-*

mindar system. *Jamindars* were State employees, charged with revenue collection and land administration. Rather than cash payments, they were often paid in land and were able to build up large estates. Some *Jamindars* were recruited from the former *Chaudhary*, but increasingly they tended to be high-caste hill people who obtained their positions through connections at court. The hill people form the dominant caste-based society in Nepal; they are Hindu, Nepali-speaking and of Indo-Aryan descent. They perceive the Tharu population as being very low in their caste system, defining them in legal terms as 'Enslavable Alcohol Drinkers.'

Alongside the *Jamindars* were the *Birtawalahs*. Whereas the *Jamindars* were in theory paid intermediaries of the state, the *Birtawalahs* were feudal lords and members of the aristocracy who had been granted large tracts of land (*birta*) as rewards for their loyalty. They had the power to collect revenue from the peasants who worked the land (often using their own *Jamindars*) and then pay tribute to the Crown.

The new administrators would come only occasionally to oversee their property and collect revenue. The longest period they would stay would be for two or three months in the winter.

The introduction of the *Jamindar* system and granting of *Birta* lands saw an expansion of the farmed area of the *Terai* and a depletion of the Tharu's traditional forest lands. Ironically it was the growing number of landless Tharu who, because of their resistance to malaria, were used as labour to clear this land and make agriculture possible. The Tharu thus became the instruments of their own marginalisation. By the beginning of the 20th century the pattern had been established by which the Tharu people would ultimately become disenfranchised, but it was not until the 1960s that the main wave of hill migrants entered the *Terai*.

Land Reform

The launching of the National Land Reform Programme of 1964 set the seal on a chain of legal measures that abolished *Jamindar* and *Birta* land tenure. It also followed the malaria eradication programmes in the *Terai*, removing the final obstacle to settlement of the area by the hill people.

Ostensibly the Land Reform Programme had good intentions. It nominally attempted to impose ceilings on land holding in order to redistribute land to the landless and victims of natural disaster.

It also introduced a system of tenancy and land registration which aimed to remove the exploitative intermediaries and give greater security to those who were actively engaged in working the land.

Despite some early achievements, however, those involved in implementing and designing the programme were forced to admit that:

> The absence of dependable implementation machinery, lack of firmness and clarity in government policies, and considerable influence of the feudal elements severely constrained these measures.[8]

It was the key elements of the programme, which, preceding the arrival of large numbers of hill settlers, in fact worked to further marginalise the Tharu people's claim to the land.

Land Redistribution, Tenancy Rights and Registration

The reform set out to make land available for redistribution by breaking up the feudal land holdings, but the former *Jamindars* and *Birtawalahs* were well equipped to protect their land from the imposition of ceilings. They knew how to evade confiscation by registering land in the names of their servants or other family members and they often retained powerful contacts in the administration. The result was that only a small proportion of the targeted land identified for redistribution actually passed into Tharu hands. The resettlement programmes thus depended on opening up the virgin forest, which was fast becoming the last refuge of the Tharu.

The first resettlement programme, started in Chitwan in 1964, was followed by plans in five other districts. Planned settlement was soon overwhelmed, however, by chaotic immigration of people from the hills. Basic mechanisms to settle landless people and to control forest encroachment were not in place, and there was widespread corruption of the schemes so that landed hill families were able to acquire large estates in the *Terai*. Again those involved in administering the programme have pointed out that:

> Some resettlers were genuine victims of natural disasters, or landless, but undue and illegal advantage of resettlement programmes has been taken in some cases. [9]

There was in addition a political motive. In 1960 King Mehendra snuffed out the fledgling democracy and introduced the partyless Panchayat system. This in theory governed through a system of local

councils, but real power remained with the throne. During this period the *Terai* became a natural haven for dissidents and opponents to the Crown and so Panchayat supporters were systematically rewarded with land in the *Terai* in order to buttress the new regime and break up this potential hot-bed of resistance. At the same time the settlers were supposed to form a human shield against encroachment across the border.

Academic studies of the history of the colonisation of the *Terai* claim that:

> The population increase in the Terai is not just a spontaneous response of the land-hungry peasants of Nepal, but it has been a systematic endeavour by the state to culturally and ethnically transform the Terai through systematic resettlement of the Paharia [hill] people.[10]

The Tharu were now largely working as tenants on other people's land but in theory should still have been able to benefit from a system of tenancy rights which was introduced in parallel as part of the land reform measures. The system however was complicated and foreign to their understanding, and those that did register their rights were often persuaded into 'voluntary surrenders' by their landlords, sometimes through direct threat. There were also weak clauses in the legislation relating to tenants' rights which the settlers from the hills, with their knowledge of the legal process, were able to exploit.

From the point of view of the Tharu then, the effect of the land reform was to first encourage further encroachment on their forest lands, and then to legitimise both these and the earlier gains that the hill people had made over them, through the land registration programme. Throughout this process they were left in an increasingly vulnerable position and ripe for exploitation.

The Evolution of the *Kamaiya* System

There are powerful arguments to suggest that the *Kamaiya* System developed initially from a survival strategy used by the Tharu to help insure against the risks of sedentary farming[11]. A farmer falling on hard times could turn to a more established neighbour and offer himself as a *kamaiya* or bonded labourer. This tradition involved the destitute farmer committing himself to working for the neighbour during the whole of the coming agricultural year, and in return be-

ing guaranteed food throughout that time. Usually he would receive crops produced from a portion of the land allotted to him. This was supposed to be an amount of 1 *bigha* (1 *bigha* = 0.68 hectares), but there were many variations. In addition to the *bigha* he would be given a ration of food (*masyaura*) in his neighbour's home.

In general the whole *kamaiya* family would live in the same house as the neighbour; the *kamaiya*'s wife would help with domestic duties and with the harvest, the children would watch the cattle, and they would all receive the daily *masyaura*. Usually this would be enough to keep the *kamaiya* family for the year, and sometimes a *kamaiya* could even save enough for the future. If it was not enough or if extra was required, as part of the deal the neighbour was obliged to provide further credit to his *kamaiya* in the form of a loan.[12]

The contracts were struck during the festival of Maghi in the first weeks of January. The agreement they came to was entered into orally and based entirely on trust. If a *kamaiya* wished to change his status and work his own land again, or if he wished to work as *kamaiya* for someone else, he would be free to do so only after completing a full year and repaying any debts owed to the neighbour.

There are said to have been certain in-built checks and balances that helped to insure against exploitation. It was, in theory at least, quite possible for the roles to reverse, and for *kamaiya* to acquire land of their own. The neighbour would also generally work alongside his *kamaiya,* having the same duties and hours of work. Where there were not great social or economic differences between the two, and where both came from the same educational and cultural background, the system thus performed a useful purpose and to a degree the human rights of the *kamaiya* were protected.

In those communities in West Nepal where such conditions are still the norm, the *Kamaiya* system continues to serve this purpose in a relatively unexploitative form. According to a major survey conducted by the human rights organisation Informal Sector Service Centre (INSEC), about 10 per cent of *kamaiya* still work for close relatives in an unexploitative situation.[13]

The fact remains, however, that the accelerating trend, as described above, has been to radically alter the social and cultural make-up of the area, and a much more exploitative form of the system has gradually asserted itself, where large landholders keep *kamaiya* to work their land in virtually the same way that they keep oxen or other farm livestock.

The Exploitation of the *Kamaiya* System

The Tharu were gradually incorporated into the dominant caste society in which they were given a very low caste status. In contrast, the settlers from the hills were more worldly, often numerate, and in relation to the Tharu more powerful economically. They were thus in a position to exploit the *Kamaiya* system for their own profit. In fact the exploitation of agricultural labour was a familiar practice to these people. The former feudal lords, the *Jamindars* and *Birtawalahs*, had always been accustomed to exacting unpaid labour from tenants for land, and they continued to use variations of this system in the *Terai*. On top of this the more recent arrivals from the hills brought with them the *Haliya* System. In variations of the *Haliya* System in the Far-Western development region, an agricultural labourer in need of a loan agrees to work the landlord's land in lieu of the interest due on the debt. This system was transposed by the migrants onto the indigenous *Kamaiya* System. In Kanchanpur and other Far-Western districts today, the terms *kamaiya* and *haliya* are used synonymously to describe debt-bonded Tharu labourers.

The main elements of the *Kamaiya* system, the payments in kind, the system of loan and the verbal, contract remained in place but the changes that were introduced transformed the *Kamaiya* system into a highly exploitative one analogous to slavery.

The original method of giving land (*bigha*) to a bonded labourer was converted to paying in paddy (unhusked rice). Similarly, the provision of meals was converted into the handing over of a portion of other grains, salt and oil in one lump sum, and the *kamaiya* family no longer ate with the landlord's family. The total amount of land and food supply was gauged so as to be just enough for survival and sometimes slightly less.

Control over the *kamaiya* was maintained by using loans to keep them in a perpetual cycle of debt. Because the provision of land and food was set either at or below subsistence level, the *kamaiya* were much more dependent on the landlord for the traditional loan. In this way the debt increased to pay for medicines, additional food, and any other necessities.

The oral contract was likewise no longer characterised by mutual trust. Often the landlords introduced written contracts which the illiterate Tharu could not understand. They were thus able to inflate the debt still further. A *kamaiya* who missed a day's work through illness was fined, and the amount added to his debt. Likewise, any

damage to a piece of equipment or domestic animal for which the *kamaiya* was in theory responsible, was charged to him, sometimes without his knowledge. If an attempt was made to pay back a loan, the landlord would then present the *kamaiya* with a long list of expenses and spiralling interest. In fact, the money is never paid off and the *kamaiya* becomes bonded to the landlord on a permanent basis. The owner of the debt thus becomes the owner of the *kamaiya*.

The debt attached to each *kamaiya* not only bonds them to the landlord but in effect gives them a cash value in Nepali rupees. The *kamaiya* thus represents a tangible asset that the landlord can sell. These transactions are often carried out between landlords and sometimes involve middlemen. Although ostensibly it is the debt that is being bought or sold, it carries with it the power of ownership over the *kamaiya*. As such the debt becomes merely a veil for what in fact is a form of slave trade.

One System or Many?

It is important to realise that the *Kamaiya* system covers a whole spectrum of exploitation that lies between the two extremes discussed above. There are differences according to the presence or not of a debt, whether the *kamaiya* owns a house or land, and whether that land is registered with the government. There is also considerable variation from district to district and landlord to landlord in the amount and type of land and food provisions paid, which becomes a crucial factor in the *kamaiya*'s ability to service the debt.

The most exploitative cases occur where the *kamaiya* is both landless and in debt, therefore obliged to live on the landlord's property. According to government research findings in 1995, out of a total of 17,435 *kamaiya* families in five districts, 31 per cent of *kamaiya* were in this position, meaning that some 24,000 individuals are affected.[14]

Where the *kamaiya* are completely without land they are given a small plot next to the landlord's house on which to build a shack. On large properties a small complex of *kamaiya* shacks will surround the landlord's house. The *kamaiya* are thus totally dependent on the landlord for food, credit and accommodation. If they wish to leave their landlord, in addition to paying back the debt, they are required to leave their home.

In most cases the debt is relatively small, below US$40.00, but with no cash income, this constitutes a very difficult sum for the *ka-*

maiya to repay. The debt is thus often inherited and passed on from generation to generation. Sixty to 70 per cent of families have been *kamaiya* for more than one generation.[15]

Hill migrants are reported to be the cruellest landlords; abusive verbal threats and humiliation are common. Although *kamaiya* are reluctant to report physical abuse, it is clear that violence is also used. In Kanchanpur district, of those *kamaiya* who responded to INSEC's questions in 1992 regarding treatment by their employer, 14 per cent said that they had been subjected to beatings.[16]

Rani Ram Tharu[17] lives and works as a *kamaiya* in Rajapur Village Development Committee (VDC) in Bardiya District. He is a young man of 24 but has been working since childhood for the same landlord, Raja Ram Sing. His family has been bonded since his grandfather originally took on a loan of just a few thousand rupees. Rani Ram Tharu was initially reluctant to relate his story for fear of reprisals:

> I still remember the day I was beaten totally by Raja Ram. My father was working as a kamaiya in his house. When I was asked to work I refused, but I was forced to work. I said 'I am very young, I cannot do such hard work,' but he forced me and said I had no choice.
>
> I ran away but was caught on the border and taken back. He beat me until my body became swollen. I could not move from the bed for four days. When I was taken back he threatened me. He said he would kill me and throw me in the river if I tried to run away again.[18]

Similarly a middle-aged man from the same VDC, Sunurua Tharu, related how he too had been subjected to violence and humiliated by his landlord.

> Once I was carrying paddy to Rajapur by bull cart and the cart went out of control. For that he beat me in front of everyone. I had no voice. Just to shed tears.
>
> Another time I got beaten for not making a rope bed. I arranged all the ropes but was not given any wood to make the frame and legs with. How could I make the bed without the wood? [19]

Generally landlords prefer *kamaiya* in pairs, one of each sex; the male known as *kamaiya*, the female *bukrahi*. It does not matter whether they are a married couple or not, so a *kamaiya* could equally well have his daughter-in-law or another female relative as *bukrahi* counterpart..

The *kamaiya* does all the ploughing and heavy field work, usually working for a 12-hour continuous period and receiving meals in the field. During harvest and ploughing periods, however, they often work through the night, working 20-hour days for weeks at a time In the peak season much of this is timed for when the moon is high, while in the off-seasons they will be provided with other work, or may be loaned or hired out to the landlord's friends or relatives. They are not free to work for waged labour elsewhere.

The *bukrahi* work in the landlord's home as domestic servants, but also process the farm produce and work in the fields at peak times. They work the same hours as the men but then generally have to carry out a second round of domestic duties for their own household, within the home, when they return. Within the *Kamaiya* system women are particularly vulnerable to exploitation.

Women and Children

Bukrahi are not parties to the contracts struck by their male partners and the landlord. They do not receive direct remuneration for their work but receive only the *masyaura*. Sometimes they are also given clothes.

If a *bukrahi* is widowed her future becomes very uncertain. Thirty-two year-old Rampati Chaudhary has five small children. Her husband died at work in the landlord's fields. Both of them had been working for four years for landlord C.K. Sing, who is now demanding that she leave and pay back the debt. His explanation is that:

> It is not beneficial to keep a single bukrahi without a kamaiya because she is not able to plough the land.

Rampati is completely destitute and does not know what to do. She says her only option is to beg.[21]

Sexual abuse is also widely acknowledged but seldom reported. In one infamous case from Bardiya, every newly wedded *kamaiya* bride had first to have sex with the village landlord on her wedding night. The landlord was later humiliated when the story came to the attention of the wider public, but he has never received any formal punishment.[22]

The pressure to find a partner for a *kamaiya* leads to a practice of child marriage where young sons will marry older women so that their wives can work as *bukrahi*. Eighteen-year-old Asrani works as

Extreme Exploitation of Women Bonded Labourers

Bisari Tharu has four children and works as a *bukrahi* in Laxmi Narayan's house in Kailali district. She has been working along with her husband for two years. The couple have a *saunki* (debt) of US$80.00 She looks tired and can only spare a few minutes to talk.

I get up very early and go to clean the landlord's cow shed and look after the animals. Then I come back to prepare the morning meal (9 am). After I have fed the family I go back to work. I have to collect fodder and firewood, then I prepare the midday meal and take it to the family and then return to work. I come back at night (7 pm) to prepare the evening meal, look after the children and then go to bed.

Bisari Tharu works like this all day, every day. She never gets time off if she is ill. Sometimes she is beaten and often she is scolded by the landlord's family members. She did not have any extra care during her pregnancy, but for eight days during the birth period she did not work in the landlord's house as she was considered to be ritually polluting. At this time her husband cooked the rice but otherwise she had to carry on with her other duties as best she could.[20]

a *bukrahi* in the house of Raja Ram Chandas in Bardiya District. She was married to 13-year-old Santa Bir so that she could replace her mother-in-law as a *bukrahi*. While Asrani works as a *bukrahi,* her husband goes to school where he is still studying.[23]

Generally the children of *kamaiya* will be employed to watch the landlord's cattle, for which they receive only food provision. Sometimes however they become *kamaiya* in their own right. This happens particularly after the death of one or both parents, when the child is forced to take on the burden of the debt. Six to seven per cent start working as *kamaiya* from below the age of 10. Twenty to 25 per cent start working from between the ages of 10-14 [24].

Towards the Abolition of the *Kamaiya* System

In the last five to 10 years there has been growing awareness about the problem of bonded labour in the West of Nepal. However, unlike in India and Pakistan, it has not been officially abolished. The

work of NGOs in this process has been crucial. Two NGOs in particular, BASE and INSEC, have led the way in developing comprehensive programmes to address the problem. BASE grew out of a local Tharu initiative and so right from the beginning all of its staff were from the Tharu community. It is now the biggest NGO in Nepal. INSEC, as a national Kathmandu-based organisation, had first to build up its links in the Tharu community. Since 1994 however, all staff involved in the *Kamaiya* Programme have been Tharu.

Both BASE and INSEC identified the high level of illiteracy amongst *kamaiya* (96 per cent) as a major factor in their subsequent exploitation, and have introduced informal literacy night classes for *kamaiya* in each of the five problem districts. More recently they have developed separate programmes to respond to the particular problems of *kamaiya* children. The literacy classes however have always had the wider motive of empowering the *kamaiya* to help them assert their rights. BASE coined the phrase 'Education for Transformation', while from the beginning INSEC has built a Human Rights Awareness and organisation-building component into the literacy classes.

In 1987 BASE staged a strike in two villages in Dang District, Chaukura and Baibung. The strike started in Margi but lasted only one month, as the *kamaiya* involved soon began to starve. As a result BASE made the strategic decision to avoid direct confrontation in the future and instead concentrate on long-term empowerment of the community as a whole. This has since included income generation, saving schemes, and the provision of legal support. The approach has been successful and according to Krishna Chaudhary, a member of Chaukura Village Development Committee and himself a former *kamaiya*, only about half of the village population now work as *kamaiya* and the amount of grain they receive in kind has increased by 45 per cent.

INSEC's programme, which significantly was started after the reintroduction of democracy to Nepal in 1990, has taken from the start a more confrontational approach. Eight *kamaiya* villages in each of the five problem districts are selected for a 12-month literacy class. The following year the classes then move on to other Village Development Committees (VDCs). In this way INSEC has been able to build up a strong network of *kamaiya* activists and Tharu teachers to support and coordinate local actions to challenge the system.

Ram Krishna Chaudhary, 24, is a *kamaiya* leader from Janaki

Nagar VDC in Kailali District. He managed to get out of the system after working for six years as a *kamaiya*. He now works as a carpenter:

> Life is not easy still, but it's a big difference from before. I feel free and independent. I'm not controlled by anyone else. Before, I was totally under the landlord's control. In 1994 I decided I had to leave. I had heard about INSEC and we started to work together.
>
> The situation is improving for kamaiya here, people are becoming aware because of the literacy programmes. They get a lot of other things from the classes besides. I feel there will be abolition of this system but I am afraid it will take time because of the debt.
>
> I was scared and afraid for such a long time. Our forefathers were exploited because they were scared and afraid too. If we are not afraid we can stop the next generation from becoming kamaiya.[25]

Reforming the Landlords

Predictably, both INSEC and BASE encountered fierce initial resistance from the landlords in the villages where they were trying to introduce programmes. By involving the wider community they have been able to overcome some of these problems. BASE's strategy has always been more broadly based (16 per cent of its participants are actually working as *kamaiya*). They also invite landlords to attend their *kamaiya* meetings. INSEC has introduced *Kamaiya* Support Committees in some of the villages, made up of prominent members of the community who are not *kamaiya* but sympathise with their position. These committees include landlords as well and in some cases resistance has been converted into positive help.

There are some landlords who are actively working to reform the system. Mohan Sing Ratnuar is a landlord in Pratapur VDC. He is university-educated and returned to working as a farmer after a career in the Civil Service in Kathmandu.

> I didn't like or agree with the Kamaiya system but when I came here there was no real alternative. When INSEC came here, though, I started to work with them. I have kamaiya and I try to gradually help them. I advise them carefully of their financial position. I paid 10,000 NR [US$200.00] for one kamaiya and I worked out with him how he could pay that off by working for me for two years. Now he is free he can work on a salary basis.
>
> Actually the Kamaiya System is part of a general problem in ru-

ral areas of disguised unemployment. Basically there is not enough work throughout the year to justify paying a labourer the going rate of 30 - 40 NR [US$0.60-0.80] per day. It is not economical for a landlord to use the Kamaiya System without exploiting the kamaiya. We should have a system where kamaiya can work as a waged labourer at the peak time and then be free to work in other jobs during the rest of the year. This is not possible at the moment because the other employment opportunities are not really there. [26]

More typically, however, landlords are at home with the system, do not recognise that there is anything remotely wrong with it, and are completely unrepentant.

Tara Prasad Tharu is a landlord in Nambasta VDC and lives with his extended family in a large brick-built complex which is the central point in the village. Around it are the barns for the cows and oxen and the clusters of *kamaiya* shacks. Within the house itself *bukrahi* work carrying water and washing the plates from the previous night's meal. Tara Prasad has 40 *bigha* (27.2 hectares) of land which is worked by seven pairs of *kamaiya* and *bukrahi*.

We keep kamaiya *to plough the land. I don't know if it's right or wrong or what; we have land and we need* kamaiya*. It's as simple as*

that. There isn't another system that works. If I give them money they will just spend it on alcohol. They don't know how to deal with money.

They do the harvesting work and all the field work. At the moment they are very busy working in the fields but it's not true that they work at night - they start work at 4.00 am. I only employ couples; if it's just one kamaiya *they get a reduced share.*

Life for kamaiya *has improved. Before there was less population and more land so the* kamaiya *had to work 24 hours a day, more or less. Now they don't have to work so hard.*[27]

In addition to the work of NGOs in raising awareness amongst the landlords, the reforms that followed the restoration of democracy in 1990 have allowed much greater discussion of human rights and development issues generally. Especially in the areas close to the

market towns, landlords are now being forced to adopt a more liberal attitude. News about abusive landlords travels fast, and landlords complain that *kamaiya* are very hard to find these days. An increasing number of *kamaiya* will abscond and go to India without paying back their debt.

In January 1996, during the festival of Maghi, a mass rally was held to launch a new organisation representing bonded labourers, the Kamaiya Liberation Forum. The Kamaiya Liberation Forum is mainly the fruit of INSEC's participation with local groups, teachers and Tharu activists. Its governing body is made up of the Kamaiya leaders and human rights workers that have emerged through INSEC's work over the last five years. It is now formally registered as an autonomous organisation under the wing of the General Federation of Nepalese Trade Unions (GEFONT).

The fact that bonded labourers are now able to take to the streets to demonstrate against the injustices of the *Kamaiya* System testifies to the effectiveness of the NGO programmes. The programmes however are limited in four main respects:

1) Numbers

BASE, currently the biggest NGO in Nepal, claims to reach a total of 18,000 Tharu, of which about 3,000 are *kamaiya*[28], with its literacy classes. INSEC reaches roughly 1,200 *kamaiya* in its adult literacy classes and a further 450 *kamaiya* children. Currently an estimated 70,000-110,000 people are affected by the *Kamaiya* system[29].

2) Access

The programmes have been most effective amongst those *kamaiya* who either are not indebted or have some land of their own. Those who can get to the classes almost by definition have slightly more freedom. Amongst those that are both in debt and landless the enrolment rate is lower and the drop-out rate higher.

Women are a particularly difficult group to access. One INSEC teacher from Pratappur VDC in Kailali explained *'If both husband and wife go to the classes, who will cook the evening meal?'* The fact is that generally in Nepal women have less free time and a lower status than men, facts which conspire to keep them out of non-formal education classes.

3) Alternatives

NGOs have had limited success with income generation activities and saving schemes. They would admit however that these successes do not provide a lasting alternative to the *Kamaiya* system. This is especially true of the more remote areas removed from the development that is taking place around the towns and roads. As a result, some *kamaiya* leave the system only to return to it at a later date, having no other means of supporting their families.

4) Relevance

Again for this most exploited group, literacy classes may have only limited relevance as they are so totally under the control of the landlord. Ram Kumari from Nambasta VDC is 19 years old and *bukrahi* to landlord Ayotesa who has five pairs of *kamaiya* working his 18 *bigha* (12.26 hectares) of land. All she receives for a year's hard labour is 12 glass bangles. For the last two months she has been attending the INSEC night classes in the village.

> It is interesting. I can write my name and I am learning to read. I liked what the teacher said about working together and I think we should have rights, but I don't think the landlord will let us.[30]

For young women like Ram Kumari the landlord stays very much in control, in spite of the literacy classes. This is a fact that the NGOs have to face. INSEC has for this reason been putting much effort into lobbying government to take action in this area, and drafting legislation to ban the bonded labour system.

Government Action

In contrast to the situation in India and Pakistan, where laws at least have been passed abolishing bonded labour, the Nepalese government to date has taken no such action to address the *Kamaiya* system. There is however a constitutional commitment to prohibit and punish slavery and slavery-like practices, as well as there being a directive to the government to work for marginalised and underprivileged groups.

In addition, Nepal has ratified both the United Nations Slavery Convention (1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). The latter specifically prohibits the practice of bonded labour. Under Nepalese law the Government is obliged

to introduce legislation implementing these conventions, but has so far failed to do so.

In 1992, INSEC published the first study to provide quantitative information about the *Kamaiya* System in three Far-Western districts. At the same time it launched a major lobbying and awareness-raising campaign. Two years later and 70 years after the declaration of the abolition of slavery in Nepal, while the United Marxist and Leninist (UML) Party was in power, it became the first government to officially recognise that a form of slavery still existed in the country. All main political parties are now in principle committed to the abolition of the system.

However, the politicians have as yet been slow to translate these commitments into action. In order to speed up the process INSEC have introduced a legal challenge to the government in the Supreme Court. This calls upon the government to honour its constitutional commitments and obligations under international law, and to take action to tackle bonded labour. If successful, the next logical step would be the introduction of a Bonded Labour Abolition Act. In anticipation of this fact a group of human rights lawyers and activists, led by INSEC, has drafted just such a piece of legislation. The legal process has been subject to many delays, however, and the case is still pending. The main government action taken so far has, in fact, come as part of broader measures to address the issue of landlessness.

Landless Peoples' Problem-Solving Committee

In 1990 landless people from the hills and *Terai* began occupying unused government land. Many of the squatters were run-away *kamaiya*. The situation was allowed to continue until 1992 when the then Congress Government took heavy-handed action to demolish the settlements, which had by then become relatively well-established and organised. There was however a public outcry, and in response the then Agriculture Minister, Sulaja Acharya, through the Landless Peoples' Problem Solving Committee, eventually made grants of land to settle the squatters.

Under the UML government the Landless Peoples' Problem Solving Committee was developed to look at the particular problem of the *kamaiya*. A detailed survey was commissioned which identified 5,356 *kamaiya* families who were both living on landlords' property[31] and in debt to the landlords, and a

scheme was started to re-house the *kamaiya* in model villages in each of the five districts of Dang, Banke, Bardiya, Kailali and Kanchanpur. The Commission argued that any debts not backed up in writing could not be considered binding, and that in any case the labour contribution of the *kamaiya*, worked out on a daily wage basis, far outweighed any debts they incurred. The UML lost power in September 1995 before the plans were properly implemented, and only 195 families received land.

Land Reform

Another area of work to which political parties of both the left and the right are in theory committed is the issue of land reform, although each would interpret the term differently. However the UML government was more radical in its approach, and the issue became the centrepiece of the UML Government's development policy. A commission was set up to develop detailed proposals for a land reform package that would be fundamental and comprehensive. The Commission submitted its report shortly before the UML lost power in late 1995, and at the time of writing it has not yet been published. The current government has so far only said that it will continue to study the document.

Although there are major ideological differences in the rival parties' attitudes to land reform (particularly over the issue of land redistribution), there is still common ground and all recognise the need to critically re-assess the current system of tenancy rights. There is also popular demand for some form of land reform, and the present government must necessarily remain open to ideas in this area.

Conclusions

In the name of development, the Tharu people of the Western Districts of Nepal have gradually been marginalised and their traditional land and way of life changed for ever. Under the *Kamaiya* System many thousands are forced into a situation of slavery.

Where a *kamaiya* is held through debt to work for a landlord for an unlimited time this may be described as debt bondage as defined in the UN 1956 Supplementary Convention against Slavery. This affects something over 40,000 individuals, the vast majority of them Tharu, in five districts in West Nepal. Indeed, those *kamaiya*

and *bukrahi* who are both indebted and landless might better be defined as slaves under the original 1926 Slavery Convention, which is based on the concept of ownership of one person by another. The *Kamaiya* system also serves as a cover for the buying and selling of one individual by another, prohibited under articles of the 1926 and 1956 UN Conventions (both ratified by Nepal) as slave trading.

The success of NGOs in tackling the problem is demonstrable. Not only is the problem now widely recognised, but grassroots empowerment strategies have been particularly successful in encouraging direct action by the *kamaiya* themselves.

On their own, however, NGOs are not able to resolve some of the fundamental factors that allow the system to continue. They must instead act as a catalyst for change, fermenting a reaction between the landlords, the government and the *kamaiya* themselves. In theory, the government is bound by the constitution to act to protect the human rights of all its citizens. In practice it will act for the loudest voice. The role of NGOs has been to strengthen the voice of the *kamaiya* in this equation.

There is more that NGOs can do in this respect. Particular emphasis should be given to the plight of women within the *Kamaiya* System. This group is still not seen as a priority for empowerment education even by some of the NGO teachers, let alone the male members of the *kamaiya* family. They must be persuaded of the importance and the direct benefits that educating the women would bring. The growing number of *kamaiya* activists should be encouraged to speak on the issue at a national level and, if necessary, given training for this purpose.

Efforts should be made to include landlords in the debate and to encourage and support those landlords who wish to reform the system. Those politicians from both sides of the political divide who keep *kamaiya* should be leading any such reform, and questions should be asked of them if they are not.

A solution to the problem is not beyond the capabilities of any government in Nepal. Some 5,000 *kamaiya* families are in need of direct intervention from the government. The provision of some government land to house these families, for example, while not solving the problem, would be an immediate and significant step forward. This would then allow the most exploited group to start benefitting from the NGO programmes and the other opportunities for development which are opening up in the *Terai*.

The recent successions of minority and coalition governments have engendered a climate of political short-termism. Attempts to address the long-term problem of bonded labour have consequently been frustrated, with each side alternately seeking to diminish or undo the positive achievements of the other. For this reason, the main hope continues to lie with NGOs and the growing number of *kamaiya* activists. Only by building up a nationwide campaign capable of demonstrating mass support will the *kamaiya* problem be registered as a specific objective on the government's agenda.

Notes

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11 Rankin K. Forthcoming in Skar, H.O, (Ed.). *Tharu and Tarain Neighbours*, Norwegian Institute of International Affairs, in press.

12 This kind of loan is referred to as *'saunki'*.

13 INSEC, 1992. *Bonded Labour in Nepal Under Kamaiya System,* Kathmandu.

14 HMG Nepal, 1995. *Survey on Landless Bonded Labour (Kamaiya)*, Landless Settler Problems Resolution Commission, Kathmandu.

15 INSEC, 1992. *op. cit*.

16 *ibid*.

17 Names have been changed to protect the identity of the individuals con-

cerned.

18 Mishra, S, 1994. *Voice of the Voiceless*, Video material (VHS Pal), INSEC.

19 *ibid.*

20 *ibid.*

21 *ibid.*

22 *ibid.*

23 *ibid.*

24 INSEC, 1992. *op. cit.*

25 Interview with representatives of ASI and INSEC, October 1995.

26 Interview with ASI/INSEC, October 1995.

27 Interview with ASI/INSEC, October 1995.

28 BASE, Third Year Report Oct 1993 - Sept 1994. *Tharu Education for Transformation,* Backward Society Education, Tulsipur.

29 These estimates come from the three main surveys of *Kamaiya* conducted by INSEC (1992), BASE (1994), and the Landless Settler Problems Resolution Commission (1995).

30 Interviews given to ASI/INSEC October 1995

31 HMG Nepal, 1995. *op. cit*.

CHINA
JAMMU
KASHMIR
PAKISTAN
TIBET
NEPAL
BIHAR
Bhagalpur
BANGLA
DESH
MADHYA PRADESH
WEST
BENGAL
GUJARAT
ORISSA
BURMA
MAHARASHTRA
Dhule
INDIA
BAY OF BENGAL
SRI
LANKA

Name of Instrument	Date in force	States Parties to date	India Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1979)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1979)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1968)
UN Slavery Convention (1926, amended 1953)	(1955)	91	Yes (1954)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1960)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	Yes (1954)
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	No
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	Yes (1958)
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	No

Chapter Five:

INDIA
Bondage: Its Forms And Persistence In Tribal India

Geeta Menon

Introduction

It is common knowledge that the population of India is organised into a hierarchy by the Hindu caste system and that, in addition to the four main caste groups, millions are relegated to the status of 'untouchable', referred to nowadays by the anodyne government phrase 'Scheduled Castes' or as *Dalits* (the term preferred by many of those concerned). It is much less widely known that more than 70 million people in India belong to indigenous peoples who retain a social and cultural identity which is distinct from that of the Hindu majority. They are known in India as 'tribals', or in the official language of government as 'Scheduled Tribes'. Individual peoples have a name for themselves rather than for the indigenous peoples of India as a whole, but a widely used term is *Adivasi.* While the term 'tribals' may sound derogatory outside South Asia, it is so widely used in India that it is repeated here.

Debt bondage remains a common way of exploiting both Scheduled Castes and Scheduled Tribes in India, despite a 1976 law banning the practice and providing for the rehabilitation of those affected. There were many impediments to the implementation of the law, not the least being the common interest which tied many local government officials responsible for enforcing the 1976 Act to the very employers of bonded labour whom they were supposed to be pursuing. However, it is also clear that the law failed in its objective because it did not tackle the root causes of debt bondage, in particular the lack of land or income-generating resources in the hands of people belonging to Scheduled Castes or Scheduled Tribes, and their consequent dependency on others.

This chapter describes some of the origins and the continuation of debt bondage among the tribal peoples of India. They are a distinct section of Indian society, each people having its own customs

and language and each assimilated into mainstream Indian society to varying degrees. However, they do share a cultural tradition in common: a tradition of living in close contact with their environment.

India's Scheduled Tribes are spread along six major belts of the country: the North-East, the Himalayan region, Central India, the Western hill tracts, the Southern hills and the Island region.[1] These cut across 26 states or union territories, out of a total of 31. The 'Scheduled Tribes' recognised by the government under the 5th and 6th Schedules[2] of the Constitution of India make up just over eight per cent of the country's population.[3] The number of Scheduled Tribes in India has been reported by various sources to have increased from 212 in 1950 to 314 in 1967, and 427 by 1971. There are, however, small tribal groups that have not yet been recognised, and every few years one or two are added to the list. The vast tract of North-Eastern India where the Scheduled Tribes comprise a near-majority of the population is recognised by the 6th Schedule which gives them autonomy and self-governance through tribal councils. This area was once affected by problems of resource alienation and forms of bondage but is at present assumed to be rid of this problem, though there are some cases cited by researchers and activists. It is in the areas which come under the 5th Schedule that debt bondage and servitude persist in their most extreme forms in blatant contravention of the Indian Constitution. Article 23 of the Constitution of January 1950 prohibits:

> traffic in human beings and begar and other similar forms of bonded labour.

Begar is the main term used in Hindi for referring to debt bondage, although countless other terms are used in different parts of the country for similar exploitative practices.

In this report, debt bondage is described in the areas covered by the 5th Schedule of the Constitution, with special focus on the eastern tracts - Orissa and Bihar. These are two states where tribal concentration is high and where there have been several debates on the effectiveness and relevance of the present scheme of government. It is argued that the frequency of debt bondage in these areas is caused mainly because, unlike the 6th Schedule areas, a different set of rules is applied, which have allowed trade, agriculture and development to intrude and exploitation to follow.

In an attempt to give a holistic picture of debt bondage among India's indigenous peoples, the chapter begins by referring to tribal traditions, shifting from there to the historical situation in which the trend towards slavery began, and then onto the present situation. There is also some reference to the ways in which indigenous peoples, like other bonded labourers, have struggled to escape from servitude.

Tribals in India

The recognised sociological concept of 'unity within diversity' describes the Indian situation very well. There are 18 official languages and about 1,652 dialects. The 26 States of India are formed largely on the basis that there is a dominant language and cultural tradition in each State. In the formation of Union Territories, geographical boundaries have played a major role. Today, this diversity has been further intensified by rapid modernisation in many parts of the country, creating a group of elites who have broken all the barriers which traditionally imposed limits on their sphere of action.

India has been invaded on many occasions, the earliest known invasion being that of the Aryans. This was followed by the Muslim Mughals, and later the Christian Europeans: the Dutch, French, Portuguese and British. The dominant Hindu culture has absorbed aspects of these other cultures without affecting in any major way the basic nature of what is essentially Indian culture. Any ongoing 'invasion' is more in terms of modernisation (westernisation) and a new industrial order with an open market, and associated struggle for control over money and power. This challenges India's basic Hindu ideology, hence the country is currently going through a crisis of values.

India's indigenous peoples have been influenced to some extent by these forces: the arrival of Aryans, Muslims, British, Christian missionaries, Hindus and modern Indian society. The effects of these intrusions have led to frequent migration for the tribals from one place to another. Several tribes have been driven into the hills while others have effectively been excluded from the jungles where they traditionally lived. In places there have been attempts to revitalise what is regarded as 'essential tribal culture'[4], as happened in the initial stages of the struggle for a separate tribal hinterland, known as 'Jharkhand', in Bihar, Orissa, West Bengal and parts of Madhya Pradesh. The predominant trend, however, is for tribal groups to

assimilate into mainstream society, although discrimination ensures they join at the lowest level of the caste hierarchy.

Unfortunately, India's tribal groups were not recognised as belonging to 'dominant language groups' or as being culturally or geographically distinct during the demarcation of administrative boundaries. As a result the areas inhabited by indigenous peoples were divided by state and union territory boundaries. Hence, although certain tribes (such as the Santhals and Mundas) are now spread out over a vast area, and speak strains of single languages, they are divided up according to the state in which they are located, into groups of Biharis, Bengalis, Oriyas and so on. This denies them the opportunity of campaigning and uniting as one people.

In recent years the Indian government has refused to recognise the tribals as indigenous - fearing this may encourage claims to secession. Yet they have clearly been accepted as a special group by the government. This is seen in the fact that 'tribal development programmes' are a separate item on the country's welfare budget and by the fact that certain states and districts are recognised as having a 'tribal majority'.[5] It seems that the government has refused to recognise the tribals as 'indigenous', in part to avoid the stipulations of the International Labour Organisation's (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (adopted in 1989). When India participated significantly in the drafting of the ILO Convention No.107, which was adopted in 1957, the term 'indigenous' was accepted unquestioningly. It was in the late 1980s when Convention No.169 was drafted that the Indian government refused to recognise that it applied to any of its peoples.

The concept of private property was not a natural one among the tribes of India. Be it land for pasture, forests or slash-and-burn slopes, all land belonged to the village as a unit. For cultivation, plots were generally allotted to each household by the council of elders for a finite period, after which the land reverted to its original common status. It was considered the duty of the community to preserve the environment. Several social and religious systems were evolved to ensure this: myths that depicted species as divine, the belief that certain areas were the abode of divinity or related to the emergence of the tribe; rules regulating the use of certain species; strict disaster management systems and measures taken in cultivation to ensure the maintenance of soil quality. Failure to follow these rules was the subject of some form of punishment. Indeed, in some cases these

rules were so strict that when the population pressure was felt to be critical, the tribe split up, migrated to another area and set up new settlements.[6]

Work of common benefit to an entire community (such as digging ponds or wells) was done through mandatory community labour. There were other arrangements such as mutual help during peak activities in agriculture or for social occasions. Among many tribes there were systems of community storage of grain to use for planting or in times of adversity.

All tribes had their council of elders (men) who made decisions of importance to the community and held courts of justice. At the village level, the chief held this responsibility. Chieftainship is normally passed down in the same family line, but if a chief is not effective, the people can change him. Other than the chief, there were other important positions in the social structure such as priests and healers. Their knowledge and skill was passed down in the same family. What is of significance is that the system ensured that each household received its due share of resources

There was relative freedom for both sexes in entering or ending marriage and in remarrying. Polygamy was practised among patrilineal tribes where, as in many other polygamous societies, a man with more than one wife was regarded as having higher status and being wealthier than those with just one wife. All household units, in whatever form they existed (headed by men or women, with or without children and other dependents, and monogamous or polygamous), had a right to their share of cultivation plots and other resources.

It is in this respect that tribal women enjoyed an economic security that their non-tribal sisters lacked. Some of the early anthropologists[7] have noted that in this situation women had an upper hand, and it was wives more often than husbands who opted for separation, for example, on the grounds that their husband was not industrious enough. The participation of women in other decisions, such as marriage, was also of importance. Women shared equal opportunities with men for redress of grievances through the village chief or the council. Hence one could conclude that though there was no gender equality in patrilineal and patrilocal tribes, there certainly was a relation of asymmetry

Other than gender, there is also the issue of treatment of the old and vulnerable. Among most tribes, sons set up separate households af-

ter marriage and their surviving parents constituted a household on their own. This meant that they would receive a share of the cultivation. The land allocated to the community as a whole ensured their survival by making exceptions to village rules. For example, they would be allocated the central areas of the cultivation plot so that when the bushes were cleared (a community activity that begins at the centre of the demarcated area), they could begin their cultivation work first, being slower than younger members of the village.

Trends and Implications of Change

The Pre-Colonial Situation

The hills and jungles in which most of the tribes in India resided in the past were impenetrable as far as outsiders were concerned, and having to live in the forest was viewed by most Indians as either a form of banishment or a conscious choice by sages and yogis - resorting to peace and meditation in the last phase of life. The tribals also had a reputation for being ferocious and for unexpectedly declaring war on non-tribal settlements. There were therefore not many non-tribal people who dared venture deep into the forests.
The first to enter into a relationship with the tribals were generally *Dalits* or low caste traders. They gained access to the weekly markets and bartered salt for tribal produce. These communities' reciprocal relationship with the tribals gradually led to their becoming middlemen for trade between the tribals and the outside world.

The Colonial Era

Other than through trade, the first attempt at serious penetration into tribal areas began under British rule in India. The British came for trade which was initially restricted to just a few 'exotic' commodities. With the arrival of the industrial revolution in Britain, a ready source of raw materials was needed - and India was one such source. The East India Company's strategy of banning the export of finished products and increasing that of raw materials was aimed at creating a captive market to feed the industrial revolution.[8] The search for raw materials encouraged encroachment into the forest regions where many tribes lived. Since it was believed at the time that the tribes were 'primitive' and needed to be 'civilised', consciousness of the need for 'civilising education' was created among the Indian elites, who came to think of this as necessary. Thus the

aim was to absorb the tribes into mainstream society through a dual process of modernisation and Sanskritisation.[9]

Essentially, the British followed a two-pronged strategy in the tribal areas. The first was to segregate and isolate the tribes, while the second was to encourage their assimilation to mainstream society. The *damin-i-koh,* initially the area ruled by the Paharia tribe and later the abode of the Santhals in Bihar, provides an important example of this strategy; the loss of land by the indigenous inhabitants and gradual introduction of the debt bondage which followed. The case history on this area is presented in Section 6 below. This situation led to the famous Santhal Rebellion of 1855.

The Chotanagpur region in Bihar has a different labour and bondage history. In the 1820s, the Dangars, or hill dwellers (Santhal, Munda and Oraon), from West Bengal, Bihar and Orissa, had the reputation of having a capacity for hard work. The Dangars, driven by population increase in the plains and encroachment on their lands, began to hire our their labour and gradually became short-term bonded workers. Humoured by the British, they began to settle with their families in Mauritius and Demerara in the 1840s and 1850s. Heavy mortality and the consequent ban on indenture caused recruitment to be reduced after the 1850s. In the 1860s tribals began to migrate to tea estates in other parts of India, where again they were valued as hard workers, and later still to the coal mines.

Broadly speaking, two major processes were set in motion as a result of these interventions in the tribal areas. The first of these was alienation, both of land and resources. This in turn resulted in cases of debt bondage. The second process was social change.

Resource Alienation

There were a number of developments going on in the process of land alienation. Firstly, the system of land titlements created a division in the tribe, between those that had deeds and those that did not. Secondly there was large-scale deforestation and replacement of forests with settled cultivation areas. The implication of these was not realised at first, because the hill slopes were still available for traditional slash-and-burn cultivation for everyone. However, tribes rapidly began to take up settled agriculture and gave up the more arduous system of slash-and-burn. It was not until this process was well advanced that it became obvious that most of the lands in the plains belonged to outsiders.

Forest-related laws added to this. Before forest resources were classified as 'raw materials' the forests were under the control of landlords who planned to convert them into farms. In 1855, the first legislation covering the forests was enacted, later replaced by the Forest Act of 1865. This Act divided the forests into Reserve Forests (RF), Protected Forests (PF) and Village Forests (VF) and restricted the movement of people in the first two categories, which were meant primarily for commercial exploitation. An environment conservation clause was added in 1894, when the first Forest Policy was formulated. However, the emphasis remained on the 'benefit for the wider public', that is to say, industrial exploitation.

Cultural Tradition

The effects of the first cultural invasion could be described in two terms: 'settled cultivation' and 'Sanskritisation'. Although descriptions of change by some authors concentrate on Sanskritisation, the implications of the move to settled cultivation are equally serious. This system not only has ecological and nutritional implications markedly different from those of preceding systems, but has also caused changes in social structure. Settled cultivation relies almost entirely on rainfall or less intensive labour, and produces single or restricted varieties of foodgrains. This can cause exhaustion of the nutrients in the soil, leading to erosion and reduced yields. This is not something produced by slash-and-burn cultivation.

From a cultural point of view, settled cultivation requires an entirely different type of land ownership and labour sharing. Private property ownership was imposed on tribes as land was occupied and used on a permanent basis and not held in common. Strong taboos as well as a highly defined division of labour are associated with settled cultivation; certain tasks are allocated to men and certain others to women. Restrictions placed on women in Indian culture include a prohibition on their touching a plough in case they pollute it. This, along with private male ownership of property, ensured that women had a lower status in the production process and therefore in the social sphere as well. While women did participate in the production process, they were turned into dependents and exploitation followed. Within the social hierarchy, some men were also prohibited from ploughing: however, these were high caste Brahmins who risked losing status from 'polluting' activities.

Although settled agriculture has its own logic in the right context

and is perhaps the most suitable and useful system in the plains, it is in fact the complete antithesis of traditional tribal production and culture. The Sanskritisation process affected the entire tribal society, but especially women, on whom a series of taboos were imposed according to Hindu doctrine, so that women were seen as 'unclean' during childbirth, menstruation and in certain parts of the production process. There was thus a transformation of the tribal system from relative social equality to inequality.

The tribes influenced by outside culture were invariably incorporated into Hindu society in the lowest rungs of the caste system. While their status was above that of the 'untouchables', or *Dalits,* they were defined as 'Junglie' (literally, forest dweller) which today is taken to denote a lack of civilisation and culture.

Later, Christianity influenced both the tribals and *Dalits.* Other than evangelisation, the motive was to 'uplift' the tribals to the level of India's mainstream society, in the genuine belief that the latter was superior. Very few missionaries fought against the unfair practices of the caste system. Tribal Christians tend to look down on indigenous traditions as much as Hindus do.

The Modern Era of Commercial Industrialism

India achieved Independence in August 1947. The ideologies of the policy makers of independent India did not differ drastically from those of the colonial rulers as far as indigenous peoples were concerned. The essence of the post-independence development strategy relied on import substitution and the strengthening of the public sector and heavy industry. It was this which set the trend of development in independent India. Speedy economic growth through industrialisation was considered the only way to 'develop' (or save) India.

This attitude is reflected in the laws and policies enacted at this time. For example, the first Forest Policy (1952) retained most of the characteristics of the colonial one. It declared that the '*underlining fundamental concepts*' in the colonial policy '*still hold good*'.[10] The primary aim was still promoting India's economic interests through exploitation of forests for valuable raw materials. The national interest was declared to be the main focus of this, and the State's monopoly over the forests was re-asserted. The main purpose of this was revenue generation. However, environmental balance was seen to be an important factor: 33 per cent of the plains and 66 per cent of the hill slopes were to remain forested.

In the Reserve Forests (reserved, that is, for use by the State) and in the Protected Forests (which were reserved to maintain environmental balance), indigenous peoples were unaware of their rights. In essence, the policies of the independent government concerning natural resource simply intensified the process set in motion during the colonial period.

These policies set the trend and, as a result, there was indiscriminate exploitation of natural resources by industry and agriculture. This led to large-scale destruction of natural resources. Industries, many of which used forest resources and minerals, were given a tremendous boost through subsidies. In 1984 the National Remote Sensing Agency discovered that India's deforestation was a far more serious problem than the government had recognised. Interpreting satellite data, they found that, contrary to government claims that 22 per cent of the country's land area was forest, actual forest by 1972-75 was only 16.89 per cent of the total land area. By 1980-82 this had declined still further, to 14.10 per cent.

In the early independence era the policy towards tribals followed the segregation and isolation espoused by the British. This was in line with Prime Minister Nehru's statements in his Five Principles of Tribal Administration, as follows:

> 1.People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
>
> 2. Tribal rights in land and forest should be respected.
>
> 3.We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
>
> 4.We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
>
> 5.We should judge results not by statistics or amount of money spent, but by the quality of human character that is evolved.

However, Nehru seems to have underestimated the intensity with which industrialisation can threaten rights to land and forest, as well

as other rights. It soon became obvious that some of the richest areas in the country were under tribal control. Laws were therefore enacted that gradually took control of these lands from the tribes. In one study, it was found that the total area defined as Village Forest (in which the villagers have all rights) had been systematically eroded between the 1960s and the late 1980s. The area defined as Reserve Forest (in which the local communities have very limited rights), meanwhile, had proportionately increased. This was particularly evident in Orissa and Madhya Pradesh.[11]

Over the past 30 to 40 years, massive inroads into tribal areas have been made in the name of development, forcing tribal communities to become more and more part of mainstream society. In 1988 a new policy, more sympathetic to people and the environment, was formulated. There have been several attempts to boost industrial interests as well. Recently, a scheme aimed at handing over 10 per cent of forest areas to industries for raw material provoked a major controversy. Mining has also encroached on tribal areas on an unprecedented scale. The Working Group on Development and Welfare of Scheduled Tribes stated in a report[12] that of the total 16,940 persons estimated to have been displaced by 110 development projects, about 8,140 (48.05 per cent) are tribals, according to figures for the period 1990-95.

The tribal areas hitherto untouched by economic exploitation saw a sudden exposure after independence. This was of an entirely different nature to the experience of the British period, where introduction to and assimilation into the dominant system was still within a largely agrarian framework and hence lacked the vigour and ruthlessness, as well as precipitance, that marked the transformation of tribes that were suddenly thrown into the mainstream of economic development in India. In brief, there was a sudden changeover to private property ownership as far as agriculture was concerned. The community spirit broke down with the growing individualist struggle for survival and any concern for the ecosystem was forgotten. Tribals began in their turn to exploit nature for survival. Especially women were the victims in all this, as they were not only denied rights over plots of land to farm, but had other restrictions on their movements and beliefs imposed on them. They also had to work harder on land which was eroding and to walk further to collect food, meaning they were expending more energy than they were absorbing, and consequently provoking ill-health.

This trend continues to this day, despite the government's declared intention of curtailing environmental deterioration and marginalisation of the poor. The New Economic Policy of the Indian government, formulated in 1992, and India's economic liberalisation and entry into the global economy have added to this process of marginalisation.

The primary disadvantage of the tribals in this process is their ignorance regarding the cash economy which constitutes an important ingredient of the culture shock they are exposed to. Neither were they aware of their rights under the Forest Acts and various land-related acts, or the methods of manipulation under the latter.[13] Into this context came the moneylenders, with usurious interest rates, and an eye on tribal land and labour. Exploitation is multifaceted, but one of its most shocking features is the near slavery associated with debt bondage.

The Reality of Debt Bondage

In a Supreme Court judgement of 16 December 1983, in response to writ Petition No 2135 of 1982, Justice P N Bhagwati described the predicament of bonded labourers in India in the following terms:

> [Bonded labourers] are non-beings, exiles of civilisation, living a life worse than that of animals, for the animals are at least free to roam about as they like.. This system, under which one person can be bonded to provide labour for another for years and years until an alleged debt is supposed to be wiped out, which never seems to happen during the lifetime of the bonded labourer, is totally incompatible with the new egalitarian socio-economic order which we have promised to build...[14]

The bonded labour system which Justice Bhagwati criticised more than 30 years after India's independence was established centuries ago and is believed by many to have developed alongside the caste system. It is during the British period that bondage was first turned into an issue, owing to the campaigns against slavery in Britain and elsewhere. In 1839 a report by the Indian Law Commission first brought out the extent and forms of bondage in India. The report described cases from all over Bengal where people regularly sold their services, or those of their entire family, on a long term basis, instead of receiving regular wages. In Orissa those persons were known as the *purjahs* (tenants) of the lower castes. In South Bihar,

the bonded labourers, known as *sevaks* or *kamiyas,* came predominantly from tribes: the Bhuiyas, Rajua, Ghatwar Turi, Bokta, Cole and Santhal, though some were reported to belong to lower castes of mainstream Hindu society.

The indigenous peoples of Bihar were by this time already working in large numbers as bonded labourers. Reportedly, there were two kinds of *kamiyas* or *sevaks.* The first group was known as *saunkia* who was for all practical purposes slaves; they sold themselves and their children, in return receiving two *bigha* (about 0.2 hectares) of land, two *mohua* trees (a valuable tree used by tribals for liquor brewing and oil) and the use of the owner's bullocks and seeds. They received in addition a measure of rice (in husk) and clothing while working.[15]

The *kamiya* or *sevak,* the second category, took on a loan and entered into debt bondage, agreeing a contract known as a *sevaknama.* While they remained in debt, they were fed, clothed and maintained by their master. The loan usually amounted to between about US$0.03 and US$0.09. Almost invariably, they were unable to repay the debt as they had no avenue for earning an income. Hence they would enter into a contract known as *sevakpattra* and pledge to serve till the principal was paid, thus becoming a *bunda sevak* or bonded labourer, for life. The rules even specified that the *kamiya* could not escape from his status, even if he were able to pay back the loan amount. As the *kamiya* had no other source of earning, he continued to take loans for marriage and funerals, thus bonding himself further to his owner. Unable to pay back the sum in his lifetime, his debt and obligations were inherited; the arrangement could go on for generations.

There were reports of other forms of bondage in the 1830s: in north-east Bihar, around Bhagalpur, there were bonded agricultural labourers known as *kamiya* who took on loans of five to 20 rupees which they repaid by undertaking all their creditor's ploughing (which was considered unacceptable work for high caste landowners). The situation of the Bhuiyan and Moosur tribes was reported to be worse because they had to pay back interest on their loans in addition to working. In the eastern parts of Bihar, the Panyas and Pariwale tribes took on contracts which obliged them to plough for two days on their master's land for every one day on their own, thus reducing their possibility of growing a good crop for themselves. The Principal Assistant to the Governor General's Agent reported:

> ..being unable to pay they were compelled or persuaded to write sevaknamas [contracts] for the amount of their debts, and thus become slaves, frequently for life, and very often the same miserable condition extending to their children. The smallness of the sums for which the bonds are occasionally executed are incredible. I once had a case before me when in charge of the Hazaribag Division where the amount stipulated in the bond was only one rupee; and the amount of the debt, for which these men sell themselves is generally less than 20 rupees.

These kinds of debt bondage are more economical to employers than slavery, as the employer does not pay the cost of maintenance; labour is cheap and assured. For the British, there was a conceptual problem in dealing with these forms of servitude. They differed from the systems of slavery known to the British in Africa, America and Europe, in that instead of the outright sale and purchase of slaves against their will, in India bondage was in a sense 'voluntary', even if forced on people by economic and political circumstances. Besides, bonded labourers usually retained their traditional occupations and continued living in the same neighbourhood. At the international level debt bondage was not condemned as a 'slavery-like' practice until 1956.

As a result of this, the Anti-Slavery Act (1883) did not include any provisions to benefit bonded and contract labourers, although an earlier official report on slavery in India (on which the Act was based) described them as being on a par with slaves. To the greater disadvantage of bonded labourers were the Workman's Breach of Contract Act (1859*)* and the Civil Procedure Code, which treated any breach of *sevaknamas* or similar documents as a punishable breach of contract. The changes in law in the 19th century consequently gave landlords, moneylenders and merchants an even greater grip on bonded labourers and others who took loans.

Changes in the law during the 20th century, both before and after independence, similarly did little or nothing to improve the situation of the bonded labourer.[16] As far as Bihar and Orissa were concerned, these included the Bihar Orissa Kamiauti Agreement Act (1920) and the Orissa Debt Bondage Abolition Regulation (1948).

When debt bondage continued despite a series of local and state laws, Indira Gandhi's government adopted the Bonded Labour System (Abolition) Act (1976), which overrode all previous legislation about bonded labour. It stipulated that every form of forced labour,

begar or otherwise, was prohibited under the terms of Article 23 of the Constitution. It consequently made no difference whether a person who was forced to give his labour or service to another was remunerated or not. The 1976 Act laid down procedures for the release of bonded labourers and specified that no labour could be promised in lieu of payment of debt and correspondingly no advances could be given against a promise of labour. The debtor had no liability to repay the debt. Vigilance Committees were to be set up at District and Sub-Divisional levels with 10 members, presided over by the District Magistrates or Sub-Divisional Magistrate, who is the district administrator rather than a court official. These officials were made responsible for investigating reported cases of debt bondage, for enforcing the law, and for ordering the release and rehabilitation of bonded labourers. They were empowered to refer employers of bonded labour for trial and the Act set out a series of prison sentences and fines which could be imposed, both on employers and on others responsible for putting someone into bondage (such as another family member). A part of the fines was to go towards the rehabilitation of bonded labourers. Subsequently, a scheme was formulated in 1978-79 allocating some US$205.00 to each freed bonded labourer on the basis of matching grants by the central government.

Several states took action in response to the new law and soon announced that debt bondage had been abolished. However, social activists working among the poor knew better and started two major initiatives in response: the National Survey of Bonded Labour in India (sponsored by the Gandhi Peace Foundation and the Academy of Gandhian Studies) in 1981 and the establishment of the *Bandhua Mukti Morcha* (BMM), the Bonded Labour Liberation Front. The 1981 survey estimated that 2,617,000 bonded labourers were still in the clutches of moneylenders and contractors. While the largest number were found to be in Uttar Pradesh and Madhya Pradesh (more than half a million in each), Bihar was found to have 111,000 and Orissa 350,000. The survey's estimates stood in marked contrast to figures produced by the state authorities themselves: in Bihar the authorities claimed to have identified a total of only 12,102 bonded labourers, 10,367 of whom were said to have been released.

The BMM took a more proactive stand and began with a Writ Petition in the Supreme Court against bondage in the stone quarries of Faridabad in Haryana State. India's Supreme Court responded well to public interest litigation and ordered investigations of the

reports that bonded labour was continuing to be used illegally and, when satisfied that the reports were accurate, instructed the state authorities to take remedial action. The same case has continued through several cycles, with the BMM returning to the court each time to present information that bonded labour continues to be exploited and that state governments are failing to carry out their responsibilities under the 1976 Act. The result has been that estimates of the number of bonded labourers in the country as a whole have gone up! For example, in response to a new order by the Supreme Court for investigations in 1995, the court's commissioners in Tamil Nadu State in the south-east estimated that there were one million people in bondage in that state alone.

The BMM and other locally based social activists have also documented what has happened to bonded labourers who have invoked the law to bring about their release, showing, for example, that bonded labourers belonging to tribes in Bihar were dispossessed of their belongings and ejected from their villages after making complaints.

Types of Debt Bondage

Debt bondage today arises because of two factors: the indebtedness of the poor and marginalised, and the high concentration of land in the hands of the rich and members of high castes. Members of India's Scheduled Tribes almost invariably come into the category of poor and marginalised. As far as debt bondage is concerned, its existing forms are many, but the main characteristics are similar across India, and indeed are shared by debt bondage in neighbouring Nepal and Pakistan:

a) there is a supposed or real obligation to repay a debt or advance given in kind or cash;

b) the bonded labourer makes a pledge, written or not, to discharge the debt or interest or both by means of his own labour or that of other family members;

c) there is an usurious rate of interest;

d) the labourer works for no wages or below minimum wages;

e) the labourer cannot be freed until the debt is repaid.

Bonded labour is known under several names in tribal India: *sagri* in

Rajasthan, *vatti* in Andra Pradesh, *gothi* and *halia* (or 'ploughman') in Orissa, *jetha* in Karnataka and *naukri* in Maharashtra. The commonest form today is debt bondage under what could be termed as the *mahajan* or landowner model.[17] The method in this is simple. The tribal farmer takes a loan of
between US$1.50 to US$15.00 from the landowner for seeds or for emergencies (mostly illness) or social obligations (marriages, funerals). He is given a definite period in which to repay his debt, mostly at harvest when he is expected to have something with which to repay out of his own harvest. This is particularly the case when he takes loans for seeds (which is practically every year). The rate of interest can be as much as 25 to 50 per cent per month. When the time comes to repay, the farmer has to give over a major part of the crop to repay just the interest. The principal remains intact. This accumulates over the years and the effect is that the farmer, whose repayment capacity is drastically reduced by handing over much of his harvest each year, is forced to hire out his or her labour to pay the interest. This situation may continue for several generations. Some of the bonded labourers who have been released in recent years were working to repay debts taken on three generations ago for an initial sum of about US$0.04.

Until legislation against the alienation of tribal lands came into effect, tribal farmers routinely mortgaged their land and ultimately lost possession of it. Today, though the land as such is not lost directly, it may be mortgaged in such a way that the bonded labourer works on his or her land merely to hand over the crop at harvest. Many studies have shown the clear linkage of land alienation to indebtedness. For instance, at the beginning of the 1990s Philip Viegas[18] showed that out of a sample of 306 tribal households which had lost their lands in Orissa, 36.9 per cent had done so because of indebtedness, 18 per cent due to encroachment by outsiders, 9.8 per cent due to development projects, 31 per cent by selling their lands and 4.3 per cent for other reasons.

The process of bondage among the tribals of Chhattisgarh in Madhya Pradesh, near the border with Bihar, and attempts at its removal through the formation of the Chhattisgarh *Krishak Mazdoor Singh* (the Chhattisgarh Agricultural Workers Union) have been described in another study.[19] Bondage here is of two types: *kuthiya* and *kamiya. Kuthiya* is a system of child bondage in which a parent, usually the father, 'mortgages' his son for a loan of US$3.30

to US$6.60, when the boy is as young as seven or eight. The boy then spends all his time working for the creditor, doing housework, looking after cattle, irrigating fields, cutting wood, and other jobs. In return he is fed each day. If clothes are asked for, it costs extra and is added on to the loan. If he reaches adulthood before the loan is repaid (which is often the case), he graduates to the status of *kamiya.*

A *kamiya* either starts as a *kuthiya,* or is an adult who takes a loan *(murahi)* for marriage or other needs. The work contract is annual. The details of the bonded labourer's obligations and remuneration vary between communities. The labourer generally gets 15 kilogrammes of paddy (husked rice) a year and a piece of land ranging from 0.2 to 0.4 of a hectare in size, along with seeds to plant and the use of bullocks to plough the land. However, the land is often poor quality and landlords delay handing over seeds, insisting that their own farms be prepared first. The result is that the *kamiya* is often unable to reap more than three to five bags of paddy. Even if he succeeds in getting a good harvest, there is every likelihood that the landlord will then claim back some as his own.

Besides being allowed use of some land, the *kamiya* is paid one-and-a-half kilogrammes of paddy every day. If he absents himself from work for a day, he is generally denied two days' payment. The work sometimes lasts for 24 hours at a time, beginning with dung collection at 3 am, farm work, threshing, watching the crops to prevent damage by animals and other tasks. He may be paid extra for night work or additional jobs such as threshing. In some cases the employer also has the right to send his bonded labourer to work on government contract work such as construction and to collect the payment. The *kamiya* cannot seek employment by himself. More often than not, the *kamiya's* wife also works without payment.

Similar cases occur in Orissa. The author recently visited the village of Palagandua in Orissa's Dhenkanal district and found a case of bondage involving *Saora* and Munda tribesmen, which had lasted for generations. The bonded labourers are totally landless and became so because of loans taken on several generations ago. Those who do have some land have no bullocks or ploughs nor sufficient seeds to sow. This prompts them to go further into debt and to put themselves into bondage. The landlords here are from the upper castes and Brahmins. The droughts of 1972 and 1976 added to the level of indebtedness and bondage in the village. The village also has a system of temporary bondage lasting for just one year in return

for small loans usually taken to cover emergencies. The *halias* are paid three *man* (about one kilogramme) of paddy, and are expected to work full-time until the principal is repaid. Sometimes the whole family works for the creditor. If a bonded labourer wants to take time off work, he has to send his brother or grown-up son in his place. The bonded labourer has a right to the produce of one-tenth of the land he works on, at harvest.

Tribal women are rarely bonded directly themselves but, as already mentioned, they often work alongside their husbands or as a servant in the landlord's household. When a man becomes bonded, it falls on the women in his family to take on responsibility for feeding the family, which she does through her traditional tasks combined with wage labour and other additional work. This adds to her already heavy work burden. The new stratification within the tribes has added to women's burden. An emerging trend, for instance, is to declare a widow (or even a married woman who has inherited property because she has no brothers) to be a 'witch' and to drive her away or even kill her in order to get hold of her property. This is relatively common in Bihar. In a similar vein, in Gumma block in Orissa the author came across the wife of a *Saora* bonded labourer who had migrated to work; she was cheated of the money due to her for her husband's official release and rehabilitation under the law against bonded labour by a member of her own family, and is today living in near penury.

The children of landless tribals are also very vulnerable as far as child labour is concerned, particularly as opportunities for cheap manual labour develop. Sometimes the children concerned are bonded, while sometimes they are simply exploited as cheap labour. An example is the *bidi* (local cigarette) rolling industry in Angul District in Orissa where an estimated 25,000 tribal children and adults work in deplorable conditions: poor lighting, crowding of 30 to 40 children in one room and continuous exposure to nicotine. There are reports of a high incidence of tuberculosis, gastric infections and bad eyesight in the area.

An Example of Tribal Bonded Labourers - the Paharia*s* and Santhals of the Santhal Pargana, Bihar

'Paharia' means hill dweller and the Sauria Paharia*s*, also known as Malers, are the indigenous inhabitants of the Rajmahal Hills in Bihar State. Historical records show that the hill-based Paharia*s*

regularly raided villages on the plains during the 18th century, at the time when the British arrived in the region. The colonial rulers' initial solution was to persuade the Paharia*s* to leave the hills and settle in the plains. However, to increase agricultural production in the area, from the 1830s onwards the British encouraged settlement in the area by a quite different tribe whom they regarded as particularly industrious: the Santhals.

The Paharias reacted to this colonisation by withdrawing back to the hills, leaving the farms of the plains to be worked by Santhal labourers, mostly employed by Bengali landlords. A *kamiya* system developed which relegated most of the Santhal to bondage, precipitating a Santhal Rebellion in 1855 against both their landlords and British rule. The main strategy followed by the colonial rulers to avoid any repetition of this disorder was to introduce a form of indirect rule among the Santhal for several decades. The Paharia*s* remained confined largely to the hills.

To protect both the Santhals and Paharia*s* against losing their land, there is now legislation in the entire area prohibiting the sale or purchase of tribal land to non-tribals. Recognising that the Paharia*s* have also lost significant amounts of land to the Santhals, however, the law also prohibits the sale of Paharia land to other tribes, though the Paharia themselves are allowed to purchase land from the other tribes. There is a special Paharia Tribal Development Scheme but, for a long time, Paharia 'development' seems to have meant settlement of the tribe in the plains, in concrete houses which are totally unsuitable for them.

Today, some of the Paharia settlements can be found in the plains, especially around urban areas, but most remain in the hills, surrounded by Santhal villages in the plains. The Santhals do not practise slash-and-burn cultivation, but some of the Paharia*s* still use this system. At the time of a visit in November 1995, the author was told that shifting cultivation had become a source of commercial exploitation for non-Paharia*s*, with the present ratio of Paharia*s* versus others involved in such farming being 60:40. Among the non-Paharia*s* are moneylenders - Bihari Muslims (mostly returned from Pakistan and Bangladesh) who do not usually find well-paying jobs. They persuade Paharia*s* to cultivate a highly nutritious bean crop for sale and then take away the crop as partial repayment for the loans on which the Paharia families depend.

The subsistence crops of the Paharia*s* today are maize and millet.

Very few of the hill dwellers have land on which rice can be grown. Most have upland farms where maize, mustard, millet and pulses are cultivated. Landholding ranges from eight to 52 *bigha* (a hectare is normally 7.5 *bigha,* but in some parts of Dumka district in the Rajmahal hills, it is said to constitute only 2.8 *bigha).* The lands are highly eroded and low in productivity.

There is heavy dependence on the moneylenders who make loans of US$3.30 in June (at the beginning of the growing season, when grain prices are high) for seeds and take back US$4.45 after the harvest, when grain prices are much lower. Most often this small loan propels tribal labourers into debt bondage, and they end up working on their own lands for the moneylender. In that sense, land alienation still persists as much as before. The author was also told that a substantial portion of the lands of the Paharia villages in the area are mortgaged to moneylenders. Since land itself cannot be taken away, the moneylenders merely take control of the land and almost everything it produces. In this respect the system can be described as one of 'crop mortgage' rather than land mortgage.

Wage labour is common in several forms: cutting mud is a prominent form of employment to provide earth for construction and for making bricks. In the areas adjoining Dumka, agricultural wages are around US$0.50 a day for both men and women. But paid agricultural work is only available during the harvest season. Other than this, making leaf plates and tooth-picks, liquor brewing, and selling firewood are the main sources of extra income. Tribal villagers depend on these once their own crops have been consumed, usually within about four months of the harvest. In these circumstances it is not surprising that migration to the cities is a common survival strategy.

The author interviewed individuals in Dhundhapahari village in Dumka who were reputed to be both the richest and the poorest in the village. Chamra Dehri, the richest person in the village, has a three *bigha* (0.4 hectare) paddy farm, a rare asset in this area, and four *bigha* (0.52 hectare) of uplands. His family manage to survive for up to eight months on their own produce, with the only difficulty being the lean season, from May until the first harvest in August. Even for the richest villager, therefore, borrowing from the moneylender and repaying after harvest is a regular process. When asked about the previous year (1993), he said that he had borrowed 100 kilogrammes of paddy owing to the failure of his crops, but usually

only has to borrow seeds. However, Chamra is a comparatively rich farmer and his answers demonstrated that borrowing money was common among all the households in the village. For the very poor, even this is a luxury, as is the case of Dibu, the head of the 'poorest' household in the village. He is not even able to get loans from the moneylender because of his inability to repay. This seems to have contributed to his poverty There are six people in his household: himself, his wife, mother and three sons. He owns 1.5 *bigha* (0.2 hectare) of paddy lands and six to seven *bigha* (0.8 to 0.9 hectare) of uplands. But the uplands are stony and production low. Dibu says that the crop he produces is immediately consumed and lasts for barely two months. He manages to survive through the sale of firewood and leaf plate work, though he complains that it is too much work and does not generate much income.

The Way Out of Bondage

The most effective remedy against slavery in the form of debt bondage is to give the victims control of their own resources. This solution is rarely envisaged in India, where the main solution to debt bondage proposed by the authorities involves rehabilitation payments which are insufficient to enable those freed to set themselves up independently. Furthermore, the authorities are rarely proactive and it requires the tribals or other bonded labourers to get organised, often with the support of a non-governmental organisation (NGO) in order to confront their exploiters and to insist on their rights under the law.

In 1984 the village of Palagandua in Orissa (see Section 5 above) had 50 bonded labourers, while at present about 10 families are said to be bonded. With the support of a local NGO, the villagers managed to struggle for about four months against the system. Their initial objective was to increase their daily pay rate from three to five *man* of paddy (one to 1.7 kilogrammes). However, with no alternative employment possibilities and being used to no other forms of work (in part because they were endlessly employed as bonded agricultural labourers), a few went back to the landlords. As a result, when the landlords were ultimately forced to concede to their demands, they raised payment to just four *man,* which is what the bonded labourers are paid at present. A further phase in the campaign led to the formation of the *Gothi Sanghathan* (Bonded Labourers' Organisation) in a few villages in the area and a

delegation being sent to the landlords to press them to release their bonded labourers or face court proceedings. The bonded labourers refused to work and even went on hunger strike. The landlords tried to scare the people with violence (and even brought labourers from outside), but the bonded labourers persisted and ultimately the matter was brought to the notice of government officials, who proceeded to release those in bondage. The 1976 Act provides for each bonded labourer who is freed to receive a government grant to pay for his rehabilitation. However, in this case each bonded labourer was given a loan equivalent to US$100 through the Economic Rehabilitation of the Rural Poor (ERRP) programme of the government, for the purchase of goats and sheep.

The author was told that the labourers subsisted on the sale of *kendu* leaves (for making *bidis* or local cigarettes). Owing to the scarcity of the leaves, there were even fights and tensions within the households. Now, the mud-cutting and construction work that they are involved in requires them to migrate to the city. Indebtedness is still rampant and the debt often increases by 20 per cent in five to six months. The average debt is reported to be about 200 kilogrammes of seeds. When a man is bonded, his wife also works for the same employer in the day time, and working hours generally last from 5 am until 10.30 pm.

Another example is the case of whole villages of bonded labourers in the Kashipur block of Koraput District in Orissa. Haliasahi (literally, the bonded section or colony) is one such village. It is composed of people belonging to the *Paraja* tribe who were originally shifting cultivators but were forced to become bonded to rich landlords owing to massive deforestation and consequent displacement. They are landless and do not even own the land which they have been using for over 100 years. Until the mid-1980s, when a local NGO called AGRAGAMEE stepped in, they provided cheap labour and domestic work for the landlords, known as *sahukars*. The AGRAGAMEE campaign began with the identification of the first bonded labourer of Parajashila, another bonded village, in 1983. Guria Jhodia, a bonded labourer, overstayed when he was visiting away from home one night and failed to return to work in time. He was subjected to a beating by the *sahukar*. In response, he refused to work and argued that he had already worked for eight months and fully repaid the loan he had been given. It took AGRAGAMEE two years to have him recognised as a bonded labourer and officially re-

leased. He was given two buffaloes under the government rehabilitation programme. This prompted several others to come forward for release. AGRAGAMEE helped to form a milk cooperative in 1985 to make use of the milk produced by the buffaloes which formed the rehabilitation payment. The *sahukars* tried all kinds of threats, including spreading the rumour that all the benefits would soon be taken back and that they would never accept back freed bonded labourers to work for them.

In another village, Amarsinghgudu, where the whole village was bonded and landless (they did not even possess the land on which their houses were built), the campaign for change began with a demand for an increase in daily wages to a minimum of US$0.20 per day. The *sahukars,* whose signatures were now required for the bonded labourers to get their wages, refused to do so and even tried to win over the labourers by buying milk (at low cost) from them. The unsuspecting tribals became bonded once again. However, persistence paid off and now few of the villagers are bonded. Even if a villager wants to be bonded, the rate has now gone up to US$15.00. The *sahukars* therefore prefer to hire labour by rotation, every season. At present the labourers get eight to 10 *man* of rice per month, plus a small cash sum, which together amounts to a total of about US$12.00 per month.

These examples indicate the dangers inherent in rehabilitation payments which in turn oblige former victims of debt bondage to do business with their former employers, especially when the payment takes the form of cows or other livestock with which they are not used to working.

A different sort of example comes from Maharashtra State, where the Bhil people live in a relatively rich agricultural area in Dhule District. They had the misfortune of living in an area which was fought over by the Mughal and Maratha Kings in the past, provoking both famines and uprisings in the region. Once again, this was an area in which the British colonial rulers encouraged settlement and the cultivation of cash crops (cotton) by non-indigenous people, in this case the Gujar Kunbi. For the Gujars, however, land was a means of profit and ownership, not just of survival, as it was for the Bhil*s*. Consequently, the forests dwindled rapidly, spurred on by the British declaration of the area as a timber reserve. The indigenous population was dispossessed of its resources. By 1930, the forest had vanished and cotton and sugar cane had taken its place. Irrigation systems were devised to encourage these cash crops.

Systems of mortgaging land were introduced in the area after 1860, and debt bondage increased rapidly from 1890 onwards, with the Gujars as employers and landlords, and the Bhil*s* as the bonded labourers, known as *saldars* (or 'yearlies'), as the debts and accompanying bonded labour agreements were made on an annual basis. It is estimated that at that time 10 per cent of the labouring population had mortgaged its labour. By 1938 the tribals owned only 5.3 per cent of land in the District. According to Kulkarni[20], even in the 1970s:

> Bhil saldars [bonded labourers], though formally on contract for a year, are in effect near-slaves. Landlessness and poverty have forced them to work on Gujar farms, for very low wages and /or very long hours of hard work They are usually bogged down in debt to the Gujars who have used that indebtedness to dispossess the Bhils of their land and to ruthlessly exploit them. Instances of flogging Bhil labourers, rape of Bhil women, burning of Bhil huts, and other atrocities are not uncommon. Since the rich Gujars virtually control the administration, their crimes against the Bhils go unnoticed and unpunished.

Such atrocities continued until a revolt of sorts took place in Sahada and Talode Districts in the 1970s, popularly known as the *Sahada* Movement. The struggle was initiated by the *Shramik Sanghatana* (an activist organisation headed by Sharad Patel). What ignited the movement was a particular incident of harassment of tribal women by the Gujars. This brought to the fore emotions which had been pent up for generations. Acting collectively, the Bhil*s* reoccupied land which they claimed had once belonged to them, with the aim of bringing the issue to the notice of the government. At the same time, there were demands for all tribal debts to the government to be cancelled, for transfers of tribal land made after 1974 to be annulled, for the Employment Guarantee Scheme to be implemented and for a minimum wage for agricultural labour to be fixed.

As a result of this movement, it is estimated that around 1,600 hectares of land were 'recovered'. The Bhil*s* went on to boycott the state assembly elections and various rallies were organised. Subsequently, the Gujars approached the State Chief Minister, police presence in the area was doubled and various forms of suppression of the *Sanghatana* began. On the positive side, an ordinance was passed which prohibited further sales or loss of Bhil land and

attempted, unsuccessfully, to ensure the return of alienated land. There were subsequent acts of repression too, for instance when government forces forcefully evicted tribals who were cultivating wasteland and burnt their huts down.

According to more recent reports, the *saldar* system of bonded labour is now being replaced by a new system, which involves labourers agreeing a contract with landowners to work during the planting or harvesting season. Payment (in kind) is fixed in advance. Though the Bhil*s* have more bargaining power in this, they are nevertheless bonded. Some Bhil*s* have themselves turned into landowners. Most often an advance is taken and 10 per cent interest fixed, which is to be repaid through work. The bonded labourer then either migrates with the contractors to the sugar cane fields of Gujarat for the harvest season, or remains behind to work on the land. Teerink[21], recording some of the experiences of the bonded labourers or those who migrate in order to repay a debt, tells us of one person who worked for six years in order to repay a loan of US$60.00, borrowed for a wedding. He worked everyday from 5 am, doing household chores, cleaning the cowshed, as well as farm work. He was paid around US$1.00 a month, and was unable to save any of it. Teerink also records a case involving a migrant who borrowed some US$33.00 in his village on account of illness and was required to repay double that amount just six months later.

Conclusions

Debt bondage in India developed as a feature of changes in the relations of production. As long as indigenous people depended for their livelihood on their own resources or on genuinely reciprocal agreements with others, the problem of debt bondage was unknown. However, once changes occurred in the way that land could be acquired and disposed of, and individuals were able to live off the surplus labour of others, debt bondage emerged.

Debt bondage affecting India's indigenous peoples has followed closely in the wake of intrusion by outsiders into indigenous habitats and cultures. For all those covered by the Constitution's Fifth Schedule, at least, there is an evident link between change, poverty and debt bondage. Bondage, for them, has been inflicted by outsiders with the aim of controlling tribal resources, both land and labour. Its corollary in modern times is that employers of bonded labour are sometimes themselves members of indigenous peoples, rather than

always being outsiders.

The links of bondage with the erosion of traditional tribal systems of livelihood have been described in this chapter. Where there was a changeover from a collective system of production to private ownership, moneylenders and landlords promptly devised systems to take over agricultural lands and introduced debt bondage among the tribals.

On the other hand, where the common property norm prevailed, bondage came more indirectly when there was large scale clearance of forests leading to poverty and subsequent dependence on outside sources for survival. The Bhil*s* of Dhule District in Maharashtra who now migrate in large numbers to Gujarat to harvest sugar cane are a case in point. In such cases, indigenous peoples have not been able to adjust their culture to keep pace with other changes, with the result that they incur significant debts while trying to maintain cultural traditions in marriages, funerals and other rites of passage.

In the case of India, there is clear evidence linking debt bondage to a particular indigenous people's level of exposure to the outside world: the more the exposure, the more the degree of bondage.[22] This is due in part to indigenous peoples' lack of familiarity with the market economy. Yet, being pulled into the mainstream economy, they are dependent on the same market for real or imagined needs; the pull of consumerism is such that the bright products of the market are irresistible and they also add status to the person and family. Hence, as India opts for the path of 'advancement', the state of its indigenous peoples will increasingly become a cause for apprehension unless alternative 'cushioning systems' can be devised.

Whether it takes the form of actual debt bondage or the more prevalent system of cumulative resource alienation as debts increase, bondage still persists among India's indigenous peoples. Given its origins and the reasons for its persistence, the present pattern of development cannot but add to the miseries of the tribals, unless drastic remedial measures are taken. The step which is most often proposed sounds retrogressive: a step back towards subsistence methods. However, what it really implied by this is that indigenous peoples must be given proper control over their means of production. History testifies to the fact that any form of dependence on outside forces that undermines the self-reliance of India's tribals is bound to marginalise them. As it is, tribals suffer from a form of internal colonisation within India.

Sanders[23] has observed that the indigenous peoples of the world have rarely gained by decolonisation. In India this is clear from the impingement on the right of the tribal to survival and a clear preference by India's political leaders for a course of development that is totally unsustainable. As India marks the 50th anniversary of its independence in 1997, let us note that for 70 million tribals or indigenous people in India, independence has not put an end to colonisation, dependency and servitude. It is clearly high time that India's government was held accountable for its failure to address these issues.

Notes

1 Chaudhuri, Buddhadeb, 1992. 'Preface' to Chaudhuri (Ed.), *Tribal Transformation in India: Economy and Agrarian Issues,* Inter-India Publications, New Delhi.

2 The 6th Schedule provides for the formation of District Councils consisting of 24 members, three-quarters of whom are elected. Furthermore, each autonomous region has to have a Regional Council. These Regional and District Councils are designed to formulate laws concerning the management of non-reserve forests, water sources, the regulation of shifting cultivation, the appointment of chiefs or headmen, inheritance of property, marriage and social customs. They are also empowered to make regulations concerning the control of moneylending or trade with outsiders. The 5th Schedule makes no such provisions, but, along with the 6th Schedule, makes special safeguards which are protective or concessional in nature. Among the protective safeguards respecting customary rituals and rules are laws that prevent the loss of tribal land to non-tribals. Among the latter safeguards are special grants for tribal development, reservation of a specified number of government jobs (in proportion with the population) and seats in the Parliament and State Legislative Assemblies.

3 Census, 1991.

4 Minz, Nirmal, 1993. 'Cultural Identity of Tribals in India', pp 36-37, in *Social Action* Vol.43, No.1.

5 Sanders, Douglas, 1993. 'Indigenous Peoples on the International Stage', pp 1-7, in *Social Action* Vol.43, No.1.

6 Menon, Geeta., 1995. 'The Impact of Migration on the Work and Status of Tribal Women in Orissa', in Loes Schenk-Sandbergen (Ed.), *Women and Seasonal Labour Migration,* Sage Publications, New Delhi.

7 Boserup, Ester, 1970. *Women's Role in Economic Development* , pp 37-8, George Allen and Unwin Ltd, London.

8 Fernandes, and Arundhuti, 1993. 'Search for a Tribal Identity: the Dominant and the Subaltern', pp 8-22, in *Social Action* Vol.43, No.1.

9 Sanskritisation refers to the process of absorbing non-Hindus into mainstream Hindu culture and the social hierarchy of the caste system.

10 Pandey, Vikash, N, 1990. 'National Forest Policy: Journey on a Wooden Horse', *The Times of India,* New Delhi, 28 February 1990.

11 Fernandes, Menon, and Viegas, 1988. p 207, *Forest Environment and Tribal Economy*, Indian Social Institute, New Delhi.

Fernandes, Viegas, Menon and Chandy, K.T, 1985. *Forest, Environment and Forest Dweller Economy in Chhatisgarh,* Indian Social Insitutute (Mimeo), New Delhi.

12 Thukral, Enakshi Ganguly, 1992. 'Introduction' to Thukral (Ed.), *Big Dams, Displaced People. Rivers of Sorrow, Rivers of Change,* Sage Publications, New Delhi.

13 This is a State subject and hence the Acts vary with the State. For instance, the Chotanagpur Tenancy Act (1908) requires that the Record of Rights make entry regarding: (a) the existence, nature and extent of right of any person, whether a landlord or tenant or not, to take forest produce from jungle or wasteland; (b) the right of residents of the village to reclaim jungle or wasteland or to convert land into *Korkar.* The Orissa Survey and Settlement Rules (1962) does not require this, but leaves a lot of rights with the proprietor, the interpretation of which term has been left ambiguous leaving plenty of scope for manipulation. Besides, the switchover in survey techniques from being land-based to using airplanes (with cannot effectively measure slopes less than 10 degrees) to save operational costs in Orissa has led to unsurveyed lands to be entered in the government records and later turned into uncultivable wastelands.

14 Sankardass, M, 1989. 'Debt Bondage: the Survival of an Ancient Mechanism'.

15 In general, compensation varied from three measures of paddy in husk or two bigha of land and three measures of grain. Invariably, the payment was hardly more than bare subsistence.

16 There were, however, some effective land transfer acts. For instance, the Madras Presidency's Agency Tracts and Land Transfer Act of 1917 stipulated that the rate of interest for any debt or liability against a tribal person will not exceed 24 per cent per annum, there will not be any compound interest or transfer of immovable property in lieu of the debt.

17 Vyas, N.N, 1980. *Bondage Exploitation in Tribal India*, Rawat Publications, Delhi/Jaipur.

18 Viegas, Philip, 1991. *Encroached and Enslaved: Alienation of Tribal Lands and its Dynamics,* p 78, Indian Social Institute, New Delhi.

19 Kumar, Ajoy, 1986. *From Slavery to Freedom. The Tale of Chhattisgarh Bonded Labourers,* Indian Social Institute, New Delhi.

20 Kulkarni, S.D, 1974. 'Over a Century of Tyranny', pp 389-92, *Economic and Political Weekly (Vol. IX).*

21 Teerink, Rensje, 1995. 'Migration and its Impact on Khandeshi Women in the Sugar Cane Harvest', pp 210-300, in Loes Schenk-Sandbergen, (Ed.), *Women and Seasonal Labour Migration*, Sage Publications, New Delhi.

22 Satyanarayana, M, 1990. 'Tribal Development in India', *Tribal Development of India Series T-137,* Inter-India Publications, New Delhi.

23 Sanders, Douglas, 1993. Op. cit.

BRAZIL
BOLIVIA
PERU
LA PAZ
SANTA CRUZ (Dept.)
CHUQUISACA
TARIJA
PARAGUAY
CHILE
ARGENTINA
ANDES MOUNTAINS
CHACO

Name of Instrument	Date in force	States Parties to date	**Bolivia** Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1982)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1982)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1970)
UN Slavery Convention (1926, amended 1953)	(1955)	91	Yes (1983)
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1983)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	No
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	Yes (1990)
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	Yes (denounced when superseded by 169)
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	Yes (1991)

Chapter Six:

BOLIVIA
Slavery Amongst the Bolivian *Guaraní*

Nancy Ventiades

The majority of Bolivia's population is indigenous: of the total (nearly seven million) between only five and 15 per cent is estimated to be of European origin. This makes it an important test case for the assertion of indigenous rights. Furthermore, in terms of international law, the Bolivian government has committed itself to upholding indigenous rights and preventing all forms of slavery and debt bondage. However, as is so often the case, reality is very different. While the country boasts an abundance of natural resources and a rich cultural heritage, the bulk of its population still live at subsistence level. The most populated part of the country is the *altiplano*, the high Andean plateau in the west, which has, correspondingly, the highest level of industry. Traditional farming techniques are also practised on the high plateau, while the eastern plain is rich in fuel deposits, and between these two lies the most developed agricultural region. Most commercial farming takes place in the east.

The *Guaraní* people are concentrated around Bolivia's south-eastern border with Paraguay and Argentina, inhabiting an area of 200,000 square kilometres, most of which falls into the easternmost department of Santa Cruz, but also neighbouring Chuquisaca and Tarija departments. This is a part of the Gran Chaco, the plains which also cover parts of Paraguay and Argentina and which are inhabited not only by *Guaraní* groups but by, among others, the Enxet, subject of the chapter in this book on Paraguay. The Bolivian Chaco is forested, with rain for only two or three months in the year. Rivers commonly dry up for long periods, and though during winter periods the nights are cold, summer temperatures are among the highest in the country as a whole. Cattle-breeding is the mainstay of the rural economy in this region.

The total *Guaraní* population of Bolivia numbers up to 60,000, and is divided into three language groups (*Ava, Isoceño* and *Simba*), which all share collective values and particular patterns of behaviour distinguishing them from other cultures. There are also

calculated to be 20,000 *Guaraní* in Argentina, and at least 15,000 in Paraguay and Brazil respectively.

The *Asamblea del Pueblo Guaraní* (*Guaraní* People's Assembly - APG), which represents the *Guaraní* people, is well organised and in a position of dialogue with the Bolivian government. From communal to regional level, traditional forms of organisation still permeate the structure of *Guaraní* society, and their approach to community management reflects this. The highest representative of authority is the 'Grand Captain'. Proposals for development are divided into the fields of production, infrastructure, health, education and territory[1], each represented by an elected member of the community. A Council of Elders also acts as advisory body to the *Guaraní* People's Assembly together with the Association of *Guaraní* professionals (mostly technicians and rural chiefs).

In all three departments inhabited by the *Guaraní*, practices analogous to slavery persist, and are directly linked to issues of land rights and land ownership. The *Guaraní* concept of land, *'the mother that can be neither bought nor sold* ', has been trampled over by the more dominant elements of the Bolivian population, whose concepts of ownership take no account of *Guaraní* traditions. The effects of these divisions are most extreme and most complex in the province of Hernando Siles in Chuquisaca Department, more commonly known as the Zona del Ingre. While throughout the country the existence of the problem merits attention, this chapter will focus specifically on the Zona del Ingre.

Historical Background

Throughout the 16th century *Guaraní* migrants inhabited the hills and valleys which run between the rivers Grande (at the northern border of Chuquisaca Department) and Bermejo (marking Tarija Department's southern border with Argentina). Intermarriage with Arawak-speaking women[2] led to an inter-ethnic mix which became the *Chiriguano* warrior community, the ancestors of the present-day *Guaraní*. Not only were they biologically mixed, the *Chiriguano* communities also adopted cultural traditions from neighbouring indigenous communities from the Chaco, Amazon and Andes, as well as from the Europeans. At the same time, however, they were determined to maintain a separate political and social identity.

In 1892, Bolivian government troops attacked the *Chiriguano* at Kuruyuqui. This was ostensibly in response to rumours of an im-

pending indigenous revolt over land rights but many believe these rumours had been fabricated. The attack resulted in the massacre of between 3,000 and 5,000 *Guaraní*; only one government soldier was wounded.

This is when the 'other history' begins, the history of a subjugated *Chiriguano* people. After the massacre, captives were consigned to the *haciendas* (large cattle ranching estates) as labourers; the young who were able to escape took refuge in Argentina. For 100 years after, families remained divided and indigenous voices silenced. Prevailing fear of white settlers impeded any possible reorganisation.

Both the 1932-35 War of the Chaco (between Bolivia and Paraguay), and the 1953 Agrarian Reform benefited the ranchers, who extended their land holdings at the expense of the *Guaraní*s. Cattle-ranchers plundered indigenous land and used the *Guaraní* as forced labour. In the face of this and the forced migration to plantations over the border in Argentina, the *Guaraní* population declined and the communities searched increasingly for refuge in remote places where access by others was difficult. The communities thus became increasingly isolated and the traditional community organisation into Captaincies was broken up.[3]

Nowadays the *Guaraní* population is characterised by extreme diversity in their economic and cultural situations. There are great variations from one community to another in terms of the control they exert over their territory and their access to the market, education and health, and the strength of their desire to retain ancient *Chiriguano* values.

The character of the communities has changed from the traditional warrior society to a peasant society. This has occurred as a result of the impact of the *hacienda* system, schooling, religious conversion (or attempted conversion) and the effects of development projects.

In terms of the law there have been some positive developments. Although the 1953 Agrarian Reform largely benefited the ranchers, it also abolished all forms of personal, non-remunerated services, including payment in kind and forms of debt bondage. Bolivia ratified the 1989 ILO Convention No 169, Concerning Indigenous and Tribal Peoples, in 1991. Three years later it revised its constitution to recognise the existence of indigenous peoples and what the ILO refers to as '*the multi-ethnic and pluri-cultural nature of the Republic*' (ILO report of the Committee of Experts, 82nd Session, 1995).

The government also passed acts on popular participation, which recognise the right of indigenous peoples to participate in decision-making in accordance with their customs. It is also signatory to a variety of international human rights instruments (see earlier table). In spite of these legal commitments, however, a form of slavery continues to affect the *Chiriguano*, or, as they are currently known, the *Guaraní.*

The *Guaraní* in Areas of Slavery

Chiriguano territory was formally divided into 'Captaincies'. Each town would have a Captain which would in turn make up larger confederations known as Grand Captaincies. The land as a whole became known as the domain of the '*mburuvichareta*', or Grand Captains. One such confederation was that of the Ingre. Previously, the Grand Captaincy of the Ingre included the whole of the Ingre canyon, the Ñacamiri canyon to the west, and the Iquembe and Huacaya canyons to the east. This broadly equates with the Chuquisaca Department, which is the focus of this chapter. Other slavery-like conditions however also exist in the other Departments. Research in recent years estimates the number of *Guaraní* in conditions of slavery at about 10,000. [4] This has been the situation ever since the 1892 Kuruyuqui massacre.

Within the last decade, with the help of the church and non-governmental organisations (NGO's), the *Guaraní* People's Assembly has been created. This has generated a series of productive and educational programmes operating throughout *Guaraní* territory. In 1991 the Assembly directed all its efforts towards carrying out a literacy campaign requested by Cordillera Province communities. For this campaign, young specially trained *Guaraní* literacy teachers were brought into the communities of people still working like slaves, living for five months in the houses of their ancestral 'brothers'; and for the first time they came up against extreme poverty circumscribed by conditions of slavery. They observed that it is debt to the landlord which perpetuates the condition of slavery. It has three components:

a) Socio-economic conditions;
b) Social conditioning;
c) Conditions of organisation;

a) Socio-economic conditions

Labour relations do not conform to what is specified in the current laws; there are neither work contracts nor fixed salaries. The workers live on the landlord's *hacienda*, and are sometimes given a small plot to cultivate, which they do not own. Their hours of work fluctuate between 12 and 14 hours daily, starting at 4.00 am.

The wage for a working day is set by the landlords, and varies between US$0.75 and US$1.25 daily. However, workers are not paid in cash but in kind. In most cases this will take the form of a bowl of sugar or rice, or a cake of soap. In other cases there is also a quantity of *mate*.[5] As there is both an absence of markets and ready cash within this system, the scarcity of other supplies increases dependency on the landlord. Holdings on the landlord's land are tenancies of poor quality, making this dependency worse. Even crops such as maize which are normally suited to poorer quality land, do not grow well on the plots allotted by the landlord. Lack of technical guidance has meant insufficient crop rotation, diminishing the agricultural capacity of the plots and again exacerbating the growers' dependency on their landlord.

If labourers need cash in an emergency, their only recourse is to increase their debt to the landlord. This is done without any records of previous debt or the current loan being shown or explained to the person requesting a loan. In contrast, in *Guaraní* culture, pledging to pay back a loan is seen as a binding commitment. A pledge is law, and a *Guaraní* will not withdraw without paying what is owed. Cases of absconding or reneging on the debt are almost non-existent. In the current context this tradition leads easily to a situation of debt bondage, where debts are never repaid and may be inherited by subsequent generations.

Not only are the *Guaraní* in a position of debt bondage, but in many cases what few individual rights they have, or should have, are ranked as less important than even a landlord's right to property: As one interviewee remarked:

> In the region if a cow dies at the hands of a Guaraní, he will definitely go to prison, but if a Guaraní dies at the hands of his landlords, there is no punishment. Why is a cow worth more than a Guaraní according to the law? Who makes the law, and for whom?[6]

In the social sphere, health, education, housing and clothing indicators warrant specific attention. There are no medical facilities on the

haciendas, which are often many kilometres from a centre where services are available. Total coverage by vaccination campaigns is impossible because the landlords deny health workers access to their farms. A doctor from Monteagudo told us that a vaccination campaign carried out in the farms of the Cañon de Huacareta, and financed by UNICEF, was exploited by landlords there to increase the *Guaranís'* debt by a sum equivalent to US$ 50.00 (total income of *Guaraní* worker per complete working month corresponded to US$32.00 at the end of 1993): the landlords justified this by claiming that they themselves had requested the campaign and contracted the medical personnel to carry it out.

> When we are ill what we do is resort to traditional medicines, and that's how we cure our children - any other way forget it, because for that there's no money. The most common illness for our children is fever and diarrhoea. Sometimes we ask, when a nurse visits us, and she says that we're dirty and unwashed.[7]

Basic health services are non-existent, even unknown on the farms. There has been an increase in a variety of pests because of the indiscriminate presence of cattle belonging to the landlords, and resulting in destruction of the environment, where biological controls and natural predators have been eliminated. This has created ideal conditions for '*la vinchuca*', Chagas' disease, the insect-borne pest now most affecting human life.

Nutritional habits, which are based on the consumption of maize, do not include a varied use of vegetables, a fact which, though related to cultural conceptions, also indicates the shortage of educational services in the region, to which the *Guaraní* population of the *haciendas* has no access. In some places they are reported to be fed only twice a day, before and after work. If the landlord (on whom all supplies of food depend) is absent, it is likely that no food will be given out. This is not abnormal. Gricelio Cuéllar, literacy teacher, reports that in Villa Hermosa:

> to eat they only had what was in the landlord's house. In that community they really suffer a lot, their landlord keeps them like animals...at 12 o'clock they don't eat and only in the evening when they leave work, they arrive starving to eat whatever there is.

Up until 1992, the few schools that existed in a minority of *haciendas* were run by members of the family or relatives of the owners, and

only primary courses were provided. This has inevitably resulted in a high level of illiteracy amongst bonded labourers.

The characteristics of the educational model which was used in the few schools mentioned tended to maintain and reinforce the situation of the *Guaraní* in the *haciendas*. Teaching was firstly in the medium of Spanish, yet another manifestation of subjection, which furthered the devaluation of the indigenous culture; and furthermore rules of domination were imposed in teacher-pupil relations, consolidating the landlord-labourer relationship.

b) Social Conditioning

The *haciendas* exploit all existing manual labour; women for domestic work, men in agricultural labour and children who from a young age help with carrying water, wood or running errands for the landlord and family. This is where the process of 'obedience' begins, when the *Guaraní* first learn the limitations imposed on them. Such obedience training is also rooted in the fear instilled by the landlord, a fear which is implanted in their consciences from an early age and which is linked to an all-protecting image of the landlord. It is common to hear: '*My landlord is good because as well as giving me food, he pays me two pesos* (US$0.005).'

Obedience is accompanied by submission, which develops into passivity. The long gestation of this process is marked also by discrimination, an undervaluing of their own culture and blind acceptance of the landlord's decisions.

> We take out shoes on credit for the children, and it's they (the landlords) who have to choose them, and also they who take charge of measuring them, and they say they have to last them at least a year.[8]

As significant as obedience training are the bonds imposed within the framework of religious beliefs. Landlords take on the additional role of godfather, for the baptism of a son or for a daughter's marriage; alternatively they are considered in some way a 'friend of the family'. This is an aspect[9] which plays an important part in the relations of domination. The feeling of solidarity and reciprocity, so deep-rooted in the *Guaraní* world, will always prevent confrontation with a person considered part of the family. In this culture the extended family has ancestral foundations. The '*tentas*', communities, get minutely involved with all their inhabitants; the children in them are seen as children of the community. With such a concept of family, friendships assume very strong bonds, despite the obvious

conditions of unfairness and inequality that exist in landlord-*Guaraní* relations.

Conditions of organisation

The economic, social and religious dependency of the *Guaraní,* ingrained in their condition, precludes any effective internal organisation. Their isolation means they are unable to exercise their right to information, nor are they even aware of the sorts of organisation which exist in free communities.

Marcelino Tardío, elected Grand Captain of the Ingre in December 1992, explains that landlords disparage the community and discourage organisation, and that, in reference to the Ingre and Huacareta *haciendas*, when:

> some people go to the meeting without the consent of the landlord, they go secretly for fear that they will be whipped.

In response to the high level of illiteracy among the bonded workers, the *Guaraní* People's Assembly began a literacy campaign in 1992. Some 1,200 individuals took part in the campaign, coming from indigenous communities living on *haciendas* between the Ingre and Iguembe Canyons. However, the Huacareta Canyon, where most of the *Guaraní* population of the area live, was barely touched because of permanent opposition by the landlords. Until 1993 it was not even possible to obtain exact population figures. Not even the state census figures are reliable, owing to the high rate of illiteracy, people's lack of access to information and the distances between one *hacienda* and another. Gricelio Cuéllar, among the first group of literacy teachers to visit the slave communities, also encountered resistance from the landlords:

> One brother asked me what was the reason for our visit, so I began to explain... We have come to enrol people here, I said. The older ones came closer and one of them said to me: do I have to study, brother? I said: yes, all of you have to study! Then they said: we'd like to study, but the landlords don't let us. We have to go to work before daybreak and we return when the sun is hidden, already almost nightfall.

Some Alternatives

The Literacy Campaign was the springboard for important achievements in these regions. Even though only 1200 people of the total 12,000 took part, its mobilising effect has brought the issue to the attention of many landlords, who in response have begun to upgrade salaries.

Gricelio Cuéllar comments on its implementation:

> Our brothers were keen to study, but the landlord intervened saying that they all knew [how to read and write] very well, so they didn't need it. After a bit he said that only a few needed to study, then when we said we were going to start enrolling, the landlord said to them: 'Everybody go, you're free', and we started to go out to where some of the brothers lived.
>
> But I wanted to really make sure we could positively count on them, and I asked them again if they were going to study, they said yes, it was true that they felt persuaded to study, the only obstacle was the landlord who wouldn't let them.
>
> Now they like our Guaraní course and they'd like to have more, if they manage to learn quickly.

Although the situation has not changed in those *haciendas* where it was not possible to introduce literacy classes, the mobilising effect of the campaign is still felt more widely and is considered to be highly significant. Some of its effects are as follows:

- After 100 years of silence a process of organisation, coming from the very heart of the communities which took part in the Literacy Campaign, is beginning. Their first Captains have been appointed, and they are bringing a whole area into line with the structure of the *Guaraní* People's Assembly, and incorporating its development proposals.
- They are becoming involved in the different programmes initiated by the Assembly, at the same time implementing a variety of their own educational programmes: 60 young people in Camiri, Cordillera Province, have now gone on to join the regular state system half-way through in order to finish their secondary school education. Sixty members of the community elected in communal assemblies are being trained as health promoters, and of these a small number are studying for a teaching certificate (CEMA Rural) in order to work in educational programmes in

their community NGOs, particularly TEKO *Guaraní*, the Centre for Research and Support for Farmers (CIPCA, Centro de Investigación y Apoyo al Campesinado), and Pro-*Guaraní* de UNICEF, support the *Guaraní* People's Assembly in the implementation of these programmes.

- The process of organisation has also helped to define what the priorities should be and where they should be implemented, as well as establishing action policies for the claiming of rights. Currently the *Guaraní* People's Assembly has the recognition and support of the State in the programmes which both are developing.
- The main priority and the origin of their struggles is land. Some 94 per cent of workable land is in the hands of the landlords who, in the interests of their own political and economic influence, have also appropriated communal lands, lands which were held with recognised property titles. Such is the situation for almost all the original *Guaraní* communities, who in pursuit of their land rights have initiated court cases with the owners, which are as yet unsettled .
- For want of other solutions, the alternative proposed by the *Guaraní* People's Assembly is the purchase of properties for sale. With the support of the Catholic church and NGOs they have managed to acquire the *Ipati del Ingre* property, where 200 families have moved in, beginning life in liberty supported by a variety of educational and production projects. There is still much to be done. In the Ingre alone some 9,000 people are still in conditions of slavery, not counting those in the Tarija, on the banks of the river Pilcomayo and in Cordillera Province.

Notes

1 PISET.

2 Arawak-speaking women were known as '*Guana*' in the northern Chaco, and '*Chané*' in the foothills of the Andes.

3 Illustrated by Ruth Llanos, in '*Yvy Imaraa*'.

4 1993, 1994, figures quoted by Adam Antenor, former director of the APG, at the commemmoration of the102nd anniversary of the Kuruyuqui massacre, January 1994, in Camiri, Santa Cruz.

5 *mate*, or *yerba mate*: the leaves and shoots of a plant used to make an aromatic tea-like drink.

6 Interview with Adam Antenor, 28 January 1994.

7 Interview with Freddy García.

8 Testimony in Itangua.

9 studied by Kevin Healy in *Caciques and Patrones*.

BOLIVIA
BRAZIL
PARAGUAY
POZO COLORADO
CONCEPCION
ASUNCIÓN
R. PARAGUAY
ARGENTINA

Name of Instrument	Date in force	States Parties to date	**Paraguay** Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1992)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1992)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	No
UN Slavery Convention (1926, amended 1953)	(1955)	91	No
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	No
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	Yes (1967)
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	Yes (1968)
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	Yes (denounced when superseded by 169)
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	Yes (1993)

Chapter Seven:

PARAGUAY
The Working Conditions of the Enxet Indigenous People of the Chaco

Stephen W. Kidd

Introduction

The human rights situation of the indigenous peoples of Paraguay is an issue that has caused a great deal of international concern. Over the years, numerous reports have denounced abuses of the indigenous population with a consistent theme being their difficult working conditions. However, in recent years little has been done to see if the situation has improved and this chapter is an attempt to remedy this by describing the working conditions of three different indigenous peoples in Paraguay. Most of the chapter will deal with the working conditions of the male population, since few women actually have jobs. Nevertheless, one section will deal specifically with women. It will be clearly shown that indigenous peoples are still the most exploited sector of the population of Paraguay, and that most advantage is taken of indigenous women.

The methodology used for this investigation has been that of interviewing indigenous peoples about their conditions of work. I should therefore emphasise that what is described here is essentially the indigenous peoples' perspective and relies almost entirely on information provided by them. If, inadvertently, the situation of some ranches has been misrepresented, apologies are offered in advance. The report was written in 1994 and the research carried out between 1992 and 1994 and, so as to bring things up to date, a postscript has been added which describes the main changes that occurred prior to mid-1996.

The total indigenous population of Paraguay is reckoned to be in the region of 70,000 to 100,000.[1] There are 17 different indigenous peoples in Paraguay and this report will concentrate on three of them: the Enxet-Lengua, Enxet-Sanapana and Enxet-Angaite. They live in the Chaco region of Paraguay and whilst their total population is approximately 16,000, this investigation

is limited to only part of their territory: the area bordered by the Riacho Gonzalez in the north, by the Rio Montelindo in the south, the River Paraguay to the east and extending 200 kilogrammemetres to the west (See Map). The indigenous population of this area is approximately 6,000.

The Conquest of the Chaco

Prior to the colonisation of their land, the Enxet lived in small, flexible communities of between 20 and 60 individuals. Although their economy was based on hunting, gathering and fishing, they also cultivated small gardens and possessed a few domestic animals. Contact with the non-indigenous population was limited to trading, which took place on the banks of the River Paraguay. The conquest of the Paraguayan Chaco is a relatively recent event. At the beginning of the 20th century the indigenous peoples of the Chaco were still independent. Despite this, in 1885 the Paraguayan government began to sell off the whole of the Chaco to foreign speculators and within two years 60 people had acquired 115,591 square kilogrammemetres.

Most of the Enxet territory was purchased by British business interests, and as the colonisation of the area slowly commenced the British 'South American Missionary Society' undertook the task of pacifying the indigenous peoples. Despite the Mission's relative success the invasion was not without violence. A number of massacres were perpetrated against the Enxet even as late as 1940. Furthermore, between 1884 and 1920, diseases introduced by non-indigenous peoples reduced the Enxet population by some 75 per cent. By 1950, the whole of the Enxet territory had been occupied by the new landowners. The economic position of indigenous peoples also deteriorated substantially. In the early days of colonisation, trade with whites increased dramatically, with indigenous groups exchanging skins and feathers for manufactured goods. Increasing numbers of animals were killed and by 1916 the indigenous communities were complaining that '*the game is finished*'.[2] This was exacerbated by large-scale introduction of cattle, driving the wild animals away.[3] Furthermore, as land was fenced in, hunting became subject to authorisation by the landowner. [4]

As a result, indigenous peoples were increasingly obliged to fulfil the role of a cheap source of labour for the white man's busi-

ness enterprises. Two main activities were practised by the invaders: the extraction of *quebracho* (a leather tanning extract) and cattle ranching. Chase-Sardi [5] has described indigenous working conditions and shown that they were often employed for only short periods during the heaviest work. Payment was usually in kind, normally provisions, alcohol and clothes, but prices were so inflated that indigenous workers only received a small proportion of what they had actually earned. A typical example of working conditions concerned an indigenous group which was employed for eight or nine months clearing forest. While working they only received food, and on completion of the task they were each given a pair of trousers, a pair of underpants, a shirt and a pair of cheap shoes. Many indigenous workers were encouraged to accept credit but, once in debt, were made to work only for food.[6]

The Contemporary Land Tenure Situation

In the late 1970s the Enxet began their struggle to regain possession over part of their territory. For help they initially approached the Anglican church, which responded by looking for funds in Europe with which to purchase land. Between 1980 and 1985, 42,000 hectares were bought, which were added to the 3,739 hectares that the Anglicans already possessed. There are now four colonies in the area: Makthlawaiya has 3,739 hectares, Sombrero Piri 9,500 hectares, El Estribo 9,474 hectares and La Patria 23,000 hectares. Approximately 3,500 Enxet live on these colonies, whilst another 2,500 continue to reside on the ranches. As will be shown later, the area of land that has been secured for the Enxet is quite insufficient and so they are continuing their struggle to obtain a further 160,000 hectares. They have requested that the Paraguayan government provide this land since it is constitutionally the State's responsibility to do so.

Paraguayan Labour Legislation

In 1993, after much resistance by the business and land-owning classes of Paraguay, the national Parliament passed a new labour code. A resumé follows of the aspects of the code most relevant to the working conditions of indigenous peoples, which can then be used for comparison with the actual working conditions of the Enxet:

- A minimum monthly wage has been established, which varies according to the type of work, size of business and geographical area. It is forbidden to pay less than this minimum unless the workers are apprentices or physically or mentally disabled (Articles 228, 257). If a wage is paid on a daily basis it cannot be less than the minimum wage divided by 26 (Article 232). If workers are paid according to the amount of work they do, what they earn over a given period should be at least the equivalent of the minimum wage for the same period (Article 258).
- In January 1994 the minimum wage was fixed at the equivalent of US$181.00 per month for Asunción. However, the rate for the Chaco was much lower: ranches with less than 4,000 cattle are obliged only to pay US$64.00 per month, and those with more than 4,000 US$88.00 per month.
- Although the rate for ranches is less than that for Asunción, the ranch-owner is also obliged to provide meat, milk and other basic foods which in quality, quantity and variety are sufficient for the adequate nutrition of the worker and his family (Article 169). Furthermore, good quality housing should also be made available along with the necessary furniture (Articles 163, 164, 165) and, at least once a year, workers should receive shoes, hats and waterproofs. The owner must provide drinking water for his employees and lights in the evening (Article 167).
- Wages are to be paid at least every month (Article 232). For work paid by the amount done, payment should be settled every 15 days.
- Each year the worker must receive an extra month's wages - known as the *aguinaldo* - which must be paid before 31 December (Article 243). If the worker leaves his job during the year he receives the proportion of the *aguinaldo* that corresponds to the number of months worked (Article 244).
- Workers who earn less than 200 per cent of the minimum wage can receive from their employer an extra five per cent of the minimum wage for each child of less than 17 years old (Articles 261, 262, 263). However, the employee needs to request this benefit in writing (Article 264).

- The maximum working week is 48 hours (Article 182) and the worker must have one day off per week, usually Sunday (Article 213). National holidays are also obligatory days off (Article 217) and each worker has the right to paid annual holidays (Article 218), the length of which varies from 12 to 30 days and depends on years of service.
- In periods of most intense and essential work on farms and ranches, workers can be obliged to put in extra hours (Articles 65, 181, 182). However, they must be paid higher wages which are calculated on the basis of 50 per cent extra on working days and 100 per cent extra on national holidays and Sundays (Article 234).
- Up to 30 per cent of the wage can be paid in kind so long as the goods are of use to the worker and the prices are fair and just (Article 231).
- If the ranch has its own shops, prices must be the same as in the nearest population centre and a list of the prices must be clearly visible (Article 176). Workers must not be obliged to use these shops (Article 241).
- Each employer must pay social security contributions for each of his workers to the *Instituto de Previsión Social* (IPS - Institute of Social Security). This provides a number of benefits, including free medical services, sick pay and a pension on retirement or for disability.
- When the worker is paid he must receive a payslip which gives full details of how much he has earned and how much has been deducted (Article 235).
- Discrimination in working conditions on the grounds of gender or ethnic group is forbidden (Article 67). This is reinforced by Article 20 of Convention 169 of the International Labour Organization.
- Workers are given protection against being summarily sacked for no reason. The first 30 days of employment are considered a trial period (Article 184). Once these have passed, the employee must be given warning of his dismissal. This varies according to the amount of time he has worked: the range is between 30 days for those employed for less than a year and

90 days for those with more than 10 years' employment (Article 87). If there is no just cause for sacking the employee he should be paid compensation, which is calculated at 15 days' salary for each year of service (Article 91).

As can be seen, Paraguay's labour laws give reasonable protection to workers, irrespective of gender or ethnic group. The next section will consider the reality of working conditions in the Chaco and examine how they compare with legal stipulations.

The Working Conditions of the Enxet

Before entering into detail on the working conditions of the Enxet in the Chaco it is worth making some preliminary points to put things in context. In the last few years Paraguay has been undergoing an economic crisis. Studies carried out by the *Centro de Documentación y Estudios* (Documentation and Study Centre) have shown that while in October 1988, the minimum wage in Asunción covered 96 per cent of a normal working class family's monthly expenditure, by March 1994 the figure was a mere 43 per cent. On top of this most goods are significantly dearer in the Chaco than in Asunción.

A description follows of the working conditions for indigenous employees in two different contexts: firstly those on the ranches and secondly those who live on the colony of El Estribo and work for the Mennonites.

Case 1. Indigenous Ranch Workers

Two thousand five hundred Enxet continue to live on the ranches of the area. However, there are many others who are officially resident in the indigenous colonies but who in fact spend most of the year on the ranches. Some are employed as full-time workers while others stay in one place for a few weeks or months before returning to their colonies. They remain there for short periods while waiting to be employed elsewhere.

Ranch communities vary in size from individual families to 300 people, and their characteristics are relatively homogenous. Indigenous houses are small, usually consisting of one room of no more than 25 square metres. They are constructed out of palm logs and can be shared by up to five nuclear families. All ranches

are clearly divided along racial lines, with the indigenous village geographically quite separate from the houses of the non-indigenous employees. The latter's houses are of superior quality to those of indigenous workers and are located beside the house of the owner or his administrator. The water sources of the two communities are also usually different. Indigenous workers tend to obtain their drinking water from a nearby swamp or man-made waterhole. This water is generally of poor quality and during the drought season can become positively dangerous for health. Non-indigenous employees usually have access to much cleaner water.

Health services and schools are extremely rare on the ranches. Indeed, health services over the whole area are quite inadequate. There are government health posts in Pozo Colorado and Veinte-Cinco Leguas and a private nurse has a small clinic to the south of Salazar, on the Trans-Chaco highway. The Anglican church has a health programme but limits itself to sporadic visits to the four existing colonies. Most ranch communities have no contact at all with any health service and there are large numbers of children who have never been vaccinated. This will be dealt with later in more detail in the section on social security benefits.

In general, on any one ranch only a minority of the economically active adult population is employed. For example, in 1991 in the Quebrachales Puerto Colón ranch, of the 230 families who lived there - divided between six communities - only 10 per cent had a member of the family employed by the owners; on Cora'i, in 1993, of the 63 economically active males over 16 years old, 40 per cent were employed. In the smaller ranch communities the proportion tends to be somewhat higher; in 1991 in Maroma for example, 50 per cent of adult males were employed, while in 1993 in Pozo Verde, seven of the 11 adult males had jobs. On ranches that only employ indigenous workers from the colonies it is usual for most of the adult males to have jobs.

Those on ranches who are not employed are faced with two choices. They can either look for a job on the ranches where there is no permanent indigenous population or else stay and rely on their traditional activities of hunting, gathering and fishing. Because of the generally low population density in the ranches, wildlife is relatively abundant and the traditional economy continues to be a viable option for some indigenous groups. Indeed,

it would seem that most unemployed indigenous people prefer this option. In Cora'í in 1993, of the 38 adult males not employed on the ranch itself, only 13 had jobs elsewhere. The other 25 practised traditional subsistence activities, obtaining their income from the sale of skins, feathers and honey. As will become clear, this group of men, along with the vast majority of women who continue to gather and fish, are essential to the survival of the community since the amount earned from work is insufficient for even the workers and their immediate families to survive. All food obtained, either from work or from hunting, gathering and fishing is shared amongst kin. Unfortunately, it is becoming increasingly common for the indigenous population to be denied permission to hunt even on the ranches where they live. To date their response has been to continue hunting but to ensure that they are not seen.

Having set the scene, I will now consider in more detail the working conditions of ranch employees. In my research I did not find one ranch on which the Enxet were not exploited in some way. What I observed were differing degrees of exploitation, and to examine this in more detail I will look at different aspects of the labour contract in turn.

Wage Levels

It is important to emphasise the inadequacy of the minimum wage for the Chaco, although no study, unfortunately, has been carried out on the cost of living in the Paraguayan countryside. The only data available is for construction workers in Asunción who, according to the *Centro de Documentación y Estudios*, required, in March 1994, around US$419.00 per month. Whilst this cannot be used as a direct comparison, 58 per cent of this cost is for food and clothing, a total of US$243.00. Even without taking into account the extra costs for the indigenous population, it is evident that the minimum wage for ranches is quite unrealistic. Indeed, as mentioned, certain costs in the Chaco are considerably higher than in Asunción. Minimum wages on ranches are, of course, meant to be supplemented by food provided by the employer, but, as will become evident, this rarely happens.

It is also necessary to clarify a certain semantic confusion when referring to the term 'minimum wage' with respect to indigenous labourers in the Chaco. Employers seem to under-

Fig 2. Wages paid on different ranches.

	RANCH	% OF MINIMUM WAGE	YEAR
1.	Lucero	30%	1994
2.	Kokuali	34%	1993
3.	Pozo Verde	34%	1993
4.	Salazar	42%	1994
5.	Cora'i	42%	1994
6.	Alborada	44%	1990
7.	Caraya Vuelta	75%	1991
8.	Ledesma	76%	1991
9.	Buen Amigo	77%	1994
10.	Riachito	82%	1993
11.	Santa Silvia	82%	1992
12.	Laguna Misión	83%	1994
13.	Yesamatathla	83%	1994
14.	Quebrachales Colón	87%	1994
15.	Tamarino	87%	1991
16.	Ñuri	87%	1994
17.	Laguna Pato	96%	1993
18.	Loma Verde	100%	1993
19.	Rancho del Monte	100%	1994
20.	Santa Emilia	108%	1994
21.	San Pablo	124%	1994
22.	Alfaheta	160%	1993

stand it as a maximum wage since it is almost impossible to find indigenous workers earning more. This is not the case with non-indigenous ranch workers whose lowest wages tend to start at the minimum. A few ranches pay the minimum wage to their indigenous employees but they are clearly a minority. Most pay less and this is illustrated on the following page where the wages of a selection of ranches are listed. Wages are given as a percentage of the higher of the two minimum wages:

On the Maroma ranch indigenous workers do not know how much they earn.

Although most employers pay less than the higher of the two minimum wages for ranches, it should be said that a few are in line with the lower minimum wage. Whether they should be paying the higher minimum is difficult to know since data on the number of cattle is not available. Nevertheless, it is clear that some major employers of indigenous labour pay less than half the minimum wage. Such is the case of the Salazar and Cora'í ranches belonging to the North American Robert Eaton, which together have more than 40 indigenous employees.

Furthermore, first impressions can be deceptive. There are many ways of cheating the indigenous peoples out of their legal entitlement legally entitled to. This will be illustrated in the following sections where it will become clear that data based only on supposed minimum wage is totally misleading. For example, some of those paying higher wages, such as Alfabeta and Laguna Pato, give none of the legally required provisions to indigenous workers. At the end of each month in Alfabeta indigenous workers were consistently told that their debts were greater than their wages and consequently, on account of credit given to them, never received anything.

The wages that employers pay to their workers should be declared to the Ministry of Justice and Work. To date little information has been obtained from the Ministry, with the exception of the ranches of Salazar and Cora'í. Robert Eaton declares, for some reason, that he pays a much higher wage than is in fact the case. It is also evident that he does not inform the Ministry of Justice and Work of the existence of a large number of his indigenous employees. Other ranches that do not pay the minimum wage may act in a similar way, although it seems likely that information about indigenous employees is simply not provided.

It is also extremely rare for owners to pay the extra five per cent of the minimum wage per employee's child, as required by law. However, I have not met any indigenous workers who knew that they were entitled to it and as a result none had requested it.

Extra Hours and Holidays

It is normal for indigenous employees to work longer hours than the maximum established by law. This varies throughout the year; at certain periods, such as during branding and vaccination, working hours can be very long indeed. On some ranches (Maroma, for instance) as indigenous workers put it '*Sunday does not exist*': they are made to work every Sunday. On other ranches indigenous employees work occasionally on Sundays. Of course, much of this extra work is legally permitted as long as it is paid for according to the law. However, although Quebrachales Puerto Colón S.A. did so until recently, it is virtually unknown for indigenous employees to be paid at all for extra work .

One means by which those ranches that do pay the minimum wage manage to cheat their indigenous employees is by refusing to pay for extra work. Over the course of a year the amount not paid can be considerable.

It is also usual for many indigenous employees never to receive their annual holidays. At Maroma, for example, the only days off for indigenous workers are two or three at Christmas and Easter. On Salazar and Cora'í there are indigenous workers who have worked for over 10 years and never had a holiday. There is no extra pay for working during the annual holidays.

Provisions

As mentioned, ranch owners are obliged to give their employees free food, sufficient to provide an adequate diet for the worker and his family. I have not calculated how much food this would require and, anyway, it should vary according to the size of a family although in practice indigenous workers on any ranch all receive the same amount irrespective of the size of their family.

To provide a basis for comparison I will detail the amount of provisions that a non-indigenous worker receives on the Cora'i ranch, in the belief that the owner assumes this to be adequate nutrition for a family of human beings. I will then compare this with what indigenous workers receive on different ranches. The information can be seen in the chart below. I have not included Rancho del Monte where, each morning, the indigenous workers receive half a kilogramme of three different things, a total of 45 kilogrammes per month. Kokue'i is also different from the norm in that the patron employs one of the indigenous women to cook all meals for the employees and their families.

Fig. 3. Provisions received per month on the ranches
Figures represent provisions for one individual; measurements are in kilogrammes unless otherwise stated.

UNITS (KILOGRAMMES)	Cora'i non indigenous	Cora'i indigenous	Lucero	Ñuri	Maroma	Loma Verde	Cerayo Vuelta	Salazar	Alborada	Pozo Verde	Buen Amigo
Maize seed	8	12	2	12	4	-	16	6	-	4	8
Manioc flour	8	6	2	8	4	2	8	6	-	4	6
Rice	8	4	2	12	-	2	-	6	-	4	8
Yerba mate	8	6	2	4	4	4	8	6	4	4	8
Flour	4	-	-	-	-	-	-	-	-	-	-
Dried bread	4	-	-	-	-	1	-	-	-	-	-
Manioc flour (quality)	4	-	-	-	-	-	-	-	-	-	-
Maize flour	4	-	-	-	-	-	-	-	-	-	-
Pasta	4	-	-	-	-	1	-	-	-	-	-
Sugar	4	-	-	-	-	1	-	-	-	-	-
Beans	-	-	-	8	-	-	-	-	-	-	-
Salt	2	4	2	-	4	1	8	-	4	-	-
Fat	-	4	2	-	-	-	8	-	-	-	-
Soap	4	-	-	-	-	-	-	-	-	4	-
TOTAL (KILOGRAMMES)	**62**	**36**	**12**	**44**	**12**	**12**	**48**	**24**	**8**	**20**	**32**
UNITS (LITRES)											
Cooking Oil	4	-	-	-	-	-	-	-	-	-	-
Kerosene	2	-	-	4	-	-	-	-	-	-	-
TOTAL (LITRES)	**6**	**0**	**0**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
TOTAL UNITS	**68**	**36**	**12**	**48**	**12**	**12**	**48**	**24**	**8**	**20**	**32**

Meat is not included in the lists as it is somewhat more difficult to measure; I will therefore briefly describe some of the different ways in which meat is given. On Cora'i, a non-indigenous worker receives 28 kilogrammes of meat per month and it is normal, on most ranches, for indigenous workers to receive at least some. Indeed, in Ñuri, they get 30 kilogrammes per month. On Cora'i itself, the indigenous workers at times receive 28 kilogrammes. (ie some seven kilogrammes per week) but, since they are served last, if there is not enough, some weeks they may receive as little as 3 kilogrammes. On other ranches the situation is much worse. In Loma Verde the indigenous employees get only leftovers, such as neck and bones, and a similar situation occurs in Pozo Verde where only bare bones are given. In Lucero they are given four strips of dry meat and three

small pieces of bone each morning. Unlike in the city, meat is of course the cheapest food available on the ranch, it being relatively easy to kill old or surplus animals. So the real cost to the owner is minimal.

Looking at the different ranches, it is difficult to believe that what the indigenous workers receive can be regarded as 'adequate nutrition'. It is clear that few indigenous workers come anywhere near what their non-indigenous counterparts receive in Cora'í. Indeed, on Cora'í itself provisions for indigenous workers are much lower than for non-indigenous workers. Furthermore, as pointed out previously, there are also ranches where indigenous workers receive no provisions at all, such as Quebrachales Puerto Colón, Laguna Pato and Alfabeta.

But since even the rations indigenous employees do receive are inadequate, they are obliged to purchase a large proportion of their food from the ranch store. This is dealt with in the next section.

Debt on the Ranches

Debt is a fact of life on the ranches and is used as a means of further exploiting indigenous workers. Each ranch has a store in which a range of goods can be found. The most limited stores have basic foodstuffs, including those that are not given free of charge to indigenous workers. Others have a much more elaborate range of goods which includes clothes. Since the indigenous workers receive insufficient provisions, the rest of their basic food supply and other goods is obtained on credit. On pay-day the total amount owed is deducted from their wages.

Almost without exception, the amount received as credit exceeds the 30 per cent maximum established by law. The following data are taken from the wage-slip of a worker in Ñuri.

Fig.4

month	pay (Guaranies)	credit	money recieved	equivalent in US Dollars
AUG 1993	126,384	85,397	41,007	$21.50
SEP 1993	126,384	88,494	37,390	$19.90
OCT 1993	126,384	77,192	49,192	$25.80
NOV 1993	126,384	128,538	(-2,204)	(-$ 1.2)

These figures indicate that, over a four-month period, this indigenous employee was receiving 75 per cent of his wage in the form of credit, and only 25 per cent as cash. This is an example from one of the better ranches: the wage it pays is higher than normal and the indigenous employees receive relatively good provisions. Nevertheless, the amount of cash left at the end of the month is minimal. As can be imagined the situation is much worse on most other ranches. On Cora'í and Salazar, for example, indigenous workers receive the equlivalent of about US$3.00 monthly (seven per cent of their wage) in cash; while in Pozo Verde they get between US$3.00 and US$6.00 (between 10 and 20 per cent of their wage). Many indigenous workers complain that they never receive any cash at all.

Unscrupulous employers can easily take advantage of the system. Most Enxet on the ranches are illiterate, and therefore even if the prices of goods were displayed (which, in violation of the labour code, they usually are not) they would not know what prices they were paying. They are also completely unaware of the correct prices in the cities of Asunción or Concepción. On many ranches the owners refuse to tell their indigenous employees the prices of goods and on pay-day they receive no bill detailing the amount of their debt. Under such conditions it is impossible to know the degree to which the owners overcharge indigenous workers but, given the lack of clarity in their dealings with them, it is fair to presume that the practice of overcharging is common. The one concrete example to date is at Pozo Verde where the owner obliges indigenous workers to buy cheap cloth at up to three times its market value. On certain ranches where there is a higher degree of literacy among indigenous workers they have managed to get the owner to declare the costs of goods. In Cora'í I noticed that the community leader kept a meticulous account of everything, but, even so, the amount of cash he received was insignificant.

The only other option for indigenous workers to purchase goods is from *macateros*, travelling merchants who visit the ranches. However, their prices are also high, and many ranches anyway now refuse the *macateros* permission to enter. As a result, indigenous workers are obliged to buy everything from the ranch store. Lack of competition facilitates the owners' charging of high prices.

Frequency of Payment of Wages

Many ranches pay on a monthly basis as stipulated by law. However, there are many that do not. When I visited Ñuri in March 1994 the last wage to have been paid was four months earlier, in November 1993. Some ranches, such as Maroma, Lucero and Kokue'í, pay their workers only once a year at Christmas. The owners supposedly deduct from their accumulated wages the total amount of credit that they have received throughout the year. Of course, in the absence of detailed records and a numerate workforce, workers are almost bound to be swindled. In Maroma one worker received a total of US$120 for the year of 1992 and the same amount in 1993; another was paid US$60.00 in 1992 and US$180.00 in 1993. In Kokue'í, indigenous workers should have been paid around US$ 30.00 per month but in 1992 received this sum only at the end of the year, for the whole year. On both ranches the total amount received is the equivalent of the *aguinaldo* or only slightly more. Consequently, on these ranches the indigenous workers receive virtually nothing for their work during the year.

Non-payment of Wages

Indigenous workers have limited access to legal support services, so if an employer decides not to pay his indigenous workers there is little they can do about it. They usually continue working, so do at least receive provisions, either free or as supposed credit. Some, however, eventually decide to leave and accept their unpaid wages as lost. The position is more serious for those who have been employed to do specific jobs, such as fence construction or land clearance, and are paid according to the amount completed. Although legally their employer should pay them every 15 days, it is not uncommon for payment to be delayed until the end of the job while debt is built up by giving on-the-job provisions. Two indigenous workers, for example, who put up a fence in the ranch of Santa Catalina during the last five months of 1993, received, as credit, goods worth US$387.00, but were due a further US$532.00 in cash. Five months later they had still not been paid this money.

Since 1991, the Anglican church has provided a lawyer who has given some support to indigenous workers who attempt to claim unpaid wages. One of the first actions taken was against Lota S.A., the owners of the Ñuri ranch. Five indigenous workers whose pay

should have been $36.00 per month had received nothing for five months. They left their jobs in disgust and asked for legal assistance. Eventually Lota S.A. paid what was due. A number of other actions have been successfully undertaken, although it is clear that they are only the tip of the iceberg.

Aguinaldo

Many ranches refuse to give their indigenous workers the *aguinaldo* to which they are legally entitled. On Cora'í, indigenous peoples have recounted the owner's attempts to trick them into believing that they were receiving their *aguinaldo*. In the month of December they were forbidden from obtaining credit from the store, with the apparent result that, at the end of the month, for the only pay-day of the year, they received their full wage. They were informed that, the cash received, being perhaps 10 times greater than normal, included their *aguinaldos*. Although the workers were not fooled, they had little option but to accept what was happening.

Job Insecurity

Lack of legal support has also meant that indigenous workers are in a perpetual state of insecurity as regards their employment. They can be sacked at will without being given the required notification or compensation. This is a major disincentive to any indigenous employee who is contemplating a protest over working conditions. Some, when unfairly dismissed, have successfully used the legal services provided by the Anglican church to obtain some compensation. Nevertheless, these cases represent only a small proportion of those suffering such unfair dismissals.

A serious example of mass dismissal occurred in January 1994 when 18 indigenous workers were sacked on the Cora'í ranch. The community's leaders travelled to Asunción to denounce what had happened and as a result the Ministry of Justice and Work intervened in the ranch. However, by May 1994 the case had still not been adequately resolved and the Ministry was showing a marked reluctance to hurry it along.

Social Security

In general, the ranches which pay the minimum wage tend to fulfil their social security obligations, whilst those that do not also forget

about social security payments. The Cora'í and Salazar ranches are an exception - despite paying a wage less than half the minimum, social security contributions are still paid for some of the indigenous workers. However, the owner, interestingly, informs the *Instituto de Previsión Social* (IPS, Institute of Social Security) that he pays a much higher wage. Furthermore, the indigenous workers from these two ranches were not aware that their social security dues had been paid for them until July 1993, so were not able to claim any benefit.

The main benefits that employees miss out on if their social security dues are not paid are free health care, sick pay, and a pension for retirement or injury at work. But the validity of these benefits anyway begs examination. It is fine to have free health care as long as getting to a city clinic is feasible: sick indigenous workers find it almost impossible to do so; many have to travel one or two days by horse just to reach the bus which will take them to the city. Once an indigenous worker retires, it is extremely difficult for him to deal with IPS bureaucracy, which seems designed contrarily to *prevent* people from obtaining their pensions. Since 1991, some have received help from the Anglican church, but even then there is no guarantee of success.

Many indigenous workers are not even aware of the benefits that they can receive from social security since there is no attempt to inform them. In 1992, for example, when a worker in the ranch of Santa Silvia lost his arm in an accident at work, he was taken to Asunción and treated in the IPS hospital, then sent home without applying for his disabilility pension; by May 1994 he still had not done so.

In the absence of government support, the health care received by most indigenous ranch employees who become seriously ill depends on the goodwill of their employer. Some take the paternalistic approach and are prepared to transport them to hospital and cover all their costs. Others take them to hospital but then deduct the costs from their wages. Many, however, are dependent on loans to go to the city. Those employers who pay the lowest wages are reluctant to give adequate loans in these cases and the situation of many indigenous workers is illustrated by the following two accounts.

In 1991 or 1992, on the ranch of Pozo Verde, the wife of one of the indigenous workers was taken seriously ill in the late evening. Her husband asked the owner of the ranch to take his wife to hospital, but, although the hospital was only an hour's drive from the ranch, his request was rejected. The following morning the worker

took his wife in a horse-cart, but she died before reaching the ranch gate. In June 1993, the same man's son also became gravely ill. He once again went to the owner, this time to ask him for a loan. The owner's response was that he did not possess a bank and had no money. Eventually he handed over less than 50 US cents, which was not enough for the father to pay for the necessary treatment; his son died on July 3rd 1993.

In Lucero, in early 1994, an indigenous employee asked the owner for a loan to take his wife to hospital in Concepción. When the owner promised only US$30.00, the employee pointed out that this would just cover their bus fares to and from Concepción and that he would need more. An argument ensued and as a result the employee was sacked and given a total of US$12.00, reputedly to cover the wages he was owed as well as his *aguinaldo*.

Racial discrimination

On virtually all the ranches of the area there is marked racial discrimination. Usually, whenever non-indigenous and indigenous workers do the same job on the same ranch there is a notable discrepancy in the way they are treated. A non-indigenous worker receives a higher wage and more provisions: on Salazar ranch, for example, indigenous employees working on horses receive US$ 50.00 while the non-indigenous doing the same job get US$99.00. Non-indigenous workers are more likely to have their social security paid, live in houses of higher quality and have access to cleaner water. They are also less likely to be dismissed from their jobs. While a poor non-indigenous employee may be exploited by the ranch owners, such exploitation is mild compared with what is suffered by his indigenous colleagues.

Female Labour

So far the report has dealt exclusively with male employment. Nevertheless, there are usually a few women employed on the ranches and, as I will illustrate, their position is even worse.

Women have two sources of employment on the ranches; they can either work for the ranch itself or be employed for domestic work by non-indigenous ranch employees. This choice makes little difference to their situation and they are easily the most exploited sector of the population.

Working hours may vary between six and 11 per day but pay is consistently and exceptionally low. In Salazar, women employed by the ranch received approximately 15 per cent of the minimum wage. In Pozo Verde, a woman employed by ranch owner Norman Kent was given 0.4 per cent of the minimum monthly wage plus three metres of cheap cloth. Another, who worked for the Maroma ranch, was paid, like the men, only once a year and then received US$18.00 This would not even cover 25 per cent of her *aguinaldo*. Other women who made woollen blankets for the owner were never paid what they were owed.

Those employed by non-indigenous ranch workers were in a similar position. In Salazar they were given between four and 13 per cent of the minimum wage per month, 13 per cent per month in Puerto Colón, 14 per cent in Los Lapachos and 21 per cent in Ledesma.

The only real reason why women work is to obtain food, either in the form of meals provided by their employers or extremely small quantities of provisions. It does not need to be pointed out that the other examples of exploitation described for male workers also apply to female labour.

Case 2. The Mennonite Colonies and Labour from Indigenous Peoples Colonies

The Mennonite colonies are situated in the Central Chaco to the north-west of the territory of the Enxet-Sanapana and Enxet-Lengua (Sur). The first Mennonites arrived in the Chaco in 1927 and currently own more than 1,100,000 hectares of land. Their population is 12,500 and they are divided into three administrative colonies: Menno, Fernheim and Neuland. In the area of the Mennonite colonies there is an indigenous population of 18,000 whom the Mennonites can exploit as a source of cheap labour. The labour situation described here concerns the southern part of Menno Colony, known as Menno Sur.

The economy of Menno Sur is based on two activities: cotton and milk production. Both activities use indigenous labour: in cotton production for weeding the fields and harvesting, and in milk production, usually to clear forests for pasture and milking. In the last five years, with increasing Mennonite awareness of the marginal nature of the Chaco for agricultural production, milk production has rapidly replaced cotton, as it involves a much lower degree of risk.

The indigenous population with whom this report is concerned is from the colony of El Estribo. This colony was established by the Anglican church in 1985 and was settled by Enxet-Lengua from the old Anglican mission station of Makthlawaiya and the ranches of the zone. El Estribo became a refuge for many Enxet-Lengua escaping from the ranches and its 9,474 hectares were rapidly overpopulated. The colony's population of approximately 1,300 allows 30 hectares per family, compared with the minimum 100 hectares stipulated by Law 904/81 and the even more favourable stipulations of the 1992 Constitution.

As a result of overpopulation, subsistence on this their own land is not possible for the indigenous community. Most families have small gardens and a few have some cattle while others attempt small-scale honey production. Due to the high density of population, hunting and gathering are little more than marginal activities and there are few areas where they can fish. However, the main economic activity is employment on Mennonite farms and, as a result, at any one time over half the population is usually absent from the colony. During periods of the most intensive work, during the cotton harvest for example, the absentee population commonly reaches 50 per cent, and in some cases up to 70 per cent.

According to the Menno Colony administration, in 1993 all indigenous employees should have been paid a minimum of US$ 6.00 per day. In reality, even 1994 wages are much lower, normally varying between about US$3.50 and US$5.00 per day, amounting to between US$91.00 and US$122.00 per month or, between 93 per cent and 124 per cent of the minimum wage. Those who work with dairy cows normally earn between US$88.00 and US$120.00 per month. However, work on Sundays, which should be paid double, is not. Consequently, what they earn is the equivalent of between 76 per cent and 101 per cent of the minimum wage. In effect they work for nothing on Sundays. It is also extremely rare for the Mennonites of Menno Sur to pay the legally required *aguinaldo*, which obviously brings them considerable savings. Furthermore, indigenous workers do not receive extra payments for their children.

During the cotton harvest, Mennonite farmers arrive in El Estribo in search of large numbers of workers. Whole families go off with them and even the children will work in the fields. In 1994, Mennonite farmers paid US$0.15 per kilogramme of cotton harvested and income was dependent on the speed and ability of the workers.

Experienced workers can harvest 100 kilogrammes per day but it is more normal for people to achieve between 20 and 50 kilogrammes. This earns them between US$3.00 and US$7.00 per day. When all the family is working, a reasonable income can be obtained. But in order to work on the cotton, their own gardens have to be neglected, so that once the harvest finishes they are left without either jobs or food from their gardens in El Estribo. Children also have to leave their schools.

Despite superficial impressions, it is questionable whether the situation for indigenous labour is better in the Mennonite ranches. This is because it is almost unknown for indigenous employees in Menno Sur to receive the legally prescribed provisions. All food is obtained as credit from the employers, and consequently take-home pay is very low. Most of the indigenous population in this situation tend to have a diet of plain rice or pasta since meat, at around US$2.30 per kilogramme, is beyond their means, while on other ranches it is normally free. The possibility of hunting and fishing is extremely limited, thereby cutting off another important nutritional source. It is probable, therefore, that the level of nutrition in the Mennonite colonies is actually worse than on the ranches.

No cases have come to light, moreover, of an El Estribo indigenous worker's social security (IPS) being paid by a Mennonite employer from Menno Sur. The Mennonites' justification for this is the existence of a medical insurance plan which they themselves run, and which is available to all indigenous workers of Colonia Menno, and seemingly provides 100 per cent health cover at a relatively low cost. The major failing of this plan, however, is that it does not offer a pension for retired indigenous workers, leading to an unnecessary increase in dependents for workers on already small wages. In this respect it does not adequately replace the IPS provisions.

Furthermore, the reality for workers from El Estribo is that very few receive this insurance at all. Most have either not heard of it or else have been told privately that they cannot apply because they are from El Estribo and should be looked after by the Anglican church. Since the medical service provided by the Anglican church is extremely limited and the costs of the Mennonite clinic and medicines are beyond their reach, for the workers in reality, there is virtually no western medical care available. It should be said that elsewhere in the Mennonite colonies many indigenous workers do receive this insurance but as far as the workers from

El Estribo are concerned it appears to be little more than a propaganda exercise.

The indigenous employees of the Mennonite colonies also suffer from clear discrimination in that non-indigenous workers always receive much higher wages.

Conclusions

The working conditions of the Enxet indicate a clear case of exploitation, varying in degree from employer to employer. With the labour laws of Paraguay as a means of comparison, it is obvious that the violation of legal norms is widespread and, in many cases, extreme. Low wages, insufficient provisions, no extra pay, no job security, lack of access to social security benefits and open discrimination are common. On many ranches, indigenous workers receive little more than their food. On Cora'í and Salazar, for example, many indigenous workers purportedly receive a total of some US$ 80.00 for the whole year, which includes their *aguinaldo*. The rest of their already low wages is spent on food they should be receiving free. A calculation of the amounts landowners have not paid indigenous workers over a period of years shows the extent to which they have been cheated. Cora'í and Salazar are, again, a good example. In the course of one month, the owner pays US$51.00 less than the minimum wage to the majority of his indigenous workers, with only a few receiving slightly higher wages. With an owner who employs around 40 indigenous workers, this means that in any given month he omits to hand over US$1,875, saving a total of US$22,500 in a year. If we calculate this for the 40-year period for which such exploitation has been going on, his indigenous workforce is owed a total sum of about US$900,000. In real terms, the situation is even worse since I have not taken into account the employers' failure to pay the *aguinaldo* over the long-term, the inadequate amounts of provisions provided by the owner, and the fact that extra work on Sundays and at other times has not been paid, as well as other factors.

Of course, many landowners use certain arguments to defend their exploitation of indigenous peoples. Some firmly believe that indigenous labour is, indeed, worth very little and say that indigenous workers are lazy and that their working standards are vastly inferior to those of non-indigenous workers. Those who propound this argument prefer to ignore evidence to the contrary and seem unware that working hard is one means by which an Enxet can gain

prestige in his or her community. Furthermore, they do not seem to perceive the correlation between low wages and low motivation and do not realise that when the latter occurs it is usually a direct consequence of the former. Other owners say that they employ indigenous workers out of the kindness of their hearts, to prevent them from starving. They argue that since they are doing the indigenous peoples a favour and are employing them when not really needed, it is quite justifiable to pay them low wages. While this may undoubtedly be so in a few cases, if the intentions of the employers were indeed so laudable, why does treatment of indigenous workers include consistent refusal of holidays, being overcharged for provisions, not being informed of their wages, not being paid, and so on? Many of these ranches are completely dependent on indigenous labour, so whatever the landowners think, they have no alternative but to pay the minimum wage.

It would not be right to blame the landowners for all the violations of the labour laws. In the large indigenous communities where there are high numbers of unemployed, it would not be appropriate for employers to provide a standard of housing for their indigenous labourers which was vastly superior to the rest of the indigenous community. This would create the potential for problems within the community and would violate the indigenous peoples' own egalitarian ethics. Similarly, providing payment in kind as credit, which passes the legally established 30 per cent of the wages, need not lead automatically to a violation of human rights, provided prices are fair and the free provisions are adequate. Indigenous people themselves usually demand credit and it would be wrong of the owner to refuse it. However, these are relatively minor issues and the blame for the other abuses should be laid squarely on the shoulders of the landowners and the Paraguayan government.

There are a number of reasons which explain why the wages of indigenous workers are so low. As mentioned above, many are unaware of their rights and have anyway had virtually no access to effective legal support. However, the main reason for the indigenous peoples' weak position is the abundant surplus of labour in the region. Because of the high levels of unemployment in the larger ranch communities, anyone unfortunate enough to lose his job is unlikely to obtain another one quickly. The unemployed are permitted to continue certain traditional subsistence activities - essentially hunting, gathering and fishing - so as to get enough food

to keep them alive. A surplus workforce is thereby maintained that can be called on when needed and, more importantly for employers, its existence means that indigenous workers cannot demand higher wages which would mean risking dismissal. An employer can immediately replace any sacked workers.

The existence of the indigenous colonies in their present overcrowded conditions exacerbates this situation. The proportion of territories under effective control of the different indigenous peoples across the Chaco by the end of 1995 is seen in hectares in the table which follows:

Figure 5. Percentage of traditional territory currently possesed by Indigenous peoples in the Chaco.

PEOPLE	LAND AREA CURRENTLY POSSESSED	PRESENT AREA AS PERCENTAGE OF TRADITIONAL TERRITORY	HECTARES PER FAMILY
Ayoreo	56.300	1.0%	97
Chamacoco	25.828	0.7%	78
Enxet	184.913	2.5%	34
Guarayo	32.696	N/A	65
Maká	605	almost nil	2
Manjuy	8.025	0.6%	47
Ñandeva	26,833	4.5%	66
Nivaklé	142,947	4.5%	47
Toba	8,373	1.0%	33

Although the land was bought in the early 1980s with the intention of allowing indigenous communities greater independence, this has not, in reality, been the result. A major flaw was that insufficient land was bought, with the result that the areas were rapidly overpopulated: large numbers of indigenous workers escaped from their ranches in search of what they hoped would be a better life. El Estribo has little land available per family, Makthlawaiya has only 28 hectares per family, Sombrero Piri 40 and La Patria 83. Comparing this with the legally stipulated minimum of 100 hectares per family, it is clear that the land available is insufficient. Indeed, the more recent constitution specifies an even larger area of land per family.

It is impossible for all members of these colonies to subsist on the resources that are available on them. More than half the people

are usually away working, which enables the rest to maintain themselves, however inadequately, within the colony. These then provide the basis for the subsistence of those who return for short periods between jobs. In effect, the colonies, better classified as work-camps, are popular with landowners since without any degree of responsibility cheap surplus labour can be maintained and is always available.

The essential problem for the Chaco indigenous peoples, and the one that makes them so susceptible to labour exploitation, is lack of access to their own land. The Paraguayan Constitution (Article 64) states that:

> indigenous peoples have the right to land held as communal property, of sufficient size and quality for the conservation and development of their own characteristic ways of living.

Reality is, of course, quite different and even the small areas of land that have been secured are quite insufficient for existing populations.

If the Paraguayan government were to comply with its own constitution, the indigenous population would be provided with viable alternatives to paid employment. They could, if they so desired, decide to live off their own land and reject the option of working on the ranches. If the owners wanted to attract indigenous labour they would be obliged to pay better wages and improve the living conditions of their workers. Those employers who refused to do this would, in all probability, find it impossible to contract indigenous labourers as most would prefer to live off their own land. As it is, such an option does not exist and the only alternative for the indigenous population is to offer themselves as cheap labour.

The only effective solution to the problem of the exploitation of indigenous labour is to provide them with adequate and suitable land. As mentioned, the Enxet have put in claims to the government for 160,000 hectares: it is of the utmost urgency that the Paraguayan government resolve their claims, supplemented by the provision of adequate legal support so that indigenous groups can take action against landowners who continue to abuse their rights. The Paraguayan government's inaction in resolving the land question means that it can only be seen as an accomplice in the exploitation of the Enxet. To promulgate beneficial laws and constitutions without implementing them is not sufficient. Indeed, to date, the

only real function of such laws has been as propaganda to improve Paraguay's international image. The fact that the Enxet are claiming their traditional land is evidence of their active attempts to improve conditions. It is to be hoped that they get adequate support in their struggle.

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Postscript (1994 - 1996)

Since this report was finished in early 1994, there have been a number of changes in the situation of the Enxet, not least the fact that their land campaign has become much more vigorous and gained in the process, a certain national prominence. Hundreds of newspaper articles have been published detailing the exploitation they are suffering and a number of leaders have become adept at putting across their case on national radio and television. To press their case, they have become regular visitors to government institutions and this culminated, in October 1995, in a protest march on Parliament in which 400 Enxet participated. The Enxet have also obtained the support of a number of international institutions and, as a result, have managed to postpone the commencement of a large European Union project in the Chaco and preconditioned its eventual implementation on the prior resolution of their land claims.

The Enxet have faced strong resistance from both the Paraguayan government and the affected landowners. Nevertheless, they still managed to persuade the government to substantially increase its budget for the purchase of land and, as a result, in late 1995, 35,000 hectares were obtained for three communities.

Many communities have also begun to actively oppose the situation of labour exploitation in which they find themselves. Since August 1994, more than 70 Enxet have begun legal proceedings against their employers. The largest cases involve the ranches of Salazar, Cora'i, Maroma and Lucero where the owners are being sued for unpaid wages. According to Paraguayan law, employees can claim up to 12 months in unpaid wages and, on these ranches, the Enxet have claimed the difference between their real wage and the minimum wage, approximately US$750.00 each. On other ranches there have been a number of claims for unfair dismissal and inadequate compensation.

The claims have had the positive effect of improving the labour conditions on some of the affected ranches. For example, on Salazar

and Cora'i the Enxet workers now receive the minimum wage and paid holidays but, although their provisions have improved, they are still inferior to those of non-indigenous workers. They also still do not receive child benefit. Unfortunately, none of the legal actions have yet been resolved with some having been in the courts for over two years. Furthermore, reprisals are being taken by certain landowners who, because they are opposed to paying the minimum wage, are refusing to employ indigenous labour.

However, on most ranches and in the Mennonite colonies there has been little change in the situation of the indigenous labourers. Wages are as low as ever and other benefits are still not provided. Although an increasing number of Mennonites feel obliged to pay health insurance, many indigenous workers still find it denied them. Indeed, in February 1996, an Enxet from El Estribo, who became ill when working for a Mennonite, was allowed to die by his employer who, because he had not paid medical insurance, refused to take the sick man to hospital.

On some ranches the situation has deteriorated considerably. For example, in April 1996 the community of Yesamatathla were expelled from their homes by the owner of the ranch on which they lived who then proceeded to destroy their houses. Those dismissed from work were given completely inadequate compensation and the whole community was forced to move to the already overcrowded colony of Makthlawaiya where they are still living in precarious conditions. The cause of the explusion was the landowner's anger at the community having initiated a small land claim: they are requesting a mere 10 per cent of the ranch.

In mid-1994, the Enxet received a tremendous moral blow when the Anglican church decided to withdraw its legal support. The Anglicans had become increasingly worried about the political nature of the Enxet land campaign and the fact that the conflict with both the government and the landowners was worsening. The Anglican church's abandonment of the Enxet caused great harm but, fortunately, a new organisation - Tierraviva - was created which, within a few months, was able to provide much more effective political and legal support. At the end of 1995, the Anglican church also cancelled its health programme leaving the Enxet even more exposed.

It is still difficult to know whether the Enxet land claims will finally be resolved. The increase in government finance for land purchases has unfortunately led to substantial rises in land prices, in

some cases as much as 100 per cent. There is clear evidence that this is the result of the government agency responsible for the land purchases coming to an agreement with the landowners to pay higher prices and share the profits. As a result much less land can now be purchased with the available money. There are also indications that the European Union has been cooperating with the landowners against the interests of the indigenous people and is reinterpreting the preconditions for the EU project so that it can go ahead without all the land claims being resolved. Clearly, there is still much to be done.

Notes

1 Chase-Sardi M, Brun A, Enciso M. A, 1990. *Situación socio-cultural, económica, jurídico-político actual de las comunidades indígenas en el Paraguay.* CIDSEP, p 11 Asunción.

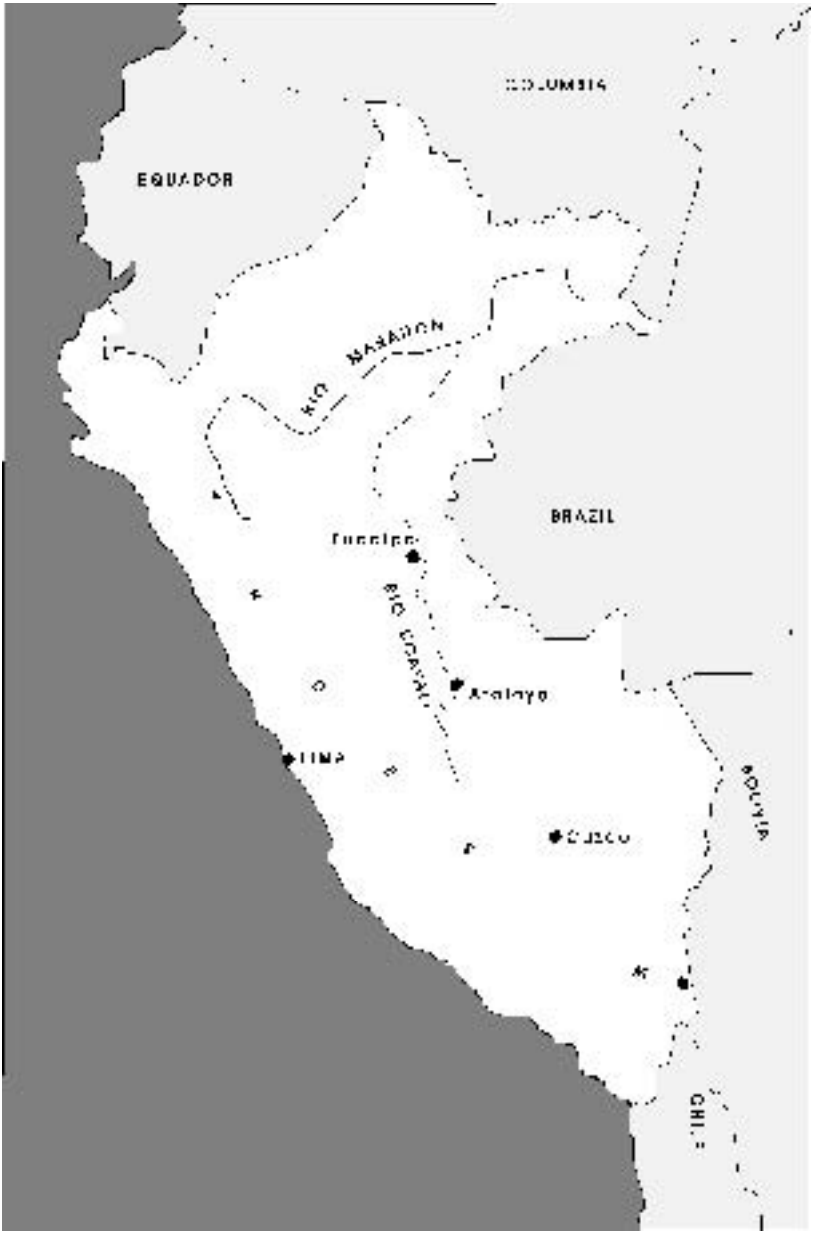
2 Pride, A, 1916. *Itineration in the Paraguayan Chaco,* p 103.

3 Thomas, J.W, 1922. in *South American Missionary Magazine.*

4 Chase-Sardi M, 1972. 'The present situation of the Indians in Paraguay' in Dostal W (Ed), *The Situation of the Indians in South America*, World Council of Churches, p 203, Geneva.

5 *ibid*. p 202 ff

6 Thomas, J.W, 1922. *op. cit.*


EQUADOR
RIO MARANON
BRAZIL
RIO UCAYALI
LIMA
CHILE

Name of Instrument	Date in force	States Parties to date	**Peru** Ratifications
UN International Covenant on Economic, Social and Cultural Rights (1966)	1976	134	Yes (1978)
UN International Covenant on Civil and Political Rights (1966)	1976	133	Yes (1978)
UN Convention on the Elimination of All Forms of Racial Discrimination (1965)	1969	146	Yes (1971)
UN Slavery Convention (1926, amended 1953)	(1955)	91	No
UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	1957	114	Yes (1956)
ILO Convention Concerning Forced or Compulsory Labour (No 29-1930)	1932	135	Yes (1960)
ILO Convention Concerning the Abolition of Forced Labour (No 105-1957)	1959	112	Yes (1960)
ILO Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Peoples in Independent Countries (No 107-1957)	1959	27	Yes (1960)
ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No 169-1989)	1991	6	Yes (1994)

Chapter Eight:

PERU

Freedom and Territory: Slavery in the Peruvian Amazon [1]

Andrew Gray

> When we speak of my community, Pensilvania, I know of the slavery which occurred there some years ago. Although I was not enslaved, my father and brothers were. The master in my community was Fernando (Jaime) Perez. He lived within our territory and my people were in debt to him. The form of slavery in the farm consisted of working daily without payment. When the community worked for the patron he would give only something in exchange, for example a machete or some axes. The people had to clear a field or cut wood. He gave them no wood and not even a salary, only made them understand that he had given them something. The people did not know and could not complain. Then the patron would take out of their 'account' things which they needed, like salt. Everything was exchange. The people did not receive money, they received things. You could work three or four years for a motor or even work five years. This is what happened in my community.

This statement, given by an Ashaninka leader, Carlos Vasquez, is similar to countless testimonies heard in indigenous communities throughout the upper Ucayali and lower Urubamba rivers of the central Peruvian rainforest. The local people tell their history of slavery and slave-like practices, particularly debt bondage and serfdom, which has plagued the Ashaninka for over one hundred years since even before the time of the rubber boom. The descendants of the rubber barons, such as Jaime Perez, are powerful colonists, who control the local cattle and logging economy and who, until only a few years ago, bonded as many as three or four hundred indigenous people to their farms at a time.

Contemporary slavery in the Amazon takes several forms, such as chattel slavery (partial or total ownership of one person by another), debt bondage (labour in payment of a debt which is never

liquidated) or serfdom (a status of tenant bound to live and work on another's land but not free to change), but it also assumes certain characteristics according to the peoples who are the victims.[2] The defining feature of indigenous peoples is that in spite of their prior occupation of a territory before the presence of a contemporary nation state, they are completely or partly deprived of their rights.[3] Indigenous peoples all over the world are renowned for the intricate blend of economic and spiritual relationships which they hold with their territories, for their distinct cultures, their varieties of social organisation and political institutions as well as their determined capacity to control their future development.[4] The slavery of indigenous peoples affects all these aspects of life.

Amazonian Peru contains over 60 different indigenous peoples who number about 500,000 persons, most of whom are organised into about 3,000 communities according to the Law of Native Communities[5] which has a provision to recognise land titles for each indigenous settlement. Exploitation in the Amazon takes two main forms. One consists of the extraction of resources following a 'boom/bust' cycle, creating and destroying enclave economies according to national and international demand. The other is state-encouraged colonisation of the Amazon, using colonists to secure frontiers, extract wealth and establish political control.[6] The area under discussion in this article combines elements of both types of resource exploitation, which together have created the conditions for the slavery of the indigenous Ashaninka people.

Slavery has taken place throughout Peru, but it has been particularly persistent in recent years in the province of Atalaya in the Ucayali Region. The Ucayali is the central region of the Peruvian rainforest and covers 102,000 square kilometres with a population of 178,500 people. Ninety per cent of the population lives in the province of Coronel Portillo, where the regional capital Pucallpa is situated, while the indigenous population consists of 30,000 people who live in 227 recognised native communities. The main economic activities of the Ucayali are cattle ranching and logging, both of which are controlled by a small non-indigenous elite usually referred to by the Spanish term *patrones*, meaning 'master' or 'boss' in English. Much of the economic exploitation of the region takes place in the rural areas where the majority of indigenous peoples live and where in most districts they considerably outnumber the non-indigenous colonists. With an elite controlling an economy

which exploits resources in indigenous areas, the stage is set for social problems between indigenous peoples and non-indigenous colonists. Nowhere is this more apparent than in Atalaya.

Atalaya is a small town which lies where the confluence of the rivers Tambo and Urubamba forms the Ucayali river. The total indigenous population of the area consists of about 12,500 Ashaninka, Shipibo, Yiné (Piro), Amahuaca and Yaminahua.[7] All of these peoples have had their territories invaded by colonists to varying degrees and have suffered from consequent exploitative labour relations. Those primarily affected by slavery have been the Ashaninka who live on the upper Ucayali between Atalaya and Bolognesi, although the Yiné of the upper Urubamba have also experienced severe injustices from local *patróns*.

This article looks at the indigenous Ashaninka of Atalaya, how slavery has affected them in the past and the process of emancipation which has taken place over the last 10 years. This case study provides an illustrative example of the forms of slavery which affect indigenous peoples and demonstrates how emancipation can be achieved as a result of the recognition of territorial rights. The liberation of the Ashaninka has consisted of a decolonisation process, starting with the recognition of the existence of slavery by the victims, and their subsequent political mobilisation. With the support of the local and national indigenous organisations, the authorities and general public became aware of this unacceptable abuse of human rights. The emancipation of indigenous slaves is thus entwined with their liberation as colonised peoples.

The Ashaninka - an Historical Background

The Ashaninka are an Arawak-speaking people who live in the central Peruvian Amazon. Sometimes known erroneously as 'Campa' they currently number about 55,000.[8] Archaeologists consider them to be descendants of the Barrancoid Hupa-iya culture which has been in the Ucayali basin for over 2,000 years [9], while further evidence demonstrates that they had regular contacts with the Incas in pre-Colombian times.[10]

Several geographical, linguistic and cultural distinctions divide the Ashaninka into internal groups stretching from the river Apurimac and Ene in the south to the Pichis and Pachitea in the north, and from the Andean foothills of Chanchamayo and the Perene

river in the west to the Tambo and Ucayali rivers to the east. They also live in scattered groups further eastward and have several communities in Brazil. A distinctive area of Ashaninka territory is the Gran Pajonal. This is a high remote plateau with distinctive grassland areas which, by remaining inaccessible to outsiders, has regularly provided a refuge for the Ashaninka throughout their history.

According to the Ashaninka, white people - the *viracocha* - associated with death and destruction, appeared in this world from a lake.[11] Non-Ashaninka histories tell that the first incursions into indigenous territory occurred in 1595 when the Jesuit missionaries, Font and Mastrillo, entered the area with the intention of establishing a mission, but disagreements within the Order and the difficulty of settling the Ashaninka in one place proved impossible.[12] The first missionary settlements were established by the Franciscan Jerónimo Jiménez in 1635. For over 100 years, influential Ashaninka with thousands of followers were periodically attracted into missions but regularly rebelled against their stringent authoritarian organisation.[13]Meanwhile the Spanish explored the area from Chanchamayo to the Gran Pajonal and Ucayali, seeking land and minerals. During this period the Ashaninka suffered the devastating effects of smallpox, tuberculosis and measles, which possibly killed as many as 50 per cent of their population by 1742.[14]

The revolt of 1742 under the messianic Juan Santos Atahualpa constituted a general uprising of Ashaninka and neighbouring peoples which, within a year, had captured the main mission of Quimiri.[15] Between 1743 and 1752 Juan Santos Atahualpa and the indigenous army expelled all the missionaries from their lands and effectively out-manoeuvred four Spanish expeditions sent to destroy them.[16] The final military action of Juan Santos Atahualpa was the bold three-day occupation of the highland town of Andamarca in 1752 and, after this event, the Ashaninka and indigenous peoples of the central Peruvian rainforest retained all their pre-Colombian territories.[17]

The rebellion left the Ashaninka without external interference for almost 100 years. Renewed penetration of the area took place in 1847 when Gregorio de la Roca built a fort at San Ramón.[18] In subsequent years, small colonies developed around the fort and both missionaries and colonists began to take a hold on the area. The Ashaninka resisted these incursions onto their lands and there

are reports throughout the 1850s of constant skirmishes[19] . Meanwhile between 1852 and 1855, Pallares visited the Ucayali area and reached the Tambo where Atalaya is situated today [20]. From the 1860s, Chinese and Japanese immigrants moved into the Chanchamayo sugar farming district and scientific expeditions, looking at the potential for resource exploitation and navigation on the rivers became more common. In 1869 the town of La Merced was founded which firmly established a permanent colonial presence on Ashaninka territory.

Throughout the 1870s and 1880s the Peruvian government used its Hydrological Commission to make scientific explorations of the Ene, Perene, Tambo and Ucayali rivers as a prelude to increased settlement. The Ashaninka were not always hostile and those explorers who went as unarmed travellers, such as Raimondi and Samanez y Ocampo, encountered no problems, whereas Arturo Wertheman, who made several trips throughout the area heavily armed, met with much local resistance.[21] The 1890s saw the climax of Peruvian colonisation of Ashaninka territory. In 1891 a massive colonisation concession of two million hectares was granted by the State to the British-owned Peruvian Corporation.[22] Even though only a quarter of this area was used [23], the Ashaninka were dispossessed and forced from much of their lands on the Perene. The Corporation lands contained cocoa, *achiote* and coffee plantations where workers lived in appalling conditions and severe epidemics consequently spread among the Ashaninka.[24]

Meanwhile, at the northeast of Ashaninka territory, in the Ucayali, the 1880s saw the establishment of Carlos Fermin Fitzcarrald's rubber empire. This 'rubber baron' controlled the area from the Ucayali to the Madre de Dios, his economic success based on binding people into debt-bondage or capturing indigenous peoples to be his slaves. Capitalising on traditional rivalries between the peoples of the area he instigated *correrías,* slave raids undertaken with the help of local warriors who captured the villages of their enemies. The result was a massive manhunt throughout the central Peruvian Amazon and by 1913, of the 28,000 indigenous workers of the region, 22,000 were engaged in rubber collection.[25]

Throughout this period of colonisation, the Ashaninka continued to resist the sequestration of their territory. In 1913, the Ashaninka of the Pichis rose up against rubber *patrones*, killing 150 white settlers and cutting off the trail connecting Lima to the Amazon.

In 1921, a religious movement emerged with the appearance in the Perene area of a Seventh Day Adventist missionary, Fernando Stahl, preaching the end of the world. This messianic movement caught on quickly as providing a spiritual solution to the Ashaninka's problems of colonisation, loss of land and poverty. By 1928 it had attracted thousands of Ashaninka to the area hoping for a spiritual release from their current oppression.[26]

However, the Ashaninka did not always rise in opposition to their oppressors. In 1965, guerillas from the Movement of the Revolutionary Left (MIR) entered Ashaninka territory under the charismatic leadership of Guillermo Lobaton. Although sympathetic to the problems of the Ashaninka, there was no Ashaninka rising on the scale of Juan Santos Atahualpa or support as was given to Fernando Stahl.[27] Even so, some of the messianic elements of the above cases have been reported on a local level, demonstrating the constant potential among the Ashaninka to respond to charismatic figures.[28]

Since the 1930s, colonisation has increased throughout the area and eventually penetrated the last bastion of Ashaninka independence - the Gran Pajonal - where, for the first time since 1752, three Franciscan missions were established, of which Oventeni still remains as a settlement.[29] Some Ashaninka managed to continue living in scattered homesteads, forming local groups in independent communities while others lived in relations of debt-bondage or slavery, tied to missions and *patrones*. This was the situation of the Ashaninka of the upper Ucayali until the late 1980s.[30]

When looking at the contemporary history of the Ashaninka, we can see that the problems which they have faced during the last 100 years have changed little. Even after the nationalisation of the Peruvian Corporation in the Perene in 1969, the Ashaninka did not receive the land which had been stolen from them. After the rubber boom, the barons of the Ucayali continued to use forms of slavery to exploit the Ashaninka, but instead of rubber they used farm labour, cattle raising and lumber work. Thus the forms of slavery which were apparent in the Atalaya region only ten years ago consisted of an historical continuation of colonial labour exploitation, which stretched back to the time of the rubber boom and before.

The Ashaninka - An Ethnographical Background [31]

Territory is important for the Ashaninka, not only as the basis of their resources, but as a manifestation of spirit activity on the earth and the abode of spirits.[32]

The landscape provides the Ashaninka with a fixed position in the face of a world which is in flux and transformation. The importance of territorial control is that it constitutes a stability with which the Ashaninka can identify and marks the boundaries of human activity. Three elements mark the relationship between indigenous peoples and their territories. Land is held collectively and its fruits belong to the persons who work on it. Territory is also conceptualised in a holistic manner, which means that it is not simply an economic resource but also encapsulates spiritual beings who control the resources. The final element of territory is that it is inalienable. No Ashaninka has the right to dispose of land which belongs to the people as a whole because of the responsibility of each person to ensure the future of the collectivity.

However, when territory falls into the hands of outside *patrones*, the Ashaninka lose control over their resources and, as the past has shown, debt-bondage or serfdom quickly arises as the communities rapidly become tied to the land-controlling colonists. This does not necessarily occur exclusively through direct land invasion, but through a process starting either from slave-raiding or the desire by the Ashaninka for non-indigenous trade goods for which they end up working indefinitely. Once this working relationship becomes backed by force (both from the *patron* and from the local authorities) the Ashaninka become tied to a particular area. Over time, debt bondage can take on characteristics of serfdom, particularly when, as in some cases, it is continued through the generations.

Whereas territorial rights are stable and their loss provides great danger to indigenous peoples' futures, social organisation can be flexible. In spite of the variety of Ashaninka social and cultural characteristics, several common features appear throughout their territory. According to Elick[33], each extended family lives in a homestead consisting of a small cluster of households occupying an area of forest along a stream or hill which they refer to as *nampitsi*. The Ashaninka live in scattered homesteads with a variety of swidden (slash and burn) fields nearby where they grow many varieties of sweet *manioc*, plantains, rice, beans and fruits.

Each homestead is in constant touch with its close neighbours, who live anything from five to twenty minutes away but Ashaninka regularly travel further afield to meet more distant neighbours, friends and relatives. Bodley refers to these larger agglomerations of homesteads as *'local groups*' .[34]

These communities are highly flexible. During the periods of serfdom, hundreds of Ashaninka would live scattered around the farm of a patrón where they would work. In free communities, the establishment of schools among the Ashaninka has had the effect of clustering homesteads together today, more so than in the past.[35] Programmes of land titling have further realigned the local group, *nampitsi* and the native community into a unitary framework according to the government's Law of Native Communities.

Ashaninka subsistence is based on a mixed economy of hunting, fishing and gathering, coupled with rotational agriculture. In addition, all communities seek some activities to generate sufficient income for buying necessities such as salt, sugar, oil or purchasing capital goods to facilitate commercial production activities. During periods of scarcity, the Ashaninka have sought goods from local non-indigenous people, frequently *patrones*, and this has often been one of the factors drawing them into relations of debt-bondage. Whereas on the main rivers there has been a high level of *patrones*, particularly during periods of economic boom, in the more remote areas where there is less encroachment, the Ashaninka correspondingly rely to a much lesser extent on manufactured goods.

The men hunt widely throughout their territory. Prowess reflects not only hunting skill but also the spiritual relationship between the hunter and the spirit 'owner' of the animals who has to be contacted to ensure a successful catch.[36] Fishing is most frequently carried out collectively using barbasco poison or a fish trap in rivers, streams and lakes and they gather wild fruits, palms and honey from the forest according to the season. Each household is responsible for gardens cleared near to the house, which vary from one half to two hectares.[37] The wide variety of species which the Ashaninka know and use pays tribute to their understanding and utilisation of biodiversity.[38] Depending on the ties of the community to the *patrones* and the desire for goods, the Ashaninka divide their time between these subsistence activities and labouring.

As with many Amazonian peoples, the social organisation of the Ashaninka consists of a complex blending of different systems

based on criteria such as residence, gender, age, kin relationship and marriage. Residence establishes a spatial framework for the production and consumption units of the household, neighbourhood ties within the homestead and external local homestead collaboration at the level of the community. These ties are based on reciprocity of fish, meat, labour and other goods and services.

Further afield, Ashaninka leaders practise a special form of exchange known as *ayompari,* based on long term debts and trading, which not only ensures a broad network throughout their territory, but acts also as a means of communication and mobilisation[39], bringing together the dispersed communities into larger military and messianic alliances.[40] *Ayompari* is a factor of Ashaninka economy which blends into debt relationships with ease and may shed some light on how Ashaninka have become involved in debt relations between households and *patrones*.

The Ashaninka have multi-dimensional features of social and cultural life. For example, while on a general level, a man's responsibility for hunting contrasts with a woman's of tending gardens[41], the complicated inter-relationship between specific male and female activities means that all production is a collaborative partnership. At the same time, this gender complementarity covers more than simply human beings. The male gender refers to animate phenomena, generic words for most animals, the sun, moon and certain stars, while the female gender refers to inanimate phenomena and female denizens of the Ashaninka invisible universe. Gender provides an example of holism in indigenous life, where relationships in one context reappear in different forms, connecting the visible and invisible worlds together through classification and activities.

The flexibility of Ashaninka social organisation is an important factor in explaining how communities entered into debt-bondage and serfdom and re-organised themselves into communities with such comparative ease. They divide themselves according to a variety of principles in addition to residence and gender. Within the category of Ashaninka, which means 'our people', there is a personal term, *nosheninka,* which means 'my family or my people'. This term refers to a cognatic overlapping network of kinsmen which draws together those who are related as kin and those as affines, and subsumes this distinction in a general term of solidarity. This demonstrates the importance of collectivity for the Ashaninka. Rights for indigenous peoples are not simply based on individual relations but

are framed within a collectivity which ties territory to residence and kin relations.

In addition to the collectivity of relations, marriage involves the creation of a distinction between kin and affines which enables the social organisation to reproduce. The terminological system varies in detail according to the area, but the principle of symmetric prescription (also known as 'sister' or 'sibling' exchange) is consistent throughout all Ashaninka territory. The terminology consists of a set of categories which provides a structure based on a classification of people according to gender, genealogical level and marriage. This enables any Ashaninka to establish a relationship with another by means of mutually accepting the appropriate term and providing a comprehensive network.[42] The relationship system provides a social example of the inalienable aspect of Ashaninka identity. From birth, every Ashaninka is bound into a system of relationships which can constantly be reformulated according to the context. In this way, regardless of upheavals such as slavery or land dispossession, it has been possible for the Ashaninka to reconstitute their social organisation in the face of great adversity.

Ashaninka social organisation is a complicated and flexible system enabling each person to define and redefine their relationship with others, according to criteria appropriate to the circumstances. Ashaninka life is a blend of holism, collectivity and inalienable ties to others. These relationships not only tie the Ashaninka to each other but also provide the basis of their control over their territory and their cultural heritage.

Certain Ashaninka who demonstrate responsibility and generosity of spirit are recognised as leaders. They have often had several wives and acted as war leaders. In more recent times, they have been associated with the leadership of indigenous organisations, like Manuel Calderón, President of ANAP (*Apatyawaka Nampitsi Ashaninka*) who was shot by the *Movimiento Revolucionario Tupac Amaru* (MRTA) in 1989. It was in response to this murder that the Ashaninka as a whole rose up and threw all the MRTA out of their lands.[43]

Particularly important for Ashaninka survival has been their relationship with the invisible spirit world. The invisible world is a different realm of experience to the visible world which can only be understood by means of dreams or visions. Each Ashaninka has an invisible substance or 'soul' (*ishiri*) which demonstrates the imma-

nence of the spirit world within all living beings. For the Ashaninka, all existence is imbued with some form of spirituality.

In contrast to the horizontal structure of the visible world, the invisible world consists of vertical strata with the sky, where the pre-eminent *tasorenci* spirits live, and the world below which is inhabited by the harmful spirits (*kamaari*).[44] The Ashaninka do not enter these distant domains, but constantly interact with invisible beings on the earth. The most powerful spirits are both beneficial and harmful and they live at the rim of the knowable world on high cliffs, mountains, in lakes and at the headwaters and mouths of rivers. Beneficial spirits are considered kindred of the Ashaninka and help shamans contact other spirits, including the 'owners' of animals and plants which provide information to help hunting and curing.

The Ashaninka have a rich mythology which explains and reflects the world both practically and philosophically. Characters range from the Moon (*Kashiri*) who provided the world with yuca and the Sun (*Pawa*) who separated the sky from the earth to the great transformer *Avireri* who, as he wandered across all of Ashaninka territory, transformed the world into what it is now. Ashaninka mythology explains the devastating relationship they have had with white people. According to their mythology, the Sun appeared on earth as *Pachacamaite*, providing the source of all trade goods, but white people prevent the Ashaninka from gaining access to them.[45] Through an analysis of Ashaninka myths Varese is able to account for the indigenous explanation as to how white people enslaved them.

White people emerged from a lake as *viracocha* and are extremely dangerous creatures, capable of causing illness and death. They became powerful over the Ashaninka through trickery, deceit, physical violence and harmful spiritual power. In this respect, white people are like harmful spirits who lurk in remote areas and capture Ashaninka whom they encounter.

Harmful spirits come in many shapes and sizes and are the prime causes of disease. Certain insects and people, frequently young women, can cause illness by means of witchcraft. These illnesses are impossible to cure with non-indigenous medicines and need the use of medicinal plants and the capacities of a shaman (*sheripiari*) who is the main protector for Ashaninka communities and acts as the intermediary between the visible and invisible worlds. Elick says [46]:

> The shaman is a central figure around whom the Campa build their sense of security in this dangerously unstable world. He alone has the great power needed to control the forces of evil and restore the world's spiritual equilibrium upset by these forces.

The shaman uses tobacco (*sheri*) as a powerful intoxicant to provide the power to cure, while *ayahuasca* (*kamarampi*) provides direct contact with the spirit world and the means to visit distant places.[47] The shaman cures by working on a person's soul in order to re-establish the lost balanced relationship between the body and the outside world.

At periodic moments in Ashaninka history the imbalance noted within the person affects the whole world, usually as a result of the nefarious acts of white people. At this time, Ashaninka political and shamanic leaders appear to take existence onto a new plain and restore order from chaos. This messianic phenomenon known as *amachegua* has appeared at several crisis points in Ashaninka history such as with Juan Santos Atahualpa and Fernando Stahl. On other occasions, non-Ashaninka with charismatic personalities have received limited respect, as Lobaton[48] did, and even Fitzcarrald's henchmen were not beyond using the *amachegua* concept to gain slaves.[49]

Four hundred years of contact with colonists, missionaries and the military have caused immense suffering and hardship for the Ashaninka while engendering strong bursts of resistance. In spite of a gradual colonisation of their territory, they still retain a strong determination to defend their lands, retain their cultural tradition and control their destiny. Their capacity to survive has been aided by their flexible social organisation which can shift its emphasis according to the circumstances and the constant presence of the invisible spirit world in daily activities and the physical landscape mediated by the visionary skills of the shaman.

The Development of the Patrón System - from Raiding to Trading

A historical and ethnographic background is essential in order to understand the indigenous factors in Ashaninka slavery because it provides clues to understanding two constantly recurring questions. Why was slavery in the Atalaya region only tackled as recently as

the 1980s, and what were the means which contributed to the rapid emancipation of the Ashaninka in less than ten years? The answers to these questions arise from the particular attributes of slavery among indigenous peoples which go beyond an exclusive emphasis on labour exploitation.

The existence of chattel slavery in the Ucayali region throughout the period of the rubber boom has been well documented.[50] According to Bodley:

> As early as the 1870s Campa children were considered 'articles of commerce' along the Ucayali river and slaving was still blatant during the 1930s and 1940s.[51]

Indeed Renard-Casevitz [52] reports that a private slave market took place in Atalaya as recently as 1954. This information was verified in the area, and indeed unofficial and clandestine sales of indigenous children continued until the 1980s. The slavery referred to in these documents is primarily chattel slavery of Ashaninka captured in the *correrías* (slave raids) and sold for money or in exchange for goods. The slave raiding was extensive and affected as much as one third of the population. Bodley says:

> Evidence for the former extent of slaving was found during my genealogical survey of the modern Campa community of Shahuaya in 1966 where more than 30% of the adult population of 68 had either been captured as slaves themselves or had had a parent or grandparent captured.[53]

Slave raids caused the loss of countless lives. As areas were raided, houses were destroyed,and the men were killed as they fled while the women and children were abducted. At the same time, devastating epidemics continued to sweep through Ashaninka communities. Of the causes of death calculated by John Bodley[54] three-quarters were the result of diseases, particularly measles but also tuberculosis, influenza, whooping cough and dysenteries.

The effects of the rubber boom and the *patrones'* continuing desire for slaves led to a crisis among the Ashaninka after the 1920s, when the economy waned. Local groups had been destroyed and large relocations of the population had taken place. With the disruption of internal trade networks and a desire for metal tools, some Ashaninka actively moved to the river areas such as the Ucayali and Pichis to work for *patrones*. Thus, although slave raiding decreased,

the form of production known as the 'patrón system' continued to operate. For those who were there at the time, this was a considerable improvement on the chattel slavery which had occurred hitherto. However as time went on it became apparent that one form of slavery had merely been replaced by another.

John Bodley made a study of the *patrón* system in his 1970 work *Campa Socio-economic Adaptation*. The system operated originally at the time of the rubber boom when a *patrón* held a monopoly over the labour of 'his' Indians. By providing goods (shotguns, metal goods such as machetes, knives, pots and cloth) to the Ashaninka, the *patrón* established a debt, which the labourer paid off by offering produce (rubber or wood) or else through a period working in the fields. However, any food consumed from the *patrón's* shops was also added to the account. Whereas some Ashaninka worked temporarily for *patrones*, others were kept by force, and if they escaped, they were sought after and forcibly returned by the local authorities. The effect was a permanent state of debt-bondage which lasted across the generations.

Patrones varied from those who were permanently resident at a farm to those absentee *patrones* living in Pucallpa or further afield who hired people to manage the enterprise. Bodley found a few examples of Ashaninka operating as *patrones* which sometimes occurred through intermarriage.[55] Some Ashaninka worked for a *patrón* for short periods, but the majority lived permanently around the farm in scattered homesteads near to the fields which they worked for the *patrón*.

Working for a *patrón* led to abuses from unjust trading practices such as being over-charged and under-credited. Bodley noted that some debts in Apurucayali amounted to double the value of the goods given in exchange.[56] He also saw an increase in disease in over-crowded settlements and the break-up of local and household groups as siblings moved to different areas looking for work. Furthermore, working for a *patrón* provided the Ashaninka with less time to carry out their traditional pursuits of hunting, foraging and horticulture, thus weakening their capacity to subsist by their own means and forcing them to borrow even more from the *patrón*.

The *patrón* system thus provides a blending of different forms of slavery. The conditions under which it became possible were initially dominated by chattel slavery based on slave raiding. However as the economic, demographic and cultural crisis hit the Ashaninka, other

people moved to find work on the farms of *patrones* to gain access to trade goods, adding to the number of indigenous peoples already living there. Debt bondage and violence were the methods used to trapand keep Ashaninka on the farms. However, as the debts were never cancelled, farms could consist of clusters of Ashaninka homesteads numbering in some cases over 50 houses with 300 or more people working on the '*patron*'s land'. The effect was in many cases a form of serfdom, where through debt Ashaninka were bound to the land.

Slavery Among the Ashaninka - the Confrontation of Injustice

Even though the economic system based on *patrón* control consists of a mixture of several types of contemporary slavery, the recognition of this as slavery by the Ashaninka did not take place until the 1980s. This curious phenomenon needs some elucidation, reflecting the perspectives of the Ashaninka themselves.

Observers such as Bodley [57]described clearly the exploitation of the Ashaninka at the hands of the *patrones*, and throughout the 1970s, it was he who alerted organisations such as IWGIA and other institutions to the injustices taking place in the region. Although debtbondage was the most common form of slavery in that area, closer to Atalaya, from the community of Unini southwards, trading in women and children still continued into the 1960s.[58] However, although during the 1970s injustices and exploitation were rife throughout the area against the Ashaninka, there was no strong movement among indigenous or non-indigenous people of the area against the system of debt bondage and serfdom.

Several reasons could explain this. The *patrones* controlled the non-indigenous community to a considerable extent, and the authorities were greatly under their sway. Many permanent non-indigenous residents were aware of what was going on but were unwilling to risk the consequences of revealing the truth.

Furthermore, throughout the period of the rubber boom, the Ashaninka had suffered enormous internal upheavals and the power of the white *patrón* was clearly dominant. Their attitude to debt bondage was that their treatment was 'the way of the world' and there was nothing that they could do to change it.[59] Ashaninka mythology sees white people as those who usurped access to essen-

tial metal goods[60] and consequently, for many indigenous people, debt bondage was the only way of obtaining these highly valued resources. Indeed, some Ashaninka actively sought out *patrones* to ask for work.[61]

Those Ashaninka living on the farms of *patrones* often lived in a manner which reflected their own indigenous life-style. Their homesteads were usually scattered around the areas where they worked and their labour was adapted to reflect a reformulated version of subsistence activities prior to interference from outsiders. Through such factors as the relationship terminology of the Ashaninka which, as we have seen, is sufficiently flexible to be adapted for any restructuring of the social organisation. People living around a *patrón* could quickly establish a sense of community, incorporating those from other areas within the same socio-cultural framework.

The *ayompari* system of exchange which the Ashaninka have always used as a fundamental part of their extensive economic and communication network and is based on a system of deferred exchange. According to this system, offers of a gift would be accepted and debt obligations extended over considerable periods of time expressing friendship between the parties. According to Narby, this presents the Ashaninka with many problems when they enter into debt relationships in a non-indigenous economic context because the exploitation and dependency which can arise are frequently not immediately apparent to them.[62]

However, while these are possible ways of explaining why the Ashaninka did not resist debt-bondage until the 1980s, it does not say what took place during that decade which changed matters. Between the late 1970s and 1986, several factors combined to reveal labour exploitation as a systemic feature of the *patrón* system and to raise again the accusation of slavery. During this period, Peru underwent several serious problems which affected the invincible position of the *patrones*. By March 1985, Peru's foreign debt stood at $13.4 billion constituting 78 per cent of the gross domestic product, 70 per cent of the workforce was unemployed or underemployed and inflation was between 250 and 300 per cent (among the Ashaninka this was as high as 1000 per cent.[63] Furthermore the five year conflict with *Sendero Luminoso* (Shining Path) was moving into the central rainforest.[64]

Within a few years, the economic crisis in the rainforest had worsened. The steady stream of colonists which had been moving down from the highlands seeking a better future in the rainforest

turned into a torrent as guerrilla warfare intensified. Although most colonists lived further up the Urubamba and did not cause a direct threat to the indigenous peoples of the region, their entering into the regional economy opened up the possibility of competition for the old *patrones* who held the economic and political monopoly of power in the area. But whenever conflict did arise between the new colonists and the local communities, as occurred in Tahuanti and Sabaluyo in 1986, the *patrones* inevitably supported the non-indigenous outsiders. This increased Ashaninka resentment against their old oppressors.[65]

The increasing presence of the guerrilla groups *Sendero Luminoso* and the *Movimiento Revolucionario Tupac Amaru* (MRTA), was problematic for the old *patrones*, who stood for the presence of the state and capitalist system in the region. Several attacks on *patrones* through the 1980s made their position less secure. A factor which caused this was the competition of coca production. For about 10 years, the old *patrones* were involved in coca exportation to Colombia, but this changed as *Sendero Luminoso* increasingly took control over this illicit economy.[66]

The increasingly vulnerable position of the old *patrones* was compounded throughout the 1980s by the growing indigenous movement. Since the passing of the Law of Native Communities in its most recent form in 1978, each indigenous people has the constitutional right in Peru to have its demarcated lands recognised and titled. With indigenous organisations emerging throughout the 1970s, the Inter-ethnic Association for the Development of the Peruvian Rainforest (AIDESEP) was established in 1980, representing indigenous organisations throughout the Peruvian Amazon.

The mobilisation of indigenous peoples in Peru had its effect on the peoples of the Ucayali. The Ashaninka are great travellers and a constant stream of visitors pass from one community to another. During the early 1980s representatives of the new local and national indigenous organisations, such as CECONSEC (Centre of Native Communities of the Central Rainforest) and AIDESEP, visited the Ucayali and met Ashaninka on the slave farms. As they discussed the ideas of indigenous rights and compared experiences, the system of debt bondage and serfdom became increasingly clear. The local Ashaninka began to see that they were not simply suffering the abuses of specific *patrones* but that the system itself was a violation of fundamental rights.

During this period of gradual understanding of the situation,

outsiders were visiting Ashaninka territory and documenting the economic problems of dependency which the Ashaninka faced.67 The Danish anthropologist Søren Hvalkof analysed colonisation practices in the Gran Pajonal and drew attention to the injustices which faced the Ashaninka of the Ucayali.68

Hanne Veber, working at the same time, discusses political mobilisation of the Ashaninka and asks in a recent article on the Gran Pajonal: '*why did the organising efforts start in the 1980s, and not 40 years ago*'.[69] Exploitation was no worse in 1985 than in 1965. Veber's conclusion is that indigenous consolidation took place through understanding and transforming the legal concept of native community as a means of '*organising to gain control of their physical and social environment*'. [70] The formation of indigenous organisations took the form of federations based on community representation; and so the concept of native community drew together a demand for territorial rights and an assertion of political organisation.

The shift which took place in the 1980s was therefore partly due to local, national and international conditions, and simultaneously, a mobilisation and organisation among the Ashaninka, to strengthen their own institutions and the potential of the native community.

Verification of Slavery in Atalaya

AIDESEP began to work in Atalaya in May 1986 in response to complaints from leaders of the community of Tahuanti of the problems they faced from local *patrones* and how they wanted to form themselves into a native community and receive land titles to defend their rights. In two years AIDESEP had produced a dossier detailing abuses of indigenous rights in Atalaya which demonstrated convincingly the presence of slavery.[71] During this period a series of personal testimonies were gathered which illustrated the different abuses. In October 1988, a multi-sector commission consisting of the Vice Minister of Social Promotion in the Ministry of Labour, the Director General of Justice in the Justice Ministry, the Director General of the Agrarian Reform of the Ministry of Agriculture and the Head of the Indigenous Institute of Peru looked into the allegations made by AIDESEP and presented a verification of the facts.[72] The following are some of the principal findings from both reports:

Enganche or *habilitación* is the system where a *patrón* provides a small loan or a commodity as an advance 'payment' for work. Although illegal in Peru, '*there is no known case of indigenous forestry*

workers who do not work under the system'.[73] The goods offered vary from machetes, clothes and radios to larger items such as guns or motors. The debt can be short-term, as in a contract, or else it can be permanent, forcing people to remain within the confines of the farm permanently. The result is debt bondage.

The AIDESEP and multi-sector reports, and my own investigations have unearthed countless examples of this form of labour exploitation during the mid 1980s, varying from shorter term debt-bondage contracts to full scale serfdom and even the remnants of chattel slavery. Some examples follow:

- Bonifacio Peso from Tahuania received for two months work: a bowl, a plate and spoon from *patrón* Adán Cagna.
- Benito Cashanga from Tahuania received in advance for a year's work: two note books, two pencils, two metres of cloth, two reels of thread, seven bars of soap, one pair of trousers and a pair of shoes from Cesar Cagna.
- When an Ashaninka called Sargento tried to seek refuge in the community of Chicosa and escape from the farm of *patrón* I. Merino-Scharff, the AIDESEP commission heard that the police forced him to stay to work and pay off his debts. As a punishment his mouth was burnt with cigarettes and he became ill, but he was forced to work.
- Abel Santoma, Jaime Gonzales, Lucho Santono, Oracio Nones and Abel Shinti, Ashaninka from San Francisco o Tsinqueato, worked for eight months until April 1986. They were offered the equivalent of (US)$12.00 and a broken motor which the *patrón* insisted was returned the following year because they had not finished paying.
- Slave raiders were still living in the area during the 1980s. Søren Hvalkof met a 30-year-old women in Oventeni in the late 1980s who had been captured in a slave raid when she was four from the river Tambo and was sold to a Ucayali *patron* called Juan Pedro Vasquez. He also encountered Julio Benavides Vasquez from the colony of Diamante Azul who had a fierce reputation as a slave trader on the Unini river and into the Pajonal.

Sometimes *patrones* contract indigenous labourers to carry out specific tasks at certain periods in the year. This is particularly the

case for cutting trees and transporting logs down river. The conditions of work are usually appalling and the workers sometimes never receive payment. A working day could be between 10 and 12 hours long. At Tahuania, Daniel Ríos told AIDESEP that he had to work from five am to 6.30 pm, and had one plate of *manioc* flour per day which he was told to eat quickly so as not to lose work time. He had no holidays, weekends or days off. Social benefits or security were rare. When Juan López Sanchez from Sabaluyo died transporting wood from the farm Quebrada Zavalo, his family, only after taking the case to a Justice of the Peace, managed to receive $10.00[74]

The multi-sector commission report, however, concentrated on the division of Ashaninka communities into two types; 'free' and 'captive'.[75] Seventeen farms, about one third of the 47 farms in the area, were named as containing captive communities. Free communities were autonomous with access to their resources, while captive communities were:

> those whose ancestral lands have been seized and are not only despoiled but are forced into servitude to medium and large-scale cattle and wood producing farms, acting as the work force for free or little return, whose patrones reduce them to the condition of permanent workers without any means to dispose of their goods or even of their own lives under the mechanism of the system of debt-bondage (enganche). Servitude in many cases has the characteristics of slavery, where the exploiters brazenly boast: 'Here there is not the law of the State, only that of the Patrón. [76]

Slaves on the farms were not allowed to move away without permission of the owners. Farms varied in size but the largest gathered together 300-400 people, who eventually, when freed, formed two or three communities. One of the largest captive communities was on the farm of Chanchamayo and Pacaya belonging to the Cagna family (where the current community of Diobamba lies). A strong denunciation was made on the 20th November 1987:

> I, Carlos Tamani Vargas, 54 years of age and living in the zone of Diobamba, denounce patrón Cesar Cagna Figueroa for not having paid me for 30 years work on his farm 'Chanchamayo' where all my youth I spent working. To this day I have received no agreement or payment, except that last year when my father-in-law was sick he promised to take him to Pucallpa for treatment, but on his return

he charged me a debt for 4,000 Intis (US$10.00) which is now 11,000 Intis because he charged 7,000 Intis for my mother-in-law, an ex-worker of the same patrón for 30 years of service. She worked every day from 7 am. to 6 pm. without any lunch as is the custom for all my brother Ashaninka who work for him, for many years without any salary and they are indebted as I am. In this way the patrón becomes rich with our work, most of whom are mistreated or hit with a stick or the metal barrel of a shot-gun and become sick, as happened to my wife. [77]

Physical abuse was frequently reported, including accounts of torture, whipping, mutilation and disappearances. Grimaldo Pintayo Campos from Quebrada Siticayo, aged 16, was blinded after being hit by the edge of a machete for refusing to collect yuca. Sonia Vargas Charito from Santa Rosa was sexually abused by a *patrón* on a neighbouring farm. On certain farms indigenous people have not been allowed to take their own name but instead have to take that of their owner.[78]

Chanchamayo farm provides several examples of human rights violations. AIDESEP found that the following abuses had taken place between 1984 and 1987: the family of Teobaldo Camaiteri had been forced to cut wood and was prevented from leaving. Estalin Quinticuari and Elias Sanchez were held and beaten until senseless, and when they recovered were denied water for two days; fifteen year old Carlos Tamani, one of many under-age children who worked for him, managed to escape, but his whereabouts are unknown.[79]

The multi-sector commission revealed one way in which the *patóon* kept children under his control.[80] According to the system of 'Baptism Right', children were taken from parents either by force or as a part of a previous debt. The *patrón* would become the children's godfather and keep them as servants or workers. By holding their Baptism Certificate, the *patron* '*holds with this the entire life of the native*'.[81]

Attempts by Ashaninka to escape were treated mercilessly, as the following testimony demonstrates:

I, Cristobál Ahuarari Campa, 60 years of age, declare that I am father of my sons Rogelio Ahuarari, 17 years old, and Samuel Ahuarari Estelita Ahuarari, who have been workers on the farm 'Boca Apinihua' of Victor Merino Scharff since 1982, where they are like slaves, without payment for their work. In December, 1987, my son

> Rogelio came to the community of Toniromachi to leave his patrón, together with his wife Florinda. Three days after they moved, Victor Merino Scharff arrived with two members of the Civil Guard. They made him return to the farm by trickery so that they can continue exploiting him with the help of the police. They said that he would return within a month, but he has still not appeared and, as a father, I am worried for them...My son worked as a labourer since 1982 and has never been paid for his work. He is always in debt because he does not know how to cancel it. [82]

The Struggle for Emancipation - Land Rights

In 1987 the Indigenous Organisation of Atalaya Region (OIRA) was established. In a short time 30 communities joined the federation and since then the number has risen to over 100. OIRA is a constitutive member of AIDESEP and became organised through the process of gathering information about slavery. Analysing the nature of the slavery, OIRA and AIDESEP quickly realised that the basis of the *patrón*'s power was not only in weapons, but more importantly in control of the land. As we have seen earlier, territoriality is extremely important for the Ashaninka, as for all indigenous peoples, because land provides material resources, collective identity and spiritual well-being.

Release from slavery was not so much a question of the breaking of chains, but of re-establishing ties between indigenous peoples and their territory. Once recognised as owners of the territory, the *patrón*'s apparent hold over the area would be legally reduced; in the Peruvian Constitution indigenous land rights are stronger than any private ownership. However, land recognition in itself is not sufficient for survival, and OIRA worked hard to support the reformulation and organisation of communities so that the local groups of Ashaninka as a whole would agree collectively not to work for the *patrones*. In this way the slave communities re-established themselves as Ashaninka communities, independent and ready to forge a new relationship with the outside world, free from debt bondage and serfdom.

Throughout 1986, AIDESEP and its advisors worked to gather information from the area to work on a proposal to title the communities. The presence of Søren Hvalkof was most fortuitous because, through his fieldwork material and indefatigable lobbying,

a project for land-titling throughout the area was drawn up and proposed by AIDESEP. With the AIDESEP proposal and the mul -ti-sector reports, approved by the Ministry of Justice, the Ministry of Agriculture agreed to title the communities if resources could be found from abroad. Through the International Work Group for Indigenous Affairs (IWGIA), the project received funding from the Danish government's development agency, DANIDA.

In 1989 the project began, and over the following three years, the Peruvian Law of Native Communities was put into effect. The first aspect of the project was to strengthen OIRA so that it could become the centre of titling and emancipatory activities in the Atalaya region. During this period the land demarcation began. The project had a standard process of implementation. Each team went into the field to make contact with the communities and discover the conditions in which the local people were living. In almost every case logging companies were trying to extract wood from indigenous lands or local *patrones* and were threatening the communities if they did not provide them with services. The teams operated as go-betweens in these cases, seeking solutions wherever possible. These meetings would discuss the recognition of community titles and explain the Peruvian Law of Native Communities. After the visit, the community would meet, formally constitute itself and begin the task of defining its boundaries.

In most cases the communities themselves prepared the areas for titling before the topographers arrived to walk and map the boundaries. The communities then showed the topographers the limits of their lands on the basis of their own needs for subsistence hunting, fishing, gathering and agricultural activities. The important aspect of this style of titling is that the maps arise from the needs of the community itself and are not imposed from above by a bureaucratic structure.

In all, 113 communities were titled according to the needs of each community. The largest possible areas of land were included in the demarcation and wherever communities were situated contiguously, the boundaries were matched so that larger territorial blocks were formed. This had the effect of delimiting the *patrones*' lands so that there was no room for them to expand further into indigenous territory. Those *patrones* who agreed to move out of the demarcated area were provided with compensation in cash. Bernardo Silva, President of OIRA, explains the compensation element of the project as follows:

> The compensation has been beneficial; it has prevented problems, saved time and removed peacefully many patrones who could have physically fought us or even killed us. Demarcating a community is not easy in Atalaya.

Atalaya in 1989 consisted of a battleground between the Peruvian Armed Forces, the guerilla organisation *Sendero Luminoso* and the cocaine mafia. While each of these bodies posed a threat to the project at different times, none of them was prepared to incur the wrath of the indigenous peoples of the area, who constituted the majority of the population.

The greatest problem for the project was the *patrones*, who controlled large companies eager to extract wood from the forests for their personal profit. Rich lumber companies tried to bribe officials of the Ministry of Agriculture and used a variety of political wiles and stratagems to obstruct the demarcation which was producing, on average, about twenty titles every six months. The colonists tried to claim that the areas were too large, that there were logging concessions on the lands. In spite of this, the indigenous peoples held firm in the knowledge that the project was backed by an official agreement and had international support. The communities pursued their goals quietly and firmly. Every six months the project held a meeting between the Ministry of Agriculture, IWGIA and AIDESEP. At these meetings any obstructions were ironed out and plans were made for the subsequent work period.

After compensation had been paid, the information from the field was processed by AIDESEP and the local Ministry of Agriculture. It was important for the project to comply with the labyrinthine legal requirements for titling as the logging interests were watching carefully for any slip which would allow colonists to appeal against the titles. When the paper work was done, the maps were approved in Pucallpa and the notification and map taken to each community. At this point the titles came under the protection of the law.

The President of OIRA put it this way:

> Our organisation has been working with the communities. We can break this exploitation (of the patrones) now. In the past our ancestors did not have an organisation, but now in Atalaya we have OIRA, in Lima at a national level we have AIDESEP and also internationally we have COICA (the Co-ordinating Body of the Indigenous Peoples of the Amazon Basin). I think that in a short while, with our capacity for organisation, we will not see any more

patrones and there will be no more slavery. We will be managing and defending our lives. We will know ourselves the way to lead our communities.

In January 1993 all the titles had been notified and sent to Lima for the final part of the long passage from inscription to Ministerial Resolution. The 113 communities in the Ucayali have now been able to construct the basis for their future development. The social organisation of Atalaya has altered significantly because of the project. In all, 100 colonists (about half of the total number in Atalaya) received compensation and left the area. In contrast, the central office which OIRA bought for the project has made Atalaya a centre for indigenous visitors from the communities. In 1989 the majority of the people in Atalaya were *mestizo* (mixed race), but by 1994 for the first time in many years, Ashaninka proudly walked through the town wearing traditional *cushmas* and facial paint. In the last five years there has been a peaceful revolution and Atalaya has become the centre of an indigenous region. The final titles were handed over to the communities in September, 1994.

However more work remains to be done. Over 100 more communities want titles or want to increase the area of territories (titled many years previously) to reflect their subsistence needs. Other plans include linking up the areas on the Ucayali, Urubamba, Purus and Jurua rivers with extensive communal reserves which will protect the inter-fluvial regions, so important for the breeding of animals and reproduction of biodiversity.

Land titles are only the beginning of a self-development process. The successes of recent years will not endure of their own accord. These gains have to be monitored constantly and this can only be done through local organisations. Furthermore, the people in the communities cannot live on their land titles alone. They require support for commercialising their produce locally, in order to supplement their subsistence base with necessities such as salt, sugar, oil and petrol.

This account of Ashaninka slavery has drawn attention to two features which could be of concern elsewhere. In the first place, slavery can sometimes be obscured under complicated socio-economic formations inherent to a people, and these have to become apparent to the victims in order to establish the conditions favourable for their emancipation. The other aspect is that, for indigenous peoples, slavery is not something which one day disappears for ever. Several

of the *patrones* still have interests in Atalaya and in old farms in the region. Should the communities ever find themselves in economic crisis, the *patrones* or their descendants will always be there, ready with something to offer as a temptation to enter again into exploitative debt relations. Nevertheless, with the Ashaninka in control of their territory, a structural change has occurred in the area which will prevent permanent slavery taking root in the same way as in the past.

The emancipation of the slaves from the region of Atalaya is an important example of the liberation of an indigenous people. Slavery among indigenous peoples is bound up with every aspect of their lives. Their territorial rights, freedom of cultural expression, the eradication of racial discrimination and control over their own resources are all denied through slavery. The freedom of the Ashaninka was not only a question of resolving injustices in labour relations, but also a question of respecting the fundamental rights of indigenous peoples. Self-determination is an all-embracing concept which indigenous peoples use for their desire to control their own destinies. The Ashaninka experience shows that the right to self-determination is the antithesis of slavery and that the basis of this freedom is through recognition of territorial rights.

In spite of the fears for the future, the Ashaninka are free. A community leader came into Atalaya recently to collect his community's land title. He was dressed in a brown *cushma* (traditional long tunic) and was painted with the traditional facial designs of his people. He communicated through a relative who spoke Spanish. When asked how he felt about the results of the project he said:

> No, we have no problems with colonists. There are no patrones or 'colonos'. Just Ashaninka. We wanted titles for our lands and to work in the fields, harvest yuca, sow rice and cultivate pineapple. That is why we need land. In the future I want to live quietly. We in our community want to live in peace, drinking our masato. We hunt animals throughout our land. We have a school now too. We think that our organisation OIRA helps us and we are very pleased.

Notes

1 I would like to thank representatives from the Indigenous Organisation of the Region of Atalaya (OIRA) for their help in writing this chapter, particularly its members who agreed to be interviewed. Thanks are also due

to IWGIA whose reports on the titling project have provided important material on the titling process. I would also like to thank John Bodley and Søren Hvalkof who kindly read the text in detail and provided many constructive comments.

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Glossary of Terms

Adat	customary law (Indonesia).
Adivasi	general term used in India to describe indigenous peoples.
AGRAGAMEE	NGO in Orissa (India).
Aguinaldo	extra month's wages to be paid once a year to workers (Paraguay).
AIDESEP	*Asociación Inter-étnica para el Desarollo de la Selva Peruana,* Inter-ethnic Association for the Development of the Peruvian Rainforest. (federation of indigenous organisations Peru).
Altiplano	high Andean plateau.
ANAP	*Apatyawaka Nampitsi Ashaninka,* indigenous organisation (Peru).
APG	*Asamblea de Pueblo Guaraní* Guaraní, People's Assembly (Bolivia).
APS	Aborigines Protection Society (merged with ASS in 1909)
ASI	Anti-Slavery International.
ASS	Anti-Slavery Society (now Anti-Slavery International).
Ayompari	traditional form of exchange of the Ashaninka people in Peru, based on long-term debts and trading.
Barangay	Village Community (Philippines).
BASE	Backward Society Education (NGO, Nepal).
Bidi	Indian cigarette.
Bigha	1 *Bigha* = 0.68 hectares in Nepal = approximately 0.2 hectares in India (local variations).
Birta	land granted by the crown to favoured courtiers (Nepal).
Birtawalah	large landholder and recipient of *Birta* land (Nepal).
BMM	*Bandhua Mukti Morcha*; Bonded Labour Liberation Front (India).
Bonded Labour	see Debt Bondage.
Bukrahi	female bonded labourer (Nepal).
CECONSEC	Centre of Native Communities of the Central Rainforest (Peru).

Chattel Slavery	the ownership of one person by another.
CIPCA	*Centro de Investigación y Apoyo al Campesinado,* Centre for Research and Support for Farmers (Bolivia).
Correrías	slave raids (Peru).
Dalit	the preferred term used in favour of 'untouchables' to describe the lowest castes in India, otherwise referred to by government as 'scheduled castes'.
DANIDA	Danish Government's development aid agency.
Dangars	hill dwellers (India).
Dayak	Collective term used to describe different indigenous peoples in East Kalimantan, Indonesia.
Debt Bondage	'*the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined*.' (UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, Article 1a).
Enganche	system where a small loan or commodity is provided as advance payment for work, easily leading into debt bondage (Peru).
ERRP	Economic Rehabilitation of the Rural Poor, Indian Government programme.
Gothi Sanghathan	Bonded Labourers' Organisation (India).
Habilitación	see *Enganche.*
Hacienda	large cattle ranches/estates (Latin America).
Halia	'Ploughman', term used to describe low status agricultural labourers in Nepal and northern India often synonymous with bonded labour.
HTI	*Hutan Tanaman Industri* Industrial Forest Plantations (Indonesia).

ILO	International Labour Organization.
INSEC	Informal Sector Service Centre (Nepal).
IPS	*Instituto de Previsión Social* - Institute of Social Security (Paraguay).
Jamindar	land administrator or landlord (Nepal).
Junglie	pejorative term used to describe forest dwellers (India).
Kamaiya	bonded labourer or system of bonded labour (Nepal).
Kamiya	bonded labourer (India) - see also *Purjah.*
KAMP	*Kalipunan ng mga Katutubong Mamamayan ng Pilipinas,* Federation of Indigenous Peoples' Organisations in the Philippines.
Kuthiya	system of child bondage (India).
LAKAS	meaning 'strength', an indigenous organisation in Luzon, Philippines.
Macateros	travelling merchants (Paraguay).
Masyaura	meals given to *kamaiya* as payment for work (Nepal).
Mburuvichareta	'Grand Captains', *Chiriguano/Guaraní* indigenous headmen responsible for large areas which make up indigenous confederations (Bolivia).
MIR	*Movimiento de la Izquierda Revolucionaria* Movement of the Revolutionary Left (Peru).
MRTA	*Movimiento Revolucionario Tupac Amaru* (Peru).
Murahi	loan leading to debt bondage (India)
NGO	non-governmental organisation.
OIRA	*Organización Indígena de la Región de Atalaya.* Indigenous Organisation of the Atalaya Region (Peru).
PF	Protected Forests - restricted access (India).
Purjah	word used to describe the 'tenants', or bonded labourers, of the lower castes in Orissa, India (also *sevaks* or *kamiyas*, elsewhere in India).
RF	Reserve Forests - restricted access (India).
Sahukar	term for landlords, Orissa (India).
SAKABINSA	indigenous organisation (Philippines).

Saldars	'yearlies', bonded labourers dating from the 19th century, in Maharashtra state (India).
Saunki	describes the debt which bonds *kamaiya* to their landlords (Nepal). leading to debt bondage (Nepal).
Sendero Luminoso	'Shining Path' Maoist armed opposition movement (Peru).
Sevak	see *Purjah.*
Sevaknama	a debt bondage 'contract' (India).
Sukambasi Ayog	Landless Peoples' Problem Solving Committee (Nepal).
Suki	see *Tabong*.
Swidden cultivation	shifting (slash and burn) cultivation based on farming forest clearings of mountain slopes in rotation.
Tabong	system of debt bondage operating in the Philippines; also, individual who profits from this system (see also *suki*).
Viracocha	Ashaninka name for white people (Peru).
VF	Village Forests (India).

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Stephen Kidd has extensive experience of working with the indigenous peoples of the Chaco in Paraguay. From 1984 - 1991 he lived amongst the Enxet whilst employed by the Anglican Church. In 1992, supported by the Centro de Estudios Humanitaríos, he studied the attempts of the Enxet to officially reclaim their land. He has also helped to set up Tierra Viva, an NGO working for indigenous peoples based in Asunción, Paraguay.

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The chapter on the Philippines has been written by tree members of the ‚Tunay na Alyansa ng Bayan sa Katutbo‘ (TABAK or Network of Advocates for the Indigenous Peoples). TABAK works towards the rights of indigenous peoples in the Philippines. It aims to: develop unity and understanding between indigenous peoples and other sectors of Philippine society; support the indigenous peoples right to their ancestral domain and to self-determination; establish linkages and coordination with like-minded organisations abroad.

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Adam Robertson is a staff researcher with Anti-Slavery International. In 1995/96 he spent nine months in Nepal working with the Nepali based organisation INSEC (Informal Sector Service Centre) on research into bonded labour in agricultural areas.

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Jo Bindman is an economist who has worked on a variety of projects associated with the sex industry, particularly in Thailand. She spent one year with the ECPAT (End Child Prostitution in Asian Tour-

ism) campaign in the UK and Thailand, and is currently working for Anti-Slavery International on the promotion of human labour rights in the sex industry.

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Nancy Ventiades is currently general coordinator and a founder member of Proceso, an NGO specialising in popular education and participatory planning. She became involved in work with indigenous peoples while participating in the Unicef sponsored Guarani literacy campaign.

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Greeta Menon has published articles concerning India´s indigenous peoples, examining the impact on them of both economic and environmental change. She has carried out research in Orissa State in particular and focused on the status of indigenous women.